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06 September 2021

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 14 September 2021 at 6.00pm** in the **Members Room, County Hall, Matlock DE4 3AG**.

Yours sincerely,

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

James McLaughlin
Director of Corporate Services & Customer Services

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the committee will visit on **Monday 13th September 2021**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the committee.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

10 August 2021

3. INTERESTS

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

4. PUBLIC PARTICIPATION

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

5. APPLICATIONS FOR DETERMINATION

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

	Page No.
5.1 APPLICATION NO. 21/00456/FUL (Site Visit and Presentation)	06 - 26
Demolition of garage and associated buildings and erection 37no. affordable dwellinghouses at Dove Service Station Garage, Mayfield Road, Ashbourne.	
5.2 APPLICATION NO. 21/00644/FUL (Site Visit and Presentation)	27 - 35
Erection of 2no. detached dwellinghouses and 1no. detached bungalow on the Land at Eaton Farmhouse, Main Road, Hlland Ward, Derbyshire.	
5.3 APPLICATION NO. 20/01238/FUL (Site Visit and Presentation)	36 - 51
Change of use from agricultural land to glamping site comprising of 8no. units of accommodation at Horsley House Farm, Bradbourne.	
5.4 APPLICATION NO. 21/00151/FUL (Presentation)	52 - 59
Retention of roof mounted solar panels at 13A Church Street, Ashbourne.	
5.5 APPLICATION NO. 21/00152/LBALT (Presentation)	60 - 66
Retention of roof mounted solar panels at 13A Church Street, Ashbourne.	

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|-------------|--|------------------|
| 5.6 | APPLICATION NO. 21/00311/FUL
(Presentation) | 67 - 75 |
| | Solar Panels, housing for smart meter and erection of shed at 37A St John Street, Wirksworth. | |
| 5.7 | APPLICATION NO. 21/00312/LBALT
(Presentation) | 76 - 85 |
| | Internal and external alterations to facilitate renewable energy equipment/infrastructure at 37A St John Street, Wirksworth. | |
| 5.8 | APPLICATION NO. 21/00500/FUL
(Presentation) | 86 - 95 |
| | Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL) at Darley Dale Smelter, Oldfield Lane, Warren Carr. | |
| 5.9 | APPLICATION NO. 21/00722/FUL
(Presentation) | 96 - 103 |
| | Creation of vehicular access and parking area with turntable at Tagg Hill Cottage, 43 Church Street, Matlock. | |
| 5.10 | APPLICATION NO. 21/00771/VCOND
(Presentation) | 104 - 112 |
| | Variation of Condition 2 (approved plans) of planning permission 17/00850/FUL to allow for the substitution of house types on the Land Off Whitelea Lane, Tansley. | |
| 6. | INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS | 113 - 121 |
| 7. | APPEALS PROGRESS REPORT | 122 - 132 |
| | To consider a status report on appeals made to the Planning Inspectorate. | |

Members of the Committee:

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

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

Nominated Substitute Members:

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

SITE VISITS

Members are asked to convene outside reception at the front entrance of Town Hall, Matlock at **10.15am prompt on Monday 13 September 2021**, before leaving to visit the following sites. Please note that members are expected to make their own way to each site.

	Page No.
10:40am APPLICATION NO. 21/00456/FUL Land at Eaton Farmhouse, Main Road, Hulland Ward, Derbyshire.	06 - 26
11:10am APPLICATION NO. 21/00644/FUL Dove Service Station Garage, Mayfield Road, Ashbourne.	27 - 35
11:45pm APPLICATION NO. 20/01238/FUL Horsley House Farm, Bradbourne.	36 - 51

COMMITTEE SITE MEETING PROCEDURE

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

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

PUBLIC PARTICIPATION

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

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

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

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

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

Planning Committee 14th September 2021

APPLICATION NUMBER		21/00456/FUL	
SITE ADDRESS:		Dove Service Station Garage, Mayfield Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Demolition of garage and associated buildings and erection of 37no. affordable dwellinghouses	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Tom Spink
PARISH	Ashbourne	AGENT	Player Roberts Bell Architects Ltd
WARD MEMBER(S)	Cllr T. Donnelley Cllr R. Archer	DETERMINATION TARGET	16 th July 2021
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the impact of the development on its surroundings

MATERIAL PLANNING ISSUES

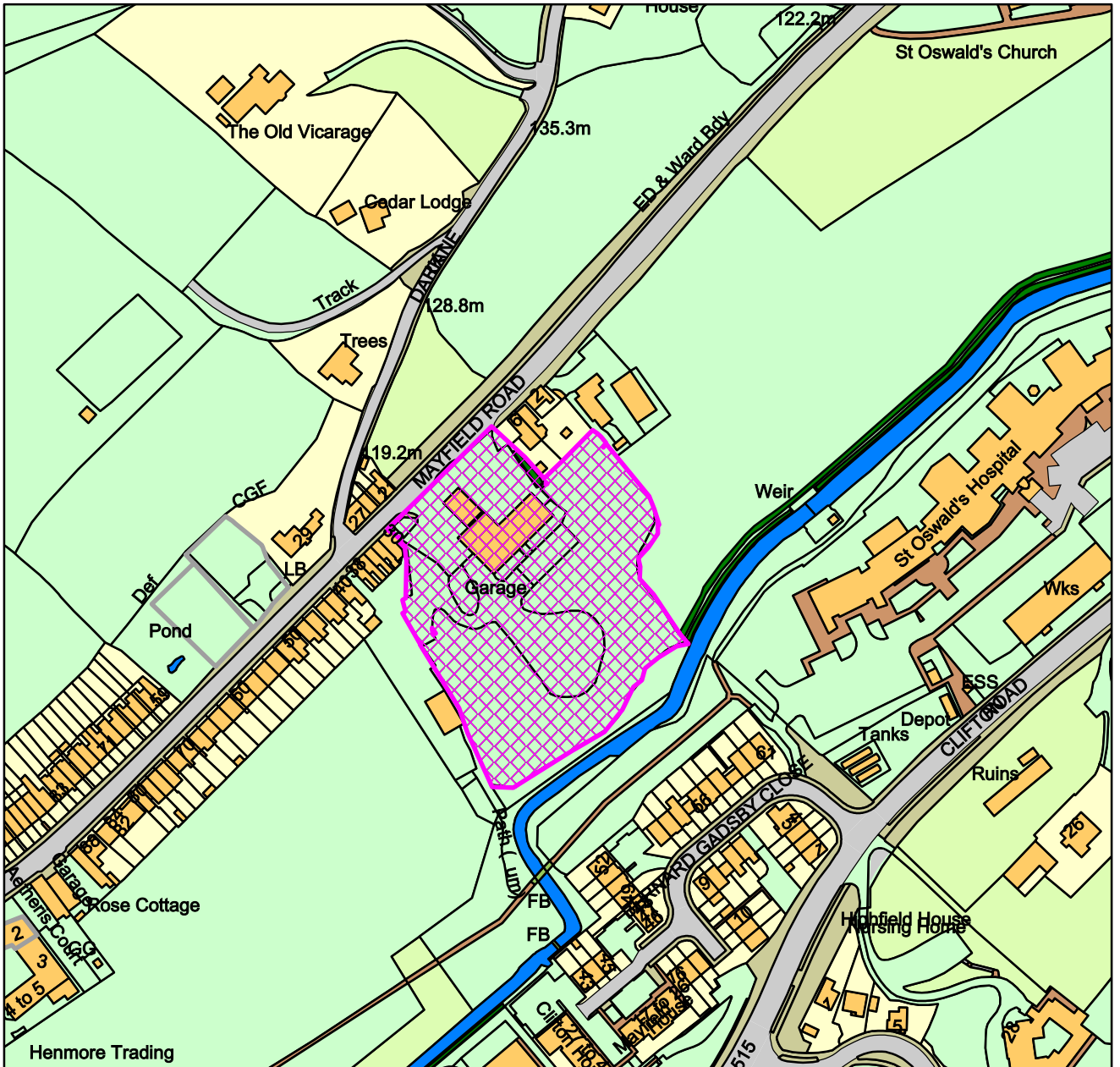
- Principle of the development, having regard to its location
- Loss of existing employment land;
- Housing mix and affordable housing;
- Developer contributions / the impact of the development on existing infrastructure;
- Impact of development on the character and appearance of this part of the settlement, Ashbourne Conservation Area and the special setting of St Oswald's Church (Grade I Listed);
- Impact on the amenity of the occupants of nearby residential dwellings, and;
- Highway and pedestrian safety;

RECOMMENDATION

That authority be delegated to the Development Manager to grant planning permission subject to conditions and the applicant entering into a S106 planning obligation agreement that secures the delivery and tenure of 6 no. 1 bedroomed (affordable rent), 18 no. two bedroomed (9 affordable rent and 9 shared ownership) and 13 no. three bedroomed (6 affordable rent and 8 shared ownership) affordable dwellings.

21/00456/FUL

Dove Service Station, Mayfield Road, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 29/07/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site comprises Dove Service Station and associated garage, car wash facility and former car sale showroom / workshop buildings on an irregular shaped 1.04 hectare parcel of land located to the south of Mayfield Road at Ashbourne.
- 1.2 The commercial activity is concentrated at the northern part of the site closest to the road. The land beyond to the south falls gently and is largely open though partially hard surfaced, before it reaches Henmore Brook. The frontage to Mayfield Road to the west and east comprises rows of traditional terraced and semi-detached housing. To the east is an open meadow beyond which is the Grade I Listed St Oswald's Church. To the south-west of the site is cadet hut and to the north of this parking areas associated with dwellings on Mayfield Road. On the opposite side of Mayfield Road is a terrace of dwellings adjoining open land. On the opposite side of Henmore Brook, beyond a tree belt is Ashbourne Hospital and the Bernard Gadsby Close housing development.
- 1.3 The buildings on site are a mix of materials and designs. Cars are relatively extensively parked on hard surfaced areas and building materials are currently stored in the north-eastern corner. The site has some tree cover along its eastern and north-eastern boundaries with hedging to the west. The site lies within the settlement boundary for Ashbourne and the eastern boundary of the site marks the boundary of Ashbourne Conservation Area. The land in the vicinity drops gently down from north to south with a level change of approximately 2m.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the demolition of the existing service station and associated buildings at Dove Service Station and erection of 37 no. affordable dwellinghouses, as illustrated on submitted revised plans, date stamped 11th August 2021.
- 2.2 The applicant has worked in partnership with Nottingham Community Housing Association Ltd to produce a scheme which will be deliver two tenures of affordable housing, including

affordable rent and shared ownership. The house types and the tenure split are set out in the table below.

House Type	Tenure	Number	%
One bed	Affordable Rent	6	16.2
Two bed	Affordable Rent	9	48.6
Two bed	Shared Ownership	9	
Three bed	Affordable Rent	5	35.1
Three bed	Shared Ownership	8	
Total		37	

- 2.3 The design concept for the scheme comprises the contemporary detailing of traditional building forms. Two-storey terraced housing adjacent to Mayfield Road and two storey dwellings (semi's and terraced rows) within the site are proposed. The predominant building materials are to be brickwork with some 'feature' brickwork detailing and the roofs covered in concrete interlocking plain tile. A single central vehicular access is proposed into the site with two rows of terrace housing either side fronting on to Mayfield Road. A single trunk road will divide the site with a further two rows of terrace fronting on to the inner estate road. Two pockets of housing will sit behind the terrace row. A further two sets of terraced housing will form the physical end of the built development toward the rear of the site. The terrace rows will be split by a public footpath which lead to an area of open amenity space which extends up to the edge of Henmore Brook.
- 2.4 The dwellings will be built using an open panel timber frame solution to comply with Homes England Modern Methods of Construction (MMC) category 2 and will each benefit from Air Source Heat Pumps and Photovoltaics.
- 2.5 The submitted Landscape Management Plan proposes a comprehensive landscape strategy for the wider site. The existing rubble vehicle storage area being the service station will become a new amenity space. A surface treatment of top soiling will allow the creation of limited amenity grass areas. A small block of native woodland shrub planting, with some taller material including specimen trees, reinforces the eastern boundary.
- 2.6 The application is accompanied by a Topographic Survey, Flood risk assessment, Transport Statement, Drainage Strategy, Geo Environment Survey, Ecology Survey, Tree Survey, Viability Assessment and Housing Statement.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development Within Defined Settlement Boundaries
- S9 Ashbourne Development Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD5 Landscape Character
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC4 Affordable Housing
- HC11 Housing Mix and Type
- HC19 Accessibility and Transport
- EC3 Existing Employment Land and Premises

3.2 Ashbourne Neighbourhood Plan (2021):

- EMP1 Employment, Retention and Diversification

HOU1 Housing Mix
DES1 Design
AH1 Ashbourne Heritage
TRA1 Transport

- 3.3 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance

4.0 PLANNING HISTORY

- 4.1 19/00977/FUL Demolition of existing buildings and erection of sheltered housing development for the elderly comprising of 41no. apartments, 7no. bungalows and 6no. terraced cottages with associated parking, access and attenuation pond - WITHDRAWN
- 4.2 16/00700/OUT Demolition of service station buildings and erection of 41 dwellings, access and balancing pond (outline) - APPROVED
- 4.3 15/00253/OUT Demolition of service station buildings and construction of 33 dwellings, access road and balancing pond (outline) - WITHDRAWN
- 4.4 06/00080/FUL Redevelopment of site to include 37 no. dwellings and 16 no. apartments and associated access/car parking - WITHDRAWN
- 4.5 05/00717/FUL Erection of 30 no. dwelling houses and 32 no. apartments and associated access/parking - WITHDRAWN

5.0 CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

Objection - Members feel that this application contravenes a number of Local Plan Policies, including: HC19 Ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network. Requiring applicants to submit details of parking provision, which includes the proposed parking provision, based on an assessment of parking needs of the development and the impact on the surrounding road network. The details should be proportionate to the impact of the development. Requiring applicants to submit, implement and monitor Travel Plans (or Travel Plan Statements) and Transport Assessments to support relevant proposals, as advised by the Highways Authority.

HC20 d) highway capacity enhancements to deal with residual car demand where the initiatives required under points above (in HC 20) are insufficient to avoid significant additional car journeys. HC21 Vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of this Local Plan, or where the developer can adequately justify their own parking provision with evidence accompanying any planning application. Evidence will need to demonstrate that the level would not have a detrimental impact on the local road network.

Local knowledge as expressed at the meeting suggest that the supporting document to the plan, like many others for similar developments, underestimates the off-street parking requirements and is inadequate to show that there has been a proper assessment of the effects both on the current high level of on-street parking in the area and the impact on the local road network.

Other objections were that there are inadequate 'green' provisions such as charging points for electric vehicles (as should be implied in PD 7) and lack of safety considerations for such as grit bins to alleviate pavement hazards in inclement weather.

5.2 Derbyshire County Council (Highways):

Initial comments:

The principle of some development on this land is acceptable given the previous use and the central location of the site. It is mentioned within the planning details that it is intended to have the layout adopted. After consultation with my implementation team on the layout the following issues need to be addressed/considered. Footways need to be 2m in width rather than 1.8m The refuse vehicle swept path at the end of the road adjacent plot 18 has not been shown, There is no turning head adjacent to plot 18/19 and this would result in overlong reversing manoeuvres back down the road. The visitor parking bays are not ideal and the applicant should be aware that should they remain within the scheme they will require a commuted sum to cover these areas. I would like to see 2 parking spaces provided for any 2/3 bedroom dwellings, I appreciate that the location of the site is centrally located within Ashbourne, however, I do consider that residents are still likely to own a vehicle even if they aren't used for a daily commute. Please hold the application in abeyance until the above has been addressed and considered.

Final response –

I refer to the amended plans submitted for the above mentioned planning application and comment as follows. It is disappointing that the revised details do not show the amendments to the footway to 2m width as previously requested or any additional car parking. Whilst I do not consider that a highway objection could be sustained on these grounds the width of the footways may result in the Highway Authority refusing to adopt the proposal, and should this be the case the development would remain private.

5.3 Environment Agency

Initial response –

The submitted Flood Risk Assessment (FRA) (reference FFG-JBAU-XX-XX-RP-HM0001-A1-C01-FRA, dated March 2021) does not comply with the requirements for site specific FRA's, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not, therefore, adequately assess the flood risks posed by the development.

5.4 Derbyshire County Council Strategic Planning

Primary schools within the shared normal area (St Oswald's CofE Primary School, Ashbourne Primary School and Ashbourne Hilltop Primary and Nursery School) would have sufficient capacity to accommodate the 7 primary pupils arising from the proposed development.

Secondary schools within the shared normal area (Queen Elizabeth's Grammar School) does would not have sufficient capacity to accommodate the 6 secondary and 2 post 16 pupils arising from the proposed development, , therefore a financial contribution is required towards the provision of 6 secondary and 2 post16 places at Queen Elizabeth's Grammar School + additional education facilities is requested.

5.5 Environmental Health Officer

No objections, subject to conditions.

5.6 Lead Local Flood Authority (LLFA)

Initial response –

We are recommending an objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted the following information:

- The Environment Agencies correspondence in the appendix C of the submitted Flood Risk Assessment refers to planning application 19/00977/FUL, applicant need to consult with Environment Agency and provide their comments on the new planning application 21/00456/FUL
- The applicant is proposing to discharge the surface water from the proposed development into an existing Henmore Brook/River Dove (outfall location). Applicant need to apply to Environment Agency for consent to discharge into the existing Brook.
- Applicant is proposing to abandon and divert an existing combined sewer and discharge into a new manhole (CW5) and a new private foul sewer will discharge and connected into the diverted pipe upstream of the new manhole (CW5), the applicant needs consent and approval from the relevant water company for the diversion of the existing combined sewer and the discharge of the new foul sewer into the existing combined sewer. Please provide their approval to LLFA.

Final response –

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 02/07/2021. The Lead Local Flood Authority has no objection subject to conditions.

5.7 Design and Conservation Officer (Derbyshire Dales)

It is considered that an appropriate modern development, subject to its detailing and materials (all being exemplary and well-considered), is suitable for this site and its context. The scheme as submitted requires further consideration & refinement on a number of points and current and future views & vistas from the parish church, its churchyard and adjacent meadowland should be carefully considered as to the potential impact(s) of the development on the character and appearance of the adjacent Conservation Area.

5.8 Trees & Landscapes Officer (Derbyshire Dales)

Initial response –

I do not object to the proposals in general terms from a landscape impact or Arboricultural viewpoint. I am of the opinion that the proposed development will not have an unacceptable impact upon the character and appearance of the local landscape or biodiversity. However, this in some part depends upon the successful retention, and appropriate protection during development, of the trees and hedgerows within the site. Very few trees in the site are identified for removal with the majority being retained and integrated in to the site. The submitted Tree Survey report and the Arboricultural Method Statement within this report is acceptable and, should planning consent be granted, then a condition requiring that all guidance and recommendations contained within it should be followed.

Further detail is required for approval relating to the proposed soft landscaping, perhaps as a condition should planning consent be granted, and this should include details relating to the planting of proposed trees / hedgerows / boundaries / gardens / ecological features in terms of species, numbers, sizes, planting methodology and locations. A LEMP is also required for approval.

In terms of the impact of the proposals on the street scene, I wonder whether there is scope for the proposed dwellings along Mayfield Road to be moved slightly further into the site, by increasing the depth of the front gardens. This might reduce a potential feeling of 'crowding' of the road and hence help create a more 'spacious' feeling. The feeling of spaciousness appears to me to be a feature of Mayfield Road for users travelling toward the town centre, where the buildings are set back from the road and there are open spaces adjacent the road. A acknowledge that the existing houses are close to the road in the opposite direction along Mayfield Road from the site, but is this close proximity to the road desirable in terms of street scene and for the quality of life of the future residents of the development and users of the road, for a new development? Setting the roadside houses back further from the road may also reduce the impact of traffic noise and movement for the future occupants of the houses.

Final response –

No objection.

5.9 Historic England

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

5.10 Head of Housing (Derbyshire Dales)

The proposed scheme has been developed in partnership with the Council's community housing team, as such I fully support this proposal. The scheme will meet a range of housing needs which are evident on the Council's Housing Register. The environmental sustainability of the proposal will ensure this is one of the best performing environmental housing developments in the district.

5.11 Derby and Derbyshire Clinical Commission Group (CCG):

The development is proposing 37 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 93 (B) (2.5 x A). The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services. It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practices to this development are; Ashbourne Surgery and Ashbourne Medical Practice. Financial contributioun requested £17,856 - The amount requested is proportionate to the scale of the housing development proposed.

5.12 Derbyshire Wildlife Trust:

Any requirement for an outfall from the site (or any other works in this area) should be clarified at this time because if one is necessary, multiple seasonally constrained protected species surveys will be required, prior to determination to ensure impacts can be appropriately mitigated.

Several buildings within the site have been classed as displaying 'low' bat roost potential. In accordance with standard guidelines (Collins, 2016), a single nocturnal bat survey must be undertaken on these buildings prior to determination to ascertain presence/likely absence of roosting bats and allow mitigation/compensation to be designed into the scheme if necessary.

The ecology report provides a summary of expected biodiversity net losses/gains in Section 6. Full details are not provided (i.e. the Excel version of the metric) and the proposals are based ori broad landscape assumptions at this stage, however based on the existing

habitats on site and the Landscape Strategy (Ref: 1195 001 A), we would expect that the scheme is likely to achieve a net biodiversity gain.

Final response –
No objection, subject to conditions.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 7 representations have been received objecting to the proposed development. The following concerns are raised;

Impact on residential amenity:

- Noise pollution

Highway Safety:

- Increase in vehicular movements
- Narrow road

Other matters:

- Inaccurate plans
- Boundary dispute
- Land ownership
- Flooding issues

7.0 OFFICER APPRAISAL

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

- Principle of the development, having regard to its location
- Loss of existing employment land;
- Housing mix and affordable housing;
- Developer contributions / the impact of the development on existing infrastructure;
- Impact of development on the character and appearance of this part of the settlement, Ashbourne Conservation Area and the special setting of St Oswald's Church (Grade I Listed);
- Impact on the amenity of the occupants of nearby residential dwellings, and;
- Highway and pedestrian safety;

Principle of the development, having regard to its location

7.2 The application site is located within the defined settlement boundary of Ashbourne which is designated as a first tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017). First tier settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.

7.3 Policy HC1 of the Adopted Derbyshire Dales Local Plan (2017) sets out that the District Council will ensure provision is made for housing by promoting the effective re-use of land by encouraging housing developments including; redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose.

- 7.4 As the District Council has a modest short fall in its supply of housing and the site is located within the defined settlement boundary of Ashbourne, the principle of residential development in this location close to public transport, public amenities, shops and community facilities is considered to be acceptable.

Loss of existing employment land

- 7.5 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.
- 7.6 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.
- 7.7 An important issue to consider in respect of this planning application is the loss of existing employment land and premises. Whilst it is noted that the application site does contain elements of protect use classes set out in Policy EC3 of Derbyshire Dales Local Plan (2017) a petrol filling station, falls within a Sui Generis use classification. Furthermore it has been previously demonstrated that there is no demand for the retention of employment uses on site and resolved at planning committee on the 11th April 2017 that planning permission be granted for 41 no. dwellings on the site (under application code ref. 16/00700/OUT).
- 7.8 The majority of the existing buildings on site are in a poor state of repair and in need of significant investment. The site is also surrounded by residential development and contains infrastructure associated with its current primary use as petrol filling station. Combined with the expansion of Ashbourne Airfield Industrial Estate and existing employment land provision to meet the economic needs of the area, the loss of the existing employment land and premises is not considered to outweigh the benefits of making full and effective use of the site and delivering new affordable dwellings in a sustainable location in this case.

Housing mix and affordable housing

- 7.9 Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017) seeks to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities. In order to address the significant need for affordable housing across the plan area, all residential developments of 11 dwellings or more or with a combined floor-space of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing.
- 7.10 Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) advises that the housing mix should be based on current and future demographic trends, market trends and the needs of different groups in the community. On this basis the following mix of affordable housing is

recommended: 1-bed properties: 40%, 2-bed properties: 35%, 3-bed properties: 20%, 4-bed properties: 5%”.

- 7.11 In terms of the level of affordable housing to be provided the application proposes the delivery of 100% provision on site. The scheme of 37 no. dwellings will be delivered in two tenures including affordable rent and shared ownership, comprising of 6 no. 1 bed roomed dwelling (all affordable rent), 18 no. two bed roomed dwelling (9 affordable rent and 9 shared ownership) and 13 no. three bed roomed dwelling (6 affordable rent and 8 shared ownership).
- 7.12 The applicant has worked in partnership with Nottingham Community Housing Association Ltd to deliver the mixed tenure housing scheme. The affordable rent homes will be let at affordable rents as defined by Homes England funding requirements at a maximum of 80% of market rent levels. The affordable rent homes will be let on Nottingham Community Housing Association standard assured tenancy agreement to persons nominated by Derbyshire Dales District Council which will be secured by a Section 106 Agreement. The Head of Housing at Derbyshire Dales District Council comments that the proposed scheme has been developed in partnership with the Council's community housing team and is fully supported.
- 7.13 The applicant has committed to the delivery of 6 no. 1 bed roomed (16%), 18 no. two bed roomed (48%) and 13 no. three bed roomed (35%) affordable dwellings which represents a significant contribution towards the delivery of smaller family housing within the Ashbourne area. The proposed development provides for a broad mix of affordable houses comprising of both affordable rent and shared ownership, with a modest skew toward three bed roomed dwellings being balanced out by the high number of 2 bed roomed units. The Head of Housing at Derbyshire Dales District Council comments that the scheme will meet a range of housing needs which are evident on the Council's Housing Register. The proposed housing mix is considered to be acceptable in this case.

Developer contributions and the impact of the development on existing infrastructure

- 7.14 Policy S10 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. New development will only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe. Arrangements for the provision, or improvement of infrastructure directly related to a planning application will be secured by planning obligation or, where appropriate, via conditions attached to a planning permission.
- 7.15 The strategic policy team at Derbyshire Country Council have assessed the proposed development and existing school places and have considered that the development will result in a need for a further 6 secondary and 2 post 16 pupils arising from the proposed development and have requested a contribution in this regard. Derby and Derbyshire Clinical Commission Group have assessed the application and its likely impact on existing services in terms of number of additional consultations from the proposed development and have also requested a contribution in this regard. Given that the scheme delivers 100% affordable housing, utilising government funding such contributions cannot be provided without undermining the viability / delivery of the development. On this basis it would not be appropriate to request school and health care contributions in this case.

The impact of development on the character and appearance of this part of the settlement, Ashbourne Conservation Area and the special setting of St Oswald's Church (Grade I Listed)

- 7.16 Policy S1 of the Adopted Local Plan (2017) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible, which will be achieved by making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.
- 7.17 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.
- 7.18 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development so as not to cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.19 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.
- 7.20 Mayfield Road was developed from the mid-19th century onwards as a linear development of terraced houses, of varying designs, but essentially of a similar type, style, form and materials. This character is urban and is different from the core of the town which is of medieval origin with its Georgian character imposed from c. 1700 to 1850. The geometric layout of the development is considered to respond positively to this local character and history. The Mayfield Road frontage buildings will close the current wide gap to Mayfield Road. The infilling of this space is considered to be acceptable and follows the 19th century theme of the linearity of the street.
- 7.21 The design concept for the scheme comprises the contemporary detailing of traditional building forms. The predominant building materials are to be brickwork with some 'feature' brickwork detailing and the roofs covered in concrete interlocking plain tile.
- 7.22 As a principal entry road into Ashbourne from the east it is an important thoroughfare. The proposed development closes, to some degree, this current wide gap to Mayfield Road with two-storey buildings each side of the entry point giving access into the rear of the site. In general terms, this infilling of this frontage space is considered to be acceptable and follows, to a degree, the 19th century theme of the linearity of the street. Whilst the proposed new frontage development incorporates contemporary detailing it has associations with the existing buildings on Mayfield Road which include an architectural rhythm of openings in an ordered and geometric pattern and the use of brickwork, pitched roofs and chimneystacks. It appears that the height of the brickwork facades to the new frontage development will coincide with the elevation height to the existing, adjacent, terraced row. This will reinforce the street scene in assimilating the new development with the existing.

- 7.23 The development will alter the character and appearance of this part of Mayfield Road. The design layout of the scheme has sought to respond to the immediate and wider context of Mayfield Road and is considered to be an appropriate response to the street scene and would enhance the character and appearance of this part of the settlement. As such it is considered that the development would not have any significant adverse impact on either landscape character or visual amenity in this regard.
- 7.24 Having considered the layout, scale and appearance of the development to respond positively to its immediate context, it is important to separately assess how it impacts on the Conservation Area and setting of the Grade I Listed Parish Church. The site lies on the boundary of Ashbourne Conservation Area and therefore has to safeguard its setting. The Councils Conservation Officer comments that an appropriate modern development, subject to its detailing and materials is suitable for this site and its context.
- 7.25 The boundary with the Conservation Area is primarily rear garden spaces. It is deemed important that this boundary treatment is given very careful consideration as it will, at certain times of the year be visible between the Grade I Listed church and its associated churchyard. It is considered that the boundary to the Conservation Area should be a brick wall of a sufficient height to conceal any domestic paraphernalia and act as a strong and robust boundary in this location. This will need to be secured by condition. Subject to careful consideration of materials, detailing and securing an appropriate boundary treatment it is considered that the development would not cause harm to the setting of Ashbourne Conservation Area or St Oswald's Church and thereby their significance will be safeguarded.

Impact on the amenity of the occupants of nearby residential dwellings

- 7.26 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.27 The proposed dwellings would be served by an appropriate amount of private amenity space. The layout of the dwellings, their scale and position of window openings is such that there would be no amenity implications for the occupants of the new dwellings. In terms of the impact of the development on existing residents, the site has neighbouring dwellings to the north-east, north-west and on the opposite side of Mayfield Road. The application proposes the erection of two storey dwellings which is reflective of the size and scale of immediate neighbours. It is considered that there is sufficient separation from the existing dwellings to the proposed development for there not to be any significant direct overlooking between the properties. As such the proposed development is not considered to result in any significant loss of privacy or amenity for the occupants of existing neighbouring properties or future occupants of the proposed dwellings.

Highway and pedestrian safety

- 7.28 The application site will be accessed directly off Mayfield Road via single central access point. Further drawings and information has been submitted to address the Local Highway Authority's initial concerns. In overall terms the Local Highway Authority are satisfied that the development can be safely accessed and the layout makes appropriate provision for parking and manoeuvring.
- 7.29 It is noted that the Town Council and some local residents raise concerns with regard to traffic along this part of Mayfield Road, existing problems regarding vehicles parking on street and the danger this poses to pedestrians. The proposed development would be served by a sufficient number of parking spaces, which should prevent any additional

parking along Mayfield Road. Furthermore, redevelopment of the site is unlikely to result in any significant volume of traffic in excess of that which is already experienced from the current use of the site and its continued use for employment purposes.

7.30 Whilst concern has been raised with regard to the impact of the development on the existing highway network the Local Highway Authority considers that an objection on highway safety grounds could not be sustained.

Other matters

7.31 The application is accompanied by a Habitat and Protected Species Survey which has been independently assessed by Derbyshire Wildlife Trust. A number of initial pre-determination concerns have been expressed by Derbyshire Wildlife Trust relating to the potential impact on bat roosts and a number of protected species within Henmore Brook which has resulted in the submission of a Protected Species Bat Emergence and Activity Report and further clarification from the applicant with regard to the impact of the development on Henmore Brook. The outcome of the additional survey work considers that the Henmore Brook is suitable for white-clawed crayfish, otter and water vole, with two water vole entrance holes recorded during survey. Records of otter also exist for the Brook but no evidence of their activity or potential holt locations were recorded during survey. The proposed works are localised and of short duration and the report makes recommendations to safeguard them which we consider appropriate. Derbyshire Wildlife Trust advise that sufficient information has been provided to determine the planning application and that the precautionary methods of works provided in Section 6 should be incorporated within the Construction Environmental Method Statement (CEMP).

7.32 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. The dwellings will be built using an open panel timber frame solution to comply with Homes England Modern Methods of Construction (MMC) category 2. The dwellings will also benefit from Air Source Heat Pumps and Photovoltaics. The proposed use of renewable energy technologies, sustainable design principles and sustainable construction techniques are fully welcomed and commended by the Local Planning Authority and the Councils Head of Housing, who comments that the environmental sustainability of the proposal will ensure this is one of the best performing environmental housing developments in the district. The development in terms of energy efficiency and building construction technology that would help minimise the effects of the new development on the environment. A condition will be imposed requesting the exact details and locations of the Photovoltaics prior to installation.

7.33 The application site in part lies within the floodplain of Henmore Brook. In order to satisfy the requirements of national guidance the applicants have submitted a flood risk assessment. The Lead Local Flood Authority has assessed this information and its findings and rise no objection to the application, subject to conditions. The Environment Agency comment that the submitted Flood Risk Assessment does not comply with the requirements for site specific submitted Flood Risk Assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. An up dated Flood Risk Assessment has been submitted to the Environment Agency for consideration however no response has yet been received. It is anticipated the concerns raised by the Environment Agency will be fully resolved following the submission of the updated Flood Risk Assessment in time to be presented at the committee meeting.

Conclusion

7.34 The proposed development would constitute a sustainable form of residential development and will make a significant contribution towards the affordable housing needs of the district through re-use of a brownfield site. The application would deliver development that would enhance the character and appearance of this part of Ashbourne, protect the residential amenity of the occupants of neighbouring dwellings and not result in harm to nearby heritage assets. The proposals raise no unacceptable impacts from a highway safety perspective and there are no other technical reasons for opposing the development.

7.35 Taking the above into consideration and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017) and it is recommended that planning permission is granted upon successful completion of a Section 106 planning obligation agreement to secure the delivery and tenure of 6 no. 1 bedroomed (affordable rent), 18 no. two bedroomed (9 affordable rent and 9 shared ownership) and 13 no. three bedroomed (6 affordable rent and 8 shared ownership) affordable dwellings on site.

8. OFFICER RECOMMENDATION:

That authority be delegated to the Development Manager to grant planning permission subject the applicant entering into a S106 planning obligation agreement that secures the delivery and tenure of 6 no. 1 bedroomed (affordable rent), 18 no. two bedroomed (9 affordable rent and 9 shared ownership) and 13 no. three bedroomed (6 affordable rent and 8 shared ownership) affordable dwellings and the following conditions:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 11th August 2021.

Reason:

For the avoidance of doubt.

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

Reason:

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

4. A sample of the brick and details of the proposed brick bond to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

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

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

6. Notwithstanding the submitted drawings, constructional drawings of the chimney stack shall be submitted to and approved in writing by the Local Planning Authority. The chimney stack shall then be installed in accordance with the approved details and so retained.

Reason:

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

7. Prior to first use of the dwellinghouses hereby approved, a detailed scheme of hard landscaping (inc details of boundary treatments and retaining wall structures) shall be submitted to and approved 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 dwellinghouses.

Reason:

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

8. All works shall be carried out in strict accordance with the approved Tree Survey report and the Arboricultural Method Statement throughout the life of the development.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to first occupation of the dwellings hereby approved, details of the legal and funding mechanism for the management of all landscaped areas (excluding private gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be delivered and managed in perpetuity in accordance with the approved details.

Reason:

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

10. No development shall take place (including demolition, ground works, installation of headwall or vegetation/tree clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations in the submitted Habitat and Protected Species reports (Paul Hicking Associates, March 2021 and July 2021) and the Bat Survey report (Paul Hicking Associates, July 2021) and include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones” – must include the Henmore Brook corridor.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and must consider white-clawed crayfish, water vole, otter, reptiles, bats and nesting birds).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

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

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

- a. Drainage Strategy, drawing No; 60029-HEX-00-00-DR-C-9001 Revision P03, Flood Risk Assessment (Final report) Reference; A1-C01 dated March 2021 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.
- b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems, in accordance with Policy PD8 Of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the first occupation of the development an Information pack is to be provided for the future residents of the proposed plots along the southern and eastern part of the proposed site explaining clearly that the back garden of these properties is within the floodplain and therefore liable to flooding.

Reason:

To ensure that future residents are aware of possible flooding into their back garden particularly if any future extensions are considered, in accordance with Policy PD8 Of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

14. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

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

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

Reason:

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

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

Reason:

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

17. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

19. Before any other operations are commenced a new vehicular and pedestrian access junction shall be formed to Mayfield Road in accordance with the revised application drawing Nos.A-20040-70- 005-P7, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 m in height (0.6m in the case of vegetation) above ground level in case of junction.

Reason:

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

20. Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority.

Reason:

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

21. Before any other operations are commenced (excluding creation of the new access, the subject of condition 5 above), the existing vehicular accesses to Mayfield Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

Reason:

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

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

23. Prior to the dwellings being occupied the bin storage areas shall be provided in accordance with the application drawings and maintained as such in perpetuity free from any impediment to its designated use.

Reason:

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

24. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason:

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

25. Prior to the commencement of the development a formal remediation strategy based on the recommendation made by BRD in their 2019 preliminary Phase 2 report (including details of any ground gas and hydrocarbon protective measures), shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.

Reason:

To ensure that any remedial works required as an outcome of the site investigation and risk assessment are completed to a satisfactory standard, in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

26. Prior to installation, details of the Photovoltaics (inc type, finish and location) shall be submitted to and approved in writing by the Local Planning Authority. The Photovoltaics shall then be installed in accordance with the approved details and so retained, prior to the first use of the hereby approved dwellings.

Reason:

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

FOOTNOTES:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. The applicants attention is drawn to the Environment Agency Advisory/Informative Notes, dated 27th July 2021 (Ref: DDDC/2021/27).
4. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adaptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director - Place at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer Kevin Barton).
5. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
6. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adaptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
7. The applicant is advised that to discharge condition 10 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
8. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.
9. This Decision Notice relates to the following documents:
Submitted plans date 11th August 2021.

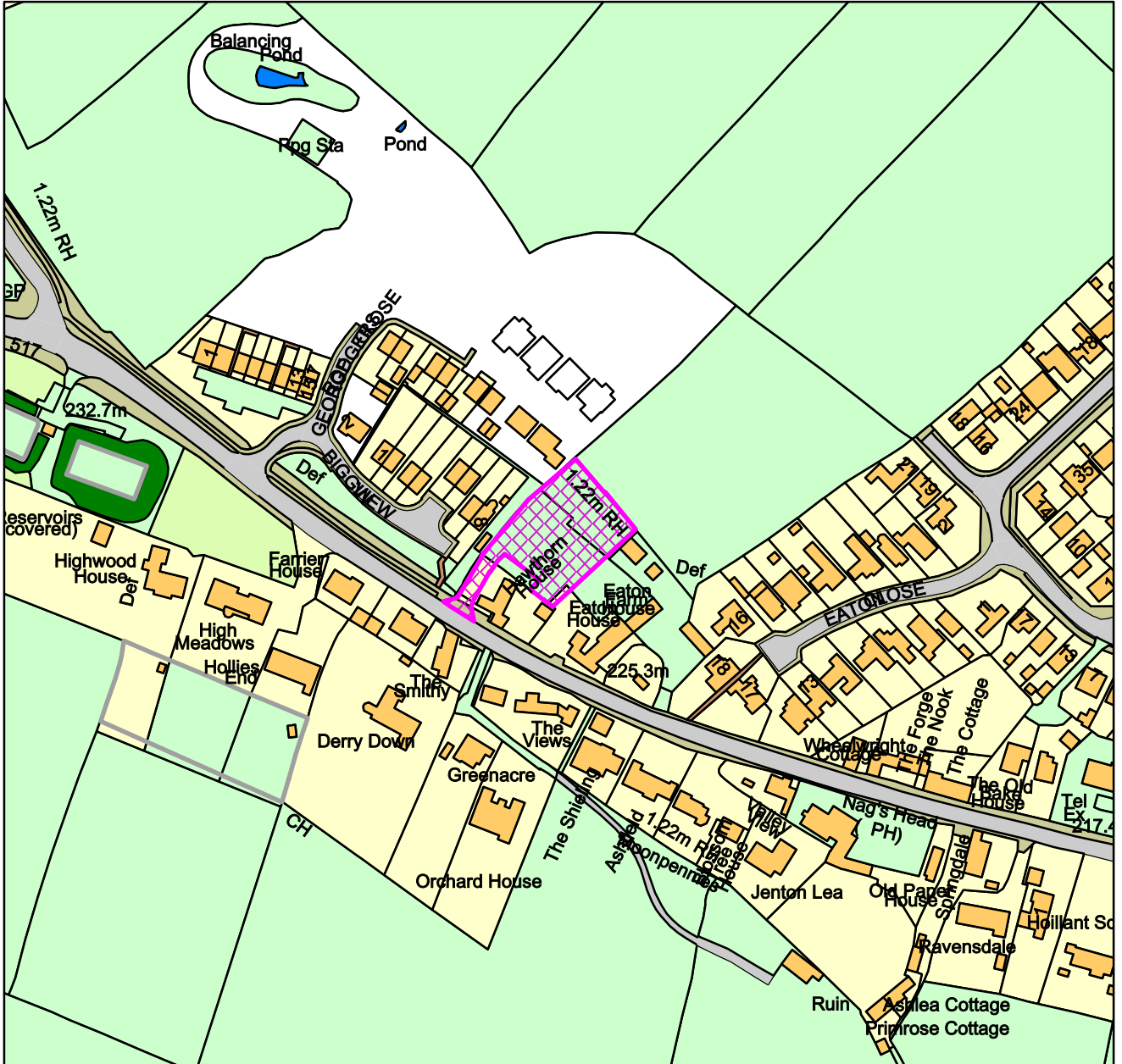
APPLICATION NUMBER		21/00644/FUL	
SITE ADDRESS:		Land at Eaton Farmhouse, Main Road, Hulland Ward, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 2 no. detached dwellinghouses and 1 no. detached bungalow	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Michael Pusey
PARISH/TOWN	Hulland Ward	AGENT	bi Design Architecture Ltd
WARD MEMBER(S)	Cllr R. Bright	DETERMINATION TARGET	13 th July 2021
REASON FOR DETERMINATION BY COMMITTEE	3 or more dwellings outside of the main market towns and Darley Dale	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the impact of the development on its surroundings

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

RECOMMENDATION
That planning permission be granted, subject to conditions.

21/00644/FUL

Land at Eaton Farmhouse, Main Road, Hulland Ward



Derbyshire Dales DC

1:2,500

Date: 02/09/2021

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies within the settlement boundary of Hulland Ward and is accessed directly off Main Road. The site forms part of the private amenity garden of Eaton Farmhouse. The site is bounded by Hawthorn House to the south, Eaton House and Eaton Farm House to the east, agricultural land to the north-east which has recently been granted planning permission for 39. no dwellings (application ref 19/00159/REM) and Biggin View to the west.



2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of 2 no. detached dormer bungalows and 1 no. bungalow, as illustrated on submitted revised plans date stamped 1st September 2021.
- 2.2 Plot 1 is located toward the north-west corner of the site and would contain a detached dormer bungalow and would comprise an open plan lounge/kitchen/dining area, utility, WC, sitting room, porch, hallway and integral single garage on the ground floor and 4 no. bedrooms (1 with en-suite), family bathroom and store across the first floor.
- 2.3 Plot 2 is located toward the north-east corner of the site and would contain a detached dormer bungalow and would comprise an open plan lounge/kitchen/dining area, utility, WC, sitting room, study, porch, hallway and integral double garage on the ground floor and 5 no. bedrooms (2 with en-suites), family bathroom and store across the first floor.
- 2.4 Plot 3 is located along the southern boundary of the site and would contain a detached bungalow and would comprise an open plan lounge/kitchen/dining area, utility, WC, bathroom, bedroom and integral single garage on the ground floor and 2 no. bedrooms, bathroom and store across the first floor.
- 2.5 The dwellings would have a consistent appearance, incorporating traditional design detailing such as brick arched headers, timber porch canopies, timber verges and inset gablet

windows at first floor level. The dwellings would be faced in red brick and plain roof tiles and will incorporate air-source heat pumps and MVHR heat recovery systems.

- 2.6 Vehicular access would be gained directly off Main Road Derby Road by modifying the existing vehicular access which currently serves Hawthorn House.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development Within Defined Settlement Boundaries
 - PD1 Design and Place Making
 - PD3 Biodiversity
 - PD5 Landscape Character
 - PD6 Tree, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - HC1 Location of Housing Development
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
- 3.2 Other:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 4.1 None relevant.

5. CONSULTATION RESPONSES

- 5.1 Parish Council

No objection.

- 5.2 Derbyshire County Council (Local Highway Authority)

No objection, subject to conditions.

- 5.3 Trees and Landscapes Officer

Initial response –

I am satisfied that the visual impact of the proposals within the wider landscape would be acceptable as they would comprise partial infilling of a private open space within an already built up residential area of a settlement. The site is not within a conservation area and no Tree Preservation Orders are currently present. However, the existing trees provide valuable visual, biodiversity and ecological benefits to the local area and all should be retained, suitably protected during development and successfully incorporated into the development. All existing trees in the site and forming its boundaries should be retained unless their condition would present unacceptable risk to people / property following the change in land use. The following (all prepared to the guidelines of BS5837:2012) should be submitted for approval: 1. An Arboricultural Impact Assessment 2. A Tree Removals and Retentions Plan 3. A Tree Protection Plan 4. An Arboricultural Method Statement (if appropriate).

Final response –

That's acceptable protection for those 3 retained trees. However, similar fencing should be erected to protect all retained hedgerows, with the fence being 2m (min) from the hedge stems. It should also be specified that:

1. The tree/hedge protection fencing will be erected before any site activity occurs (including ground works/levelling) and be removed only once all site activity has been completed.
2. No ground works, demolition, construction, excavations, storage, pedestrian or vehicular access will occur in the protected areas.

6. REPRESENTATIONS RECEIVED

6.1 None received.

7. OFFICER APPRAISAL

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

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

Principle of development, having regard to its location

- 7.2 The application site is located within the defined settlement boundary of Hulland Ward which is designated as a third tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 Tier 3 settlements are identified as possessing some facilities and services that, together with local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is stated within Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 7.4 As the District Council has a modest short fall in its five years supply worth of housing and the site is located within the defined settlement boundary of Hulland Ward, the principle of residential development is considered to be acceptable in this location.

Impact on character and appearance of this part of the settlement

- 7.5 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of the development plan.

- 7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) deals with design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development as to 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.
- 7.7 The character and appearance of the area has changed following the approval of a number of planning permissions for residential development, including application 19/00159/REM for 39. no dwellings to the north-east and application 18/01346/REM for 33 no. dwellings to the north-west. The proposed development is essentially back land, infill development. The site is fairly well contained in landscape terms by existing tree planting along the boundaries of the site and is elevated position from public vantage points. The site is not within a conservation area and there are no Tree Preservation Orders. The Councils Trees and Landscapes Officer comment that the visual impact of the development within the wider landscape would be acceptable as it would comprise partial infilling of a private open space within an already built up residential area of an existing settlement.
- 7.8 Officers have engaged with the applicant in seeking some improvements to ensure that the existing trees and hedgerows, where possible, will be retained and protected during construction. The immediate area is characterised by dense residential development of varying house types. The proposed development of 3 no. dwellinghouses of one and half and single storey construction and traditional design detailing would make efficient use of land by optimising the use of whole site whilst also reflecting the character of the area. The proposed development is considered to be appropriate response to the immediate context and would not result in a detrimental impact upon the character and appearance of the immediate and wider area.

Impact on residential amenity

- 7.9 The proposed layout of the development will provide sufficient distances between the proposed houses and existing neighbouring dwellings to not result in any unacceptable overbearing or overshadowing effect between them. It is considered that careful consideration of the size, scale, design and orientation of the proposed dwellings has been given to not result in any direct overlooking between the proposed and existing dwellings. As such the proposed development is not considered to result in any significant loss of privacy or amenity for the occupants of existing neighbouring properties or future occupants of the proposed dwellings.

Other matters

- 7.10 Vehicular access would be gained directly off Main Road. The Local Highway Authority has advised that the achievable exit visibility is acceptable in both directions on to Main Road and that there is suitable on-site parking and manoeuvring space to serve the proposed dwellings. No objection is therefore raised by the Local Highway Authority, subject to conditions.
- 7.11 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. The dwellings will incorporate air-source heat pumps and MVHR heat recovery systems as part of their construction which is considered to be reduce greenhouse gas emissions by reducing energy consumption, in accordance with Policy PD7.

Conclusion

7.12 Having regard to the location of the site, nature of the development and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017) having regard to all of the relevant planning constraints and guidance contained within the National Planning Policy Framework (2021).

7.13 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 1st September 2021.

Reason:

For the avoidance of doubt.

3. Before any other operations are commenced a new vehicular access shall be created to Main Road in accordance with the application drawings, laid out, constructed and provided with 2.4m x 47m visibility splays in both directions, the area in advance of the sightlines being 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 adjoining nearside carriageway channel level.

Reason:

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

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

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

Reason:

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

6. The proposed access drive shall be no steeper than 1 in 12 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

Reason:

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

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

Reason:

To ensure an appropriate landscaped setting in accordance with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to installation, samples of all materials (inc windows and doors) 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. The development shall be constructed in accordance with the approved details.

Reason:

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

9. The hereby approved tree and hedge protection fencing plan shall be erected before any site activity occurs (including ground works/levelling) and be removed only once all site activity has been completed, unless otherwise agreed in writing by the local planning authority. No ground works, demolition, construction, excavations, storage, pedestrian or vehicular access will occur in the protected areas.

Reason:

To enable the Local Planning Authority to ensure the retention of trees and hedgerows on the site in the interests of visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policies PD1, PD5, PD6 and PD7 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. 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, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

4. This decision notice relates to the following documents:
Submitted revised plans date stamped 1st September 2021.

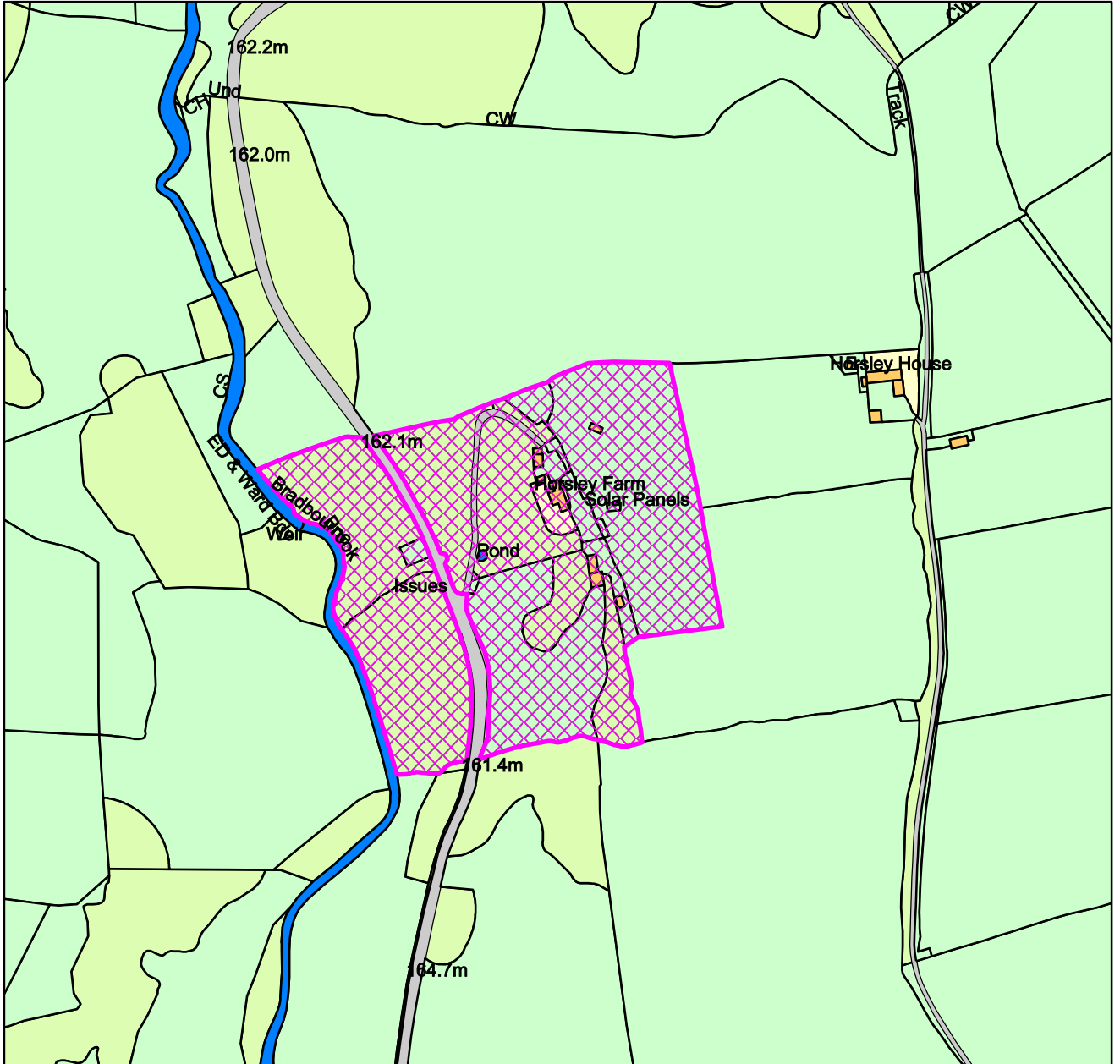
APPLICATION NUMBER		20/01238/FUL	
SITE ADDRESS:		Horsley House Farm, Bradbourne	
DESCRIPTION OF DEVELOPMENT		Change of use from agricultural land to glamping site comprising of 8 no. units of accommodation	
CASE OFFICER	Sarah Arbon	APPLICANT	Brewer and Saunders
PARISH/TOWN	Kniveton	AGENT	Brian Hawkins
WARD MEMBER(S)	Cllr Purdy	DETERMINATION TARGET	19 th April 2021
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets and landscape arising from the proposal.

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

RECOMMENDATION
Refusal

20/01238/FUL

Horsley House Farm, Bradbourne



Derbyshire Dales DC

1:4,000

Date: 29/07/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is located to the south west of Bradbourne and consists of approximately 13 hectares. The hill farm which dates from the 17th Century, is set upon a plateau part way up a rising slope from the B5056, above the Bradbourne Brook and facing the National Park to the west. Horsley Farmhouse is listed Grade II* The Farmhouse dates from the mid C17, with C19 and C20 extensions/alterations.
- 1.2 The farmhouse is located on the eastern slope of a valley, within an upland rural landscape which is characterised by open fields, mature trees and hedges. To the east of the house, an area of formal garden extends down the slope to an orchard and beyond to the main road (B5056). On the opposite side of the road is a further parcel of land which is included within the application boundary. The surrounding countryside provides an attractive rural setting for the listed farmhouse. To the north west of the site is the Scheduled Monument (SM 1019405) Medieval settlement, including fishpond and open field system, immediately north and 240m south of Lea Cottage Farm.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for an 8 unit glamping site comprised of:- a yurt (with associated decking shower / toilet and kitchen structures), a pigeon loft, a burrow, a shepherd's hut, a treehouse (a series of pods with connecting raised walkways) and three safari tents with porches together with associated car-parking, paths, a seating area and fire-pit and landscaping. A storage barn is proposed to the south of the site.
- 2.2 The yurt and pigeon loft are proposed to the north of the farmhouse, with the tree-house and shepherds hut located to the south. The burrow and storage barn are proposed to the south east and the safari tents on land on the opposite side of the B5056 to the west. Car-parking is proposed on two existing areas of hard-standing with a further new car-park to the east of the main driveway.
- 2.3 The proposed yurt would be located within an existing copse to the north of the existing garage building and would have a 6m diameter and would include a decking area to the north and a 1m x 2.5m and 2m high toilet and shower facility adjacent to the northern boundary. The yurt would be created on a deck board with 750mm ground screws and would have a wooden frame with a canvas olive coloured roof and sand coloured walls and is designed to be dismantled and stored in the winter months.
- 2.4 The pigeon loft would replace an existing dilapidated pigeon loft of wooden construction raised on brick stilts. The proposed timber framed and clad building would measure 4m x 9.1m of a height of 2.8-3.2m and would be located within the proposed wildflower meadow to the east of the farmhouse that slopes up the eastern boundary. It would provide accommodation for a family with bunk beds and a double bedroom on a mezzanine floor. The building would have glazed elevations facing west and south with a 3.4m wide decking area to the south for an outside seating area and hot tub. A native hedgerow is proposed to enclose and screen the decking area and native trees planted to the east and south.
- 2.5 The proposed burrow would also be located with the wildflower meadow to the south east of the farmhouse and east of the barn at a distance of 105m. The structure would be dug into the existing bank and buried into the landscape, constructed of concrete walls with a grass roof. The front elevation would be faced in limestone with wooden windows and door and a 1m in diameter skylight in the roof would provide natural light. It would measure 5.7m x 9.75m width and a height of 2.4m and would provide 2 bedroom self-contained accommodation.

- 2.6 The proposed Shepherd's hut would be located to the south of the barn on the upper section of the restored grazing meadow on an existing plateau within the steep slope. A pathway within the meadow would link it to the proposed parking area on lower land closer to the access. The hut would measure 6m x 2.5m set on wheels with larch shiplap cladding and a grey corrugated steel roof. A 3.3m x 5.2m decking area is proposed to the west enclosed and screened by a 1m in height native hedge with some tree planting.
- 2.7 The proposed tree house is proposed within existing woodland in the south eastern corner of the site to the south of the shepherd's hut. A 3.3m x 6.8m wooden clad elevated pod together with two further spherical pods of a 3m diameter are proposed all of a height of 3.2m above ground. The pods would be linked via raised boardwalks and located under the canopy of existing trees and would include a circular viewing platform. The main larger pod would be the living area and the two other pods would accommodate an extra sleeping area and outdoor dining area.
- 2.8 The proposed safari tents would be located on the lower river valley adjacent to Bradborne Brook on the opposite side of the B5056. Three tents are proposed with pathways from the existing hardstanding adjacent to the road boundary 85m apart and separated by existing woodland. The tents would measure 5m x 14m of a height of 3.4m to the ridge and set on a wooden raised base and comprising of a self-contained family accommodation with a 2m porch on one end and another covered area on the other end that would include a wash room and shower cabin. A small chimney would protrude from the roof for the stove and the canvas would have sand colour walls and a green coloured roof.
- 2.9 Additional features include provision of car parking for the Shepherd's hut and tree house, upgrading existing hardstanding areas for parking together with a seating circle to the north east of the existing solar panels and stone seating in the north eastern corner. Gravel pathways would link the facilities with the parking areas. A storage barn is proposed to replace the existing dilapidated wooden sheds to the south east of the stone barn. The proposed storage barn would measure 3.6m x 12m x 3m and would be green steel cladding with a roller shutter garage door and rooflights.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - EC1 New and Existing Employment Development
 - EC8 Promoting Peak District Tourism and Culture
 - EC9 Holiday Chalets, Caravan and Campsite Developments
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards

2. National Planning Policy Framework 2021
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/01240/FUL	Conversion and change of use of detached barn to holiday accommodation with extension to form seating area	PERC	15/06/2021
20/01241/LBALT	Alterations and extension to barn in association with conversion to holiday accommodation	PERC	15/06/2021
0590/0410	Pond	Approved	11/07/1991

5.0 CONSULTATION RESPONSES

Kniveton Parish Council

5.1 No response received.

Environment Agency

5.2 The Environment Agency state that while the western edge of the red line boundary lies partially within flood zones 2 and 3 all development lies within flood zone 1. Therefore we have no fluvial flood risk concerns associated with the site. There are no other constraints associated with the site and therefore we have no formal comment to make.

Derbyshire County Council (Highways)

5.3 The Highways Authority states that the site has one point of access on to the B5056 which would serve the parking for the camping units. The B5056 carries a speed limit of 50 mph which requires emerging and forward visibility distances of 150m. Emerging visibility in the left-hand direction is approximately 95m and approximately 160m in the right hand direction. Clearly, based on vehicle speeds of 50 mph, the emerging visibility in the left-hand direction, looking south, is severely below that required. In addition, the forward visibility, for a vehicle travelling north, of a vehicle waiting on the B5056 to turn in to the site access is approximately 55m which, again, is severely below that required.

The application indicates that the proposal will provide 8 units capable of accommodating up to 28 people with the units being split between the main farm site and another area on the western side of the B5056. There are to be 15 parking spaces provided, with all the spaces being located on the main farm site to the east of the B5056. Holiday accommodation is expected to generate approximately 4 vehicle trips per day, therefore, if the all 8 units are fully occupied, this would equate to approximately 32 additional vehicle trips through the site access.

The speed survey and the visibility splays commensurate with the survey results are accepted; it is recognised however that the provision of the emerging and forward visibility splays in the southerly direction would require extensive clearance of vegetation. On the basis that the LPA have no objection to the clearance of the vegetation, the Highway Authority accepts the use of the existing site access to serve the proposed development.

There remain concerns about the requirement for pedestrians to cross the B5056 to access the facilities on the western side of the site. However, if the LPA have no objection to the clearance of the vegetation to create the required visibility splay, it is considered that an objection purely based on the concerns about pedestrians crossing the B5056 would be difficult to sustain. Having said that, it is noted that there is an existing gated access to the

north of the main site access which appears to be currently gated and unused. Pedestrian access from the main site to the facilities on the western side of the site should be via this currently unused access to allow a more direct route and to avoid the need for pedestrians to walk in live traffic along the B5056. Conditions in respect of access visibility, pedestrian access, parking and manoeuvring provision and gates are recommended.

Derbyshire Wildlife Trust

- 5.4 The Wildlife Trust has reviewed the Ecological Assessment (Ecological Insight, November 2020), along with the proposed plans and the Design and Access Statement. In general we recognise the opportunities that the proposals provide for enhancement of the site, including restoration of the orchard and areas of grassland, along with new planting and species enhancements. The Trust consider the proposed layout acceptable in terms of ecological impacts and it appears that the scheme design has been sensitively designed to retain ecological features and areas of highest value. They have reviewed their earlier response sent in April in which they raised concerns regarding bats. It is now understood that the issues relating to bats have been addressed through a separate application.

In terms of other protected species, maintaining a suitable buffer zone between the watercourse in the west and any of the proposed safari tents should safeguard water vole, otter and crayfish. No direct impacts to the watercourse are anticipated and given that no evidence of an otter holt was recorded, a minimum buffer of 10 m should be sufficient. However a greater buffer would be welcomed.

There is some limited potential for reptiles on site, however given the limited scale of works proposed, impacts are considered unlikely. If rubble or brash piles require removal, this should be undertaken by hand with care to safeguard individual animals. A robust and detailed Landscape and Ecological Management Plan will be required to secure appropriate planting details, species enhancements and future management of the orchard and meadow in particular. Conditions recommended include a Construction Environmental Management Plan (CEMP) (based on Section 7.1.2 and 7.1.3 of Ecological Assessment), a Landscape and Ecological Management Plan (LEMP) (based on Section 7.1.4 of Ecological Assessment) and a Lighting Plan.

Arboriculture and Landscape Officer (Derbyshire Dales)

- 5.5 All existing trees and hedgerows should be retained and incorporated into the scheme. The scheme is appropriate when considered on a larger scale, following the LVIA concluding minimal landscape impact, but there are some concerns relating to some aspects of the site layout and design/construction details, as follows:
1. Proposed car park – appears to be located close to trees/hedgerows and would be particularly visible from the nearby main road.
 2. Some of the proposed accommodation units – appear to be located close to trees/hedgerows.
 3. Footpaths – part of the routes appear to be close to trees/hedgerows.

Where these features are located within 10m of retained trees/hedgerows details should be submitted that provide a specification for their design and construction that will prevent harm to the trees. This should include details of their locations with respect to trees, temporary tree protection, any proposed groundworks, foundations, surfacing, landscaping etc.

The location of the proposed new car park is very exposed to view from the main road. The applicant should consider some alternative locations/solutions with an assessment for each with the aim of it being shielded from view by the topography/existing buildings/retained vegetation.

Planting details – a list of species to be planted and planting methodology (which are appropriate) are included in the document titled ‘Glamping Accommodation’ but there appears to be no detail of numbers or locations.

Environmental Health (Derbyshire Dales)

5.6 There are no objections to this application in principle.

Historic England

5.7 The substantial scale of the proposed structures and their dispersed siting together with the interconnecting paths and car-parking would be likely to result in a high degree of impact on the rural countryside setting and significance of the highly graded listed farmhouse. The proposals could also impact on the nearby Scheduled Monument.

Historic England has concerns regarding the application on heritage grounds as outlined above. We recommend you seek further guidance from your in-house conservation officer in this regard. We consider that the issues and safeguards outlined in our advice need to be addressed, in order for the application to meet the requirements of paragraphs 189 and 190 of the NPPF. Notwithstanding the lack of information provided, it would seem to us likely that the current scheme would have a harmful impact on the significance the highly graded farmhouse derives from its setting, by virtue of the scale and dispersed nature of the proposed structures. It could also potentially impact on the nearby Scheduled Monument.

Peak District National Park Authority

5.8 The development proposed to the east of the B5056 would have a limited impact on the setting of the National Park.

The proposed safari tents to the west of the road are large structures that would be positioned very close to the National Park boundary, and these raise some concerns. They would be seen in views towards the Park from the adjacent highway, and would be at odds with the otherwise rural and undeveloped character of this land, detracting from the setting of the National Park.

They would recommend that this element of the scheme is re-considered, with these structures positioned on the east side of the road where they would be less prominent and viewed in the context of the National Park boundary to a lesser extent.

Archaeology (DCC)

5.9 The holding features a designated heritage asset however, the grade II* mid 17TH century Horsley Farm house. Early building fabric in the farmhouse includes a surviving timber cruck truss with cross lapped face, halved apex and collar; and timber stud partitions with wattle and daub infill. Immediately to the south of the application area is a Derbyshire Historic Environment Record for an area of ridge and furrow earthworks. There is also a DHER entry for a find of a medieval stone head located c. 30 m from the farm house.

The proposed development is quite low key, but it does have some proposed infrastructure in the form of car parking and tracks. Given the antiquity of the site, and the proximity of these intended works to both designated and non-designated heritage assets I would recommend that works to create trackways, car parking and any additional drainage should be archaeologically monitored and a written scheme of investigation condition is recommended.

Force Designing Out Crime Officer

5.10 No comments.

Cllr G Purdy

5.11 I am not fully up to speed with our policies on such holiday sites as this application, although I am well aware that it is a growing sector in the holiday market. Such initiatives are welcomed as this in order to add value and extra income through the holiday makers to the Derbyshire Dales. So long as sewerage and other policy details are complied with, and there are no significant neighbour objections I have no objection, although it might be an application that warrants a Committee decision.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 2 representations have been received. A summary of the representations is outlined below:

- This application is fully supported as a neighbour who would look onto the new development. We welcome the visitors that this development would create for the local community.

The Deputy Director and Head of Industry Engagement of Marketing Peak District and Derbyshire states the following in support.

As a destination the Peak District & Derbyshire generates £2.5 billion of visitor spend, welcomes over 42 million visitors per year and employs over 32,000 FTE people in tourism jobs. Consequently, tourism in the area is very important.

Marketing Peak District & Derbyshire act as the area's official tourism body or board and as such has key responsibility of the strategic development of the region's visitor economy. We work very closely with several key partners including Visit England, our National Tourist Board and Visit Britain our International agency. Our brief is to increase the contribution that the visitor economy makes to the regional economy by improving the skills, quality and competitiveness of tourism businesses.

I am writing to express our support in principle for the development at Horsley House Farm which aims to bring new visitors to the area.

We welcome proposals which invest in the quality of the visitor experience and complement the existing tourism offer in the Peak District and Derbyshire. The proposed development of:

- 8 glamping units

The proposed development at Horsley House Farm very much fits the areas needs as identified in the D2N2 Accommodation Strategy (2017) for high quality alternative accommodation. As a destination we lack accommodation of this kind, this development would be an added benefit to the destination, Derbyshire Dales and the local community.

We cannot support or indeed comment on individual plans which must be referred to the appropriate planning authorities, but in principle we do support the general ethos of this type of development.

7.0 OFFICER APPRAISAL

Having regard to the policies of the development plan and national planning policy the main issues to assess are:

- Principle of the development, having regard to its location;
- Impact of the development on the character and appearance of this part of the countryside,
- Impact on the setting of the heritage asset: and
- Highway safety.

Principle of the development, having regard to its location

- 7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) supports applications for development in the countryside when it represents the sustainable growth of tourism and where the proposal would contribute to the ongoing operation of the existing business.
- 7.3 *Policy EC1* of the Adopted Derbyshire Dales Local Plan (2017) provides support for proposals for new or expansion of existing business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.
- 7.4 Policy EC8 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with 'promoting Peak District tourism and Culture' supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.5 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) specifically relates to proposals for new holiday accommodation which considers the appropriateness of a site in terms of sustainability as well as other matters which will be explored later in the report. It states development will be permitted provided that the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
- 7.6 The application site is located within the defined open countryside, south west of Bradbourne Village. The B5056 is a classified road which is subject to the national speed limit. The road is unlit and has no formal pedestrian provision. There are no direct links to the public rights of way or pavements linking the site to the existing public transport modes which are located approximately 1.4 mile north east of the site on Mill Lane, Bradbourne. The application site is not located within, or in close proximity to existing settlements with good connections to the main highway network, public rights of way network and/or cycle ways, and is neither served by public transport or within a safe attractive ten minute walk of regular public transport services.
- 7.7 The applicant has put forward the following in terms of proximity of the site to facilities. Ashbourne is 3.9 miles (around an 8 minute drive or 22 minute cycle) south of Horsley House Farm by road and is easily accessible via the B5056 & A515. Ashbourne offers a variety of local amenities, including supermarkets, cafes & restaurants, pubs, a leisure

centre, doctors, dentists and pharmacies. Ashbourne also has a bus station connecting the town to the rest of Derbyshire and Staffordshire; and major train stations such as Derby.

- 7.8 The scenic village of Tissington is 2.3 miles (around a 9 minute drive or 19 minute cycle) west of Horsley House Farm by road and is easily accessible via the B5056 and Bent Lane. Tissington is a popular tourist destination with Tissington Hall offering tours, a tea room, sweet shop, butcher and local crafts. From here you can access the Tissington Trail, the Limestone Way and numerous walks. From Horsley House Farm it is possible to cross Bradbourne Brook and walk across a neighbouring field to connect with the public footpath into Tissington, although permission would need to be sought from the Tissington Estate.
- 7.9 The village of Kniveton is 1.2 miles, approximately 20-25 minutes by foot from Horsley House Farm through a neighbouring field (used for grazing) that connects with the public footpath near Wigber Low. As a family we have permission from the landowner (the Wheeldons) to walk this route and we would look to seek permission for guests. In Kniveton, there are some good walking routes along quiet paths and a great village pub, The Red Lion. Kniveton is also serviced by the 411 bus route between Parwich - Bradbourne - Brassington - Kniveton - Ashbourne.
- 7.10 The village of Bradbourne is 1 mile, approximately 15-20 minutes by foot from Horsley House Farm through the same neighbouring paddock as above, and the public footpath travelling North. Bradbourne is also on the 411 bus route between Parwich - Bradbourne - Brassington - Kniveton - Ashbourne. The applicant has contacted the Derbyshire Connect / Little Bus Company and the farm falls right in the middle of their area and are confident that they could offer their dial and ride service from 8am to 7pm door to door.
- 7.11 Notwithstanding the supporting information submitted by the applicant, the application site is not located within, or in close proximity to existing settlements with good connections to the main highway network, public rights of way network and/or cycle ways, and is neither served by public transport or within a safe attractive ten minute walk of regular public transport services. The site does not benefit from a direct link to the public footpath routes as permission would be required from private landowners to cross the fields to access the paths to the Bradbourne. The 411 bus route between Parwich and Ashbourne is two buses day on school days only.
- 7.12 In terms of sustainability, it is considered that the creation new build holiday accommodation, in this otherwise remote and isolated location within the countryside, where visitors are most likely to depend on their own private motor vehicle to visit the site, given the lack of infrastructure available to make the fullest possible use of public transport, walking and cycling route would constitute an unsustainable form of development which does not promote sustainable rural tourism.

The impact of the development on the character and appearance of this part of the countryside

- 7.13 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) seeks 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.
- 7.14 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.

- 7.15 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.
- 7.16 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) further states that proposals for caravan and campsite developments will be permitted provided they would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and that any visual impact would be screened by existing landscape features from areas outside the site to which the public has access for the whole of the proposed operating season. Camping, caravan and chalet development will need to be carefully controlled to ensure that they do not have an adverse impact up.
- 7.17 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and identifies the public rights of way of importance to the assessment and the Site are footpaths Tissington and Lea Hall FP5, FP15 & FP31 which lie within the Peak District National Park and footpath Fenny Bentley FP19 which is located on rising landform to the south of the Site. The network of rights of way provide links within and along the Bradbourne Brook Valley to the west and south west and the higher ground at Wigger Low to the east of the Site. A network of footpaths and bridleways also run through the local and wider landscape to the west of the Site.
- 7.18 The Site lies within the southern part of the ‘White Peak’ character area NCA 52. The area includes large tracts of countryside which have similar characteristics in terms of landform, geology, land use and other landscape elements. The summary of key characteristics are listed as being:
- *“Elevated, gently undulating limestone plateau with occasional knolls and crags, dissected by steeply cut dales and gorges with rock outcrops, screes and caves.*
 - *Clear rivers, streams and springs in some dales; others are dry or run water only in winter.*
 - *Steep dale sides with a mosaic of flower-rich limestone grassland, ash woodland and wildlife-rich scrub. Improved grassland for dairy and livestock farming dominates the plateau, punctuated by occasional dew ponds, narrow shelterbelts of broadleaved trees and small patches of rough grassland, meadow and heath.*
 - *Grassland enclosed by limestone walls, with small narrow strip fields often of medieval origin around villages, and larger rectangular fields away from the villages.*
 - *Nucleated villages and small towns connected by crest and valley roads.*
 - *A mix of limestone and gritstone used as building materials and stone and Welsh slate for roofs. Widespread features of special archaeological and historical interest including Neolithic and bronze-age ritual monuments.*
 - *Many visible reminders of early industry, including historic limestone and lead workings, lime kilns and dramatic water mills from the 18th century textile industry”*
- 7.19 The LVIA concludes that the site susceptibility of the landscape resource to change of the type proposed is medium. The report considers that due to the farmstead, associated hardstanding and solar panels these reduce the site’s susceptibility to change and the established vegetation structure forms defensible boundaries that provide a strong degree of separation with the wider more open landscape character, most notably that within the Peak District National Park. The landscape value of the site and its immediate setting is considered to be medium and the report concludes the site has a medium landscape sensitivity. The overall conclusion made by the LVIA is that there would be no impact on the wider landscape setting it is considered that the significance of effect within the site’s localised setting would be moderate / minor adverse.

- 7.20 Landscape proposals include where the field boundaries hedgerows have been lost, most notably to around the boundary of the eastern field, extensive tree, shrub and hedgerow planting would be carried out. In addition to this further planting would be established around each proposed unit, where required, to help assimilate the structure into the receiving landscape and localised landscape fabric, especially in views from the higher ground within the Peak District National Park to the west. The proposed planting strategy would consist of native species typical of the immediate landscape, and provide enhanced connectivity between the existing mature vegetation structure to the east and south, and the wider farmland setting.
- 7.21 Whilst, the Tree and Landscape Officer considers the scheme is appropriate in terms of its landscape impact when considered on a larger scale, following the LVIA concluding minimal landscape impact, a concern is raised regarding the proposed car park in the southern field as it would be exposed to view from the main road. The LVIA states that the car park is proposed upon a plateau area within the southern field, surfaced with self-binding gravel that would have a natural appearance and enclosed with vegetation that once mature would heavily filter any views. It is opined that the proposed car park on elevated land that does not benefit from any existing screening would be highly visible from the road and clearly visible from viewpoints 6 and 7 (Tissington and Lea Hall FP 31). The introduction of cars on this higher land would represent an intrusion in the landscape and visible from within the valued landscape of the National Park. The Peak District National Park Authority has raised concerns with regard the proposed safari tents to the west of the road as they are large structures that would be positioned very close to the National Park boundary. They would be seen in views towards the National Park from the adjacent highway, and would be at odds with the otherwise rural and undeveloped character of this land, detracting from the setting of the National Park. The scale and permanency of the structures and associated infrastructure in terms of the raised timber base and paths to each unit is considered an intrusion in the landscape causing a degree of harm to the setting of the National Park. These aspects of the scheme are not considered to accord with Policy PD5.
- 7.22 In addition to the landscape impacts created by the glamping pods and their infrastructure the creation of a safe access would require the removal of or drastic reduction in height of 140m of roadside vegetation. This would of itself cause further harm to the character and appearance of the landscape and exacerbate the visibility of the proposed glamping facilities, contrary to Policies PD1 and PD5.
- 7.23 Furthermore, the Tree and Landscape Officer is concerned that an assessment on the impact on the trees has not been submitted. Some of the proposed accommodation units and footpaths appear to be located close to trees / hedgerows. Policy PD6 requires trees, hedgerows, orchards or woodland of value to be retained and integrated within development wherever possible. For example the decking areas / walkways proposed for the yurt and tree house are proposed within treed areas and yet an Arboricultural Impact Assessment has not been provided to assess the degree of harm to the trees. On this basis, insufficient information has been supplied with regard the impacts on the trees to ensure they can be safely retained within the landscape, contrary to Policy PD5 and PD6.
- 7.24 The proposal would result in the adverse encroachment into the setting of the National Park and detrimental intrusion in this rural landscape, harmful to the local and wider landscape setting which is exacerbated by the required extensive hedgerow loss along the road boundary required to provide safe access.

Impact on the setting of the heritage asset

- 7.25 The highly graded farmhouse (II*) retains an historic unit of land that forms its setting and context. A farmhouse has existed on this site and farmed this land for over 400 years and in this regard the house and its historic land unit contribute strongly to its significance and heritage value. The farmhouse could be an outlying farm associated with the lost medieval settlement to the west (now a Scheduled Monument) adding to its significance.
- 7.26 Historic England have advised they are concerned with regard the proposal's high degree of impact and have defined this as a harmful impact on the significance of the highly graded farmhouse. That significance is derived from its setting, by virtue of the scale and dispersed nature of the proposed structures, there is a degree of harm. Historic England also considers that the proposals could also potentially impact on the nearby Scheduled Monument (located just to the west of the Bradbourne Brook). The Council's Conservation Officer concurs with this view and refers to the Historic England guidance on setting which includes the following advice:-
- 7.27 *When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number. (Historic England – The Setting of Heritage Assets)*
- 7.28 The NPPF defines setting as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"* (NPPF, Annex 2: Glossary).
- 7.29 Whilst the entire historic unit of land relating to the farmhouse is of significance to its setting, the southern field ('restored grazing meadow') is considered to be an important contributory element of the setting of the Grade II * farmhouse. It represents an intrinsic part of the physical surroundings and is important in the experience of, and approach to, the highly graded heritage asset. This land has been managed over time to present the undulating natural landform that contributes to the setting of the listed building. In this regard, it is considered that the proposed car park (and its access road) to be located within this field, on elevated land, creates an intrusion that is harmful to the setting.
- 7.30 With regard to the other proposals forming part of this application, it is the degree of their substantial scale (as stated by Historic England) and the physical and visual permanency of the units of accommodation, their level and type of infrastructure required together with the impact of construction and groundworks relating to the footprint and area that each unit occupies. It is considered that these intrusive impacts would result in harm to the surrounding historic landscape in which the heritage asset is set and experienced. Each unit has significant sections of decking and associated infrastructure on which they are sited and in order to provide the level of accommodation required for this type of 'glamping'. They are all self-contained with toilet facilities provided and outdoor decking space and it is this level of infrastructure that adds significantly to altering the existing, historic, landscape setting. New hedge screening and tree planting around these decking areas is

not considered to sufficiently mitigate the impact as the introduction of formal landscaping with dispersed tree planting would not be similar to how the land would evolve naturally being introduced simply to screen development. The 'burrow' proposal would involve significant ground excavation in which to create and form it, changing the landform as a result and the 'safari tents' would also require significant areas of land to be levelled for their bases to be constructed. Each unit would also require footpaths to be created/formed with the resultant impact on the landscape. The 'tree house', 'yurt', 'pigeon loft' and 'shepherds hut' all include significant areas of decking to provide outdoor spaces and facilities to compliment this level of 'glamping' accommodation. Therefore, when assessing all the proposed accommodation and the associated development and infrastructure required this is, individually and cumulatively, considered to be harmful to the setting of the grade II* heritage asset.

- 7.31 The degree of harm is considered to be less than substantial with a high level of harm to the significance of the asset at this scale. NPPF paragraph 202 advises that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*". The public benefits of the provision of eight units of accommodation with the resultant impacts of increased tourism in the area and employment in terms of the construction and servicing of accommodation when occupied are considered to be relatively limited. Whilst the content of the letter of support from Marketing Peak District and Derbyshire is noted in the respect that tourism is important to the area, this does not outweigh the harm identified to the significance of this highly graded heritage asset. On this basis, the proposed development is considered to be harmful to the setting of the grade II* listed building, contrary to Policy PD2 and NPPF paragraph 202.

Highway safety

- 7.32 The applicants have undertaken a speed survey and provided a visibility splay diagram. The Local Highway Authority has accepted the results of the survey and note that the provision of the emerging and forward visibility splays in the southerly direction would require extensive clearance of vegetation. Therefore, whilst it has been demonstrated that the visibility splay can be achieved it would have a resultant impact in the lowering or removal of a 140m section of hedgerow with the widest section 6.2m in depth on the opposite side of the B5056. This is a significant section of hedgerow that would require removal or lowering to 0.6m which would have an impact on the landscape of the immediate area (as assessed in paragraph 7.22) and would make the lower land adjacent to the brook where the tents area proposed much more visible from the road. Therefore, whilst the visibility splay can be achieved as it is within the control of the applicant it is not without further impacts on landscape.
- 7.33 Whilst the site is not connected to existing sustainable transport modes, as examined within the first section of this Committee Report, the Local Highway Authority has concluded that taking account of the additional survey information they are now satisfied that the applicant has addressed the original concerns and subject to suitable conditions, a highway objection in terms of highway safety is not considered to be sustainable.

Other matters

- 7.34 In terms of the impact of the development on protected species Derbyshire Wildlife Trust consider that the issues relating to bats have been addressed through the separate application for the barn conversion. Overall they recognise the opportunities that the proposals provide for enhancement of the site, including restoration of the orchard and areas of grassland, along with new planting and species enhancements. The Trust consider the proposed layout acceptable in terms of ecological impacts and it appears

that the scheme design has been sensitively designed to retain ecological features and areas of highest value. The proposal is considered in accordance with Policy PD3.

- 7.35 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. Whilst no details submitted have been submitted to consider the requirements of Policy PD7, as measures to mitigate the impact of the development could be controlled via condition, the lack of consideration in this respect is not considered to be sufficient to warrant a reason for refusal on its own merits.
- 7.36 It is considered that given the isolated location of the site, significantly detached from any neighbouring residential properties the proposed development is compatible with neighbouring land uses and would not result in a significant loss of privacy or amenity for the occupants of neighbouring properties in accordance with Policy PD1.

Conclusion

- 7.37 The development of new build holiday units, in this otherwise remote and unsustainable location within the countryside, would promote an unsustainable form of rural tourism where users of the facility would be heavily reliant on the private motor vehicle for access.
- 7.38 The proposed car park on elevated land that does not benefit from any existing screening would be highly visible from the road and clearly visible from within the valued landscape of the National Park, representing a detrimental encroachment and intrusion in the landscape. The safari tents would be viewed in context with the National Park, negatively impacting upon the landscape, exacerbated by the required excessive hedgerow removal. Each unit is proposed with a significant level of infrastructure and insufficient information has been provided to assess the degree of harm to the retained trees. A significant section of hedgerow would require removal or lowering to 0.6m which would have an impact on the landscape of the immediate area and would make the lower land adjacent to the brook where the tents area proposed much more visible from the road with the resultant negative impact on landscape.
- 7.39 The proposed accommodation and the associated development and infrastructure required is considered, individually and cumulatively, to be harmful to the setting of the grade II* heritage asset.
- 7.40 Taking the above into consideration the application does not satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for refusal.

8. RECOMMENDATION

That planning permission be refused for the following reason(s);

1. The proposal is in a remote rural location not served by public transport such that visitors would be wholly reliant on the private car to access the facility. The proposal as such is an unsustainable form of rural tourism contrary to Policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).
2. The proposed development by reason of the degree of permanency and scale of the accommodation, their level and type of infrastructure required to install them and their

physical and visible impacts, constitutes harm to the setting and context of the grade II* listed building and the surrounding landscape in which the heritage asset is experienced. It is considered that the level of harm would be less than substantial harm to the heritage asset, however, the limited public benefit of local tourism revenue and associated employment would not outweigh the identified harm, contrary to Policy PD1, PD2 and NPPF paragraph 202.

3. The proposed elevated car park within the southern field and safari tents would represent an encroachment and visual intrusion in the landscape visible from within and in context with the valued landscape of the National Park, at odds with the otherwise rural and undeveloped character of this land thereby detracting from the setting of the National Park. Furthermore the scale and permanency of the structures and associated infrastructure across the whole site along with the significant loss of hedgerow to achieve highway visibility, which would exacerbate the visibility of new development, are considered to the harm to the character and appearance of the countryside and wider setting of the National Park. As such the proposal is contrary to Policies S4, PD1, PD5 and NPPF paragraphs 174 and 176.
4. Insufficient information has been supplied with regard the impacts on the trees from the accommodation and associated infrastructure to ensure they can be safety retained within the landscape, contrary to Policy PD5 and PD6.

9.0 NOTES TO APPLICANT:

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

The Town and Country Planning (Fees for Applications, 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.

This decision notice relates to the following documents:

Site Plan Scale 1/2500

LP001 Rev A

210136.43-01 Rev A

001/HHF – SBTCS

001/HHF-PSLP

Safari tents, treehouse, pigeon loft, burrow, yurt, shepherd's hut and workshop building plans

Transport Assessment by TTC Limited dated 31 March 2021

Design and Access Statement

Ecological Assessment

Landscape and Visual Impact Assessment

Glamping Accommodation Specification document

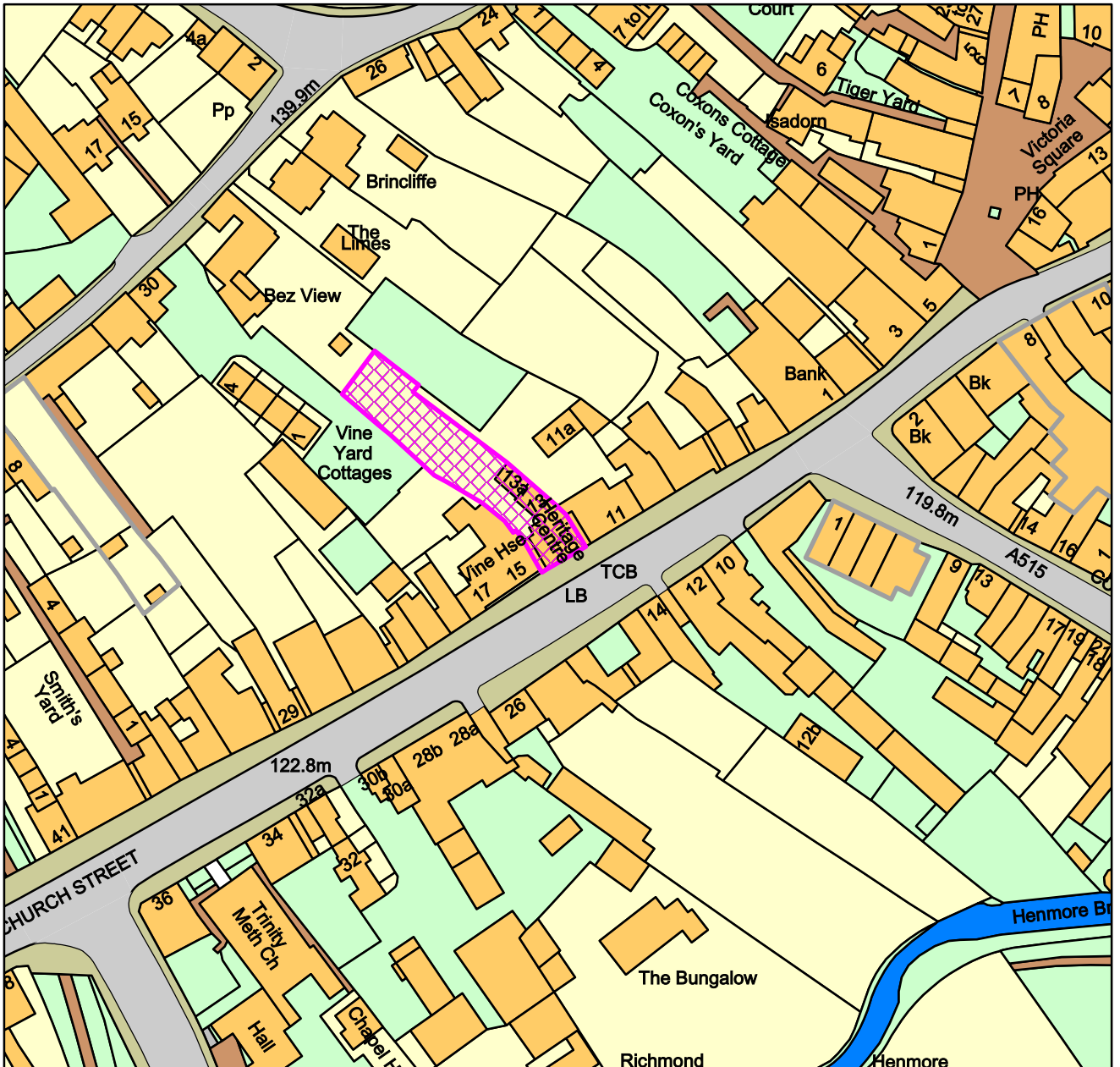
APPLICATION NUMBER		21/00151/FUL	
SITE ADDRESS:		13A Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Retention of roof mounted solar panels	
CASE OFFICER	Dr Mark Askey	APPLICANT	Ms Elizabeth Smail
PARISH/TOWN	Ashbourne	AGENT	
WARD MEMBER(S)	Cllr S Bull Cllr S Lees	DETERMINATION TARGET	16 th July 2021
REASON FOR DETERMINATION BY COMMITTEE	Considered sensitive by the Development Manager	REASON FOR SITE VISIT (IF APPLICABLE)	Not necessary. The application seeks retrospective planning permission and the impact of the works can be assessed from the photographs included in this report.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The impact of the works on heritage assets - The public benefits to be derived from the works

RECOMMENDATION
That Planning Permission be Refused

21/00151/FUL & 21/00152/LBALT

13A Church Street, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 02/09/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

1.1 13 Church Street, Ashbourne (which includes 13A) is a grade II listed building (listed 1951) within the Ashbourne Conservation Area. The property dates from the early 19th century with later 19th century alterations and additions. It is of brickwork construction, with a moulded eaves and clay tiles and generally three-storeys in height. The windows to the front elevation have moulded key blocks and lintels. The main doorway has a stuccoed Roman arched door case with moulded archivolt.



2.0 DETAILS OF THE APPLICATION

2.1 An application for Planning Permission has been received for the following works:

- Retention of Solar PV roof panels (as show in photographs 1 and 2 above).

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
S3: Development Within Defined Settlement Boundaries
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD7: Climate Change

Other:

2. National Planning Policy Framework (2021) - Conserving and Enhancing the Historic Environment
National Planning Practice Guidance
Ashbourne Conservation Area Appraisal
Climate Change Supplementary Planning Document (2021)

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 No objections.

6.0 REPRESENTATIONS RECEIVED

- 6.1 None.

7.0 OFFICER APPRAISAL

- 7.1 In late September 2019 the applicant wrote to the Local Planning Authority advising that they intended to install solar panels on their listed building to help tackle the climate change emergency.
- 7.2 In early October 2019 the Local Planning Authority responded with clear advice advising of the need to secure both planning permission and listed building consent before any installation was carried out and advising that carrying out works without securing the requisite consent and permission would open the owner up to prosecution proceedings.
- 7.3 Notwithstanding the prompt reply from the Local Planning Authority the applicant proceeded to install the solar PV panels to the roof of the listed building without making an application for or obtaining the necessary Listed Building Consent or Planning Permission.
- 7.4 The Local Planning Authority in light of this clear disregard for their advice and the legislation was left with little option but to pursue removal of the panels / prosecution .Following the instigation of legal proceedings it has been agreed by the parties that these legal proceedings be paused to allow the applicant the opportunity to apply retrospectively for the installation of the solar PV panels to the listed building. Retrospective applications for Listed Building Consent & Planning Permission were received on 8 February 2021.

Retrospective Works –

Significance:

- 7.5 The property was included on the List of Buildings of Special Architectural or Historic Interest in 1951 and given the grading of II. This is an early listing ('listing' being established in 1947) and recognises the architectural interest of the building within the historic town of Ashbourne. The property is also included in the Ashbourne Conservation Area (designated 1968), being one of the first tranche of conservation areas to be designated in England (following the Civic Amenities Act of 1967) and important for the national recognition of Ashbourne as one of the finest Georgian towns in the Midlands.

- 7.6 The property is an impressive and imposing piece of architecture dating from the late 18th century and follows the Classical architectural design, form, proportion and detailing of the period. It has an elevated front elevation to Church Street, the main doorway being accessed by a staircase and the door having a semi-circular arched opening with recessed door. The front windows are all multi-paned sashes set within decorative skewed keystone lintels and cills. The main elevation has a moulded eaves and roof with coped verges and kneelers. Pedestrian access to the rear is via a side door and passageway. The rear of the building is generally three-storeys and is of Georgian & Victorian date. The roofs are all laid with clay tiles.
- 7.7 The property was undoubtedly built as a town residence for a wealthy family (believed to be for William Ellam, a local tobacco & snuff manufacturer), most probably on the site of an earlier, late medieval, property (probably designed by an architect (unknown) who was fully aware of the most fashionable architectural style, form and detailing of the time). As part of the detailed assessment & analysis of the town for the Character Appraisal of 2012, the medieval layout of the town was studied and its existing and lost burgage plots were identified and recognised as a fundamental & significant part of the morphology of the town's development and intrinsic to its character and appearance. No 13 Church Street occupies one of these, slightly curving, medieval burgage plots and this ancient layout of the town has dictated the general form and character of the rear development of the buildings along the principal road network that formed the core of the laid out town. Furthermore, and of particular historic and social significance to the town layout of Ashbourne, are the numerous yards, alleys and gennels providing access ways and connections throughout the town. These were all identified and recognised as part of the Character Appraisal of 2012. In the introduction to the Character Appraisal there is a 'summary of important townscape features' which includes the following – 'high quality architecture throughout the Conservation Area' and 'interesting array of roofs, chimneystacks and pots which can be viewed from many vantage points'. The Appraisal also notes that 'Ashbourne displays a unified and holistic character. The building development is tightly knitted into the framework of the town, generally along main arterial routes. Panoramic views spread out from the higher vantage points, across the rooftops and chimneys and gardens of the town to the valley and hills beyond'.
- 7.8 As a medieval planned town, altered and greatly re-fashioned in the Georgian and early Victorian period, Ashbourne has and retains a unique character and appearance. This is not only in its formal and imposing street facades but of equal importance and significance are the rear of the buildings lining the principal roads. Church Street is the main & principal through-fare and almost all of the buildings, to both sides are statutorily protected. Through the numerous yards, alleys and gennels almost all parts of the townscape can be explored and viewed. This reveals the rear of properties and their less formalised architecture and service wings, ranges and buildings. Individually and cumulatively these numerous and often closely arranged and grouped rear parts of the historic buildings contribute significantly to the special character and appearance of the listed buildings and the Conservation Area.

Works undertaken –

- 7.9 On the clay tiled, dual, roof of the north-western part of the rear range to the listed building fourteen (14) solar PV panels have been installed over the roof covering. On the south-west roof slopes seven panels have been arranged comprising a block of two (to one part of the roof), a block of four (to another part of the roof) and a single panel adjacent to the block of four. On the north-eastern roof slopes seven panels have been arranged comprising a block of six (to one part of the roof) and a single panel to another part of the roof. The panels are all secured/attached by proprietary brackets through the roof and each panel is 1.64m long x 992mm wide (and a thickness of 35mm). The panels all have a silver/aluminium edging strip.

Assessment & Conclusions -

- 7.10 Local Plan Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance, and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. Policy PD2 also requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. Local Plan Policy PD7 (Climate Change) states that renewable/low carbon energy development proposals should demonstrate: a) the impact of the scheme, together with any cumulative impact...on landscape character, visual amenity, water quality and flood risk, the historic environment and heritage assets as well as their setting and biodiversity; and b) evidence that the scheme has been designed and sited to minimise any adverse impact on the surrounding area. In the Council's adopted Supplementary Planning Document on Climate Change it states clearly that with regard to renewable/low carbon energy development proposals that 'care must be taken to minimise their visual impact'.
- 7.11 With regard to the installation of the solar PV panels, the principal issues are to consider & assess their impact(s) and whether the works as undertaken preserve the listed building, or any feature of special architectural or historic interest that it possesses, and whether the works as undertaken preserve or enhance the character and appearance of the Ashbourne Conservation Area.
- 7.12 Whilst the solar panels have been placed on two roof slopes to the rear of the listed building they are visible from Vine Yard and glimpses from Coxon's Yard as well as from several private apartments to the east. As outlined in the section on 'significance' above, the roofscape of the rear of the listed buildings to Church Street (and elsewhere in the historic town centre), including that to No. 13/13A, contribute significantly to the special character and appearance of the listed buildings and the Conservation Area. Views of this rear roofscape, as seen from Vine Yard, for example, is a conglomeration of historic service wings, ranges and outbuildings which individually and cumulatively present a unique collection of building forms, shapes, roofs and stacks. In this regard, it is considered that these historic roofs, their roofing materials and associated building forms & shapes etc. are significant attributes to the historic character and appearance of the listed buildings and Conservation Area in providing a variety of traditional tones & textures and in their blank, robust and solid forms. Whilst it is noted that some of the roofs contain small rooflights (the application property has three), these, in themselves, do not detract from the overall unity and homogeneity of the roofscape and their predominantly blank, robust and solid forms. No other roofs within the wide visual viewpoint or panorama from, for example, Vine Yard, display solar panels or any other such roof mounted apparatus and in this regard, their visual & physical presence represents an anomaly that draws the eye.
- 7.13 Whilst there are two distinct 'blocks' of panels, arranged on either roof slope, the spread of the panels to a slightly higher roof slope (on each side) and the single panel (SW slope) that is oddly juxtaposed adjacent to the 'block' of panels, coupled with the silver aluminium perimeter framing to the panels, presents an obvious addition to the historic roofs and represents an intrusive and discordant feature to the detriment of the existing architectural character and appearance of the listed building. This addition to the general/overall roofscape of the rear of the properties to this side of Church Street presents a distracting and incongruous element/apparatus into this historic roof scape.

- 7.14 It is considered that the solar panels, as installed, have introduced an alien shape, grouping, texture and reflective quality (even though they are anti-reflective) in place of the existing matt finish, texture and appearance of the clay tiled roof finish. In that regard, the installation significantly disrupts the former robust and solid form of the original form of the roof slopes and their intrinsic matt texture and character.
- 7.15 Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent/Planning Permission for any works/development affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Section 72(1) of the Act states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas'. Furthermore, Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
- 7.16 It is considered that the solar array, as installed, fails to preserve the special architectural interest and significance of the listed building (as an entire entity and its relationship to the adjacent listed buildings) and also fails to preserve (or enhance) the character and appearance of the Ashbourne Conservation Area. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.
- 7.17 Whilst it is acknowledged that the use of solar panels to domestic properties can make a contribution, albeit small, towards reducing a wider reliance on fossil fuels and that this could be considered as a general public benefit (but not a 'heritage benefit' as defined by the NPPG), it is advised that in line with the requirements of the 1990 Act, and NPPF, considerable importance and great weight should be given to the preservation of historic/heritage assets. Taking this statutory duty into account it is considered that the, general, public benefit of the installation, which would be extremely modest, is clearly outweighed by the harm caused, as identified and outlined above. In conclusion, therefore, the works as undertaken fail to preserve the character and special architectural interest of the grade II listed building and fail to preserve or enhance the character and appearance of this part of the Ashbourne Conservation Area.

8.0 RECOMMENDATION

That Planning Permission be refused, for the following reason(s) -

1. The proposal to retain the solar PV panel arrays to the north-east and south-west roof slopes fails to preserve the special architectural interest and significance of this grade II listed building and fails to preserve or enhance the character and appearance of the Ashbourne Conservation Area. It is considered that the level of harm that results would be less than substantial harm to the significance of the designated heritage assets, however this outweighs the limited public benefit that derives from domestic renewable energy generation. As such the proposal is contrary to Policies PD2 and PD7 of the Adopted Derbyshire Dales Local Plan (2017), NPPF Part 16, paragraphs 193 and 196 and DDDC Climate Change Supplementary Planning Document (2021).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner

was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following documents:

Location Plan (1:1250)

Block Plan (1:500)

Photo of Front Elevation of Property

Panel Specification Sheet

NE Elevation (showing panel array)

SW Elevation (showing panel array)

Photos of panel arrays

Design, Access & Heritage Statement (January 2013)

Letter from building contractor (undated)

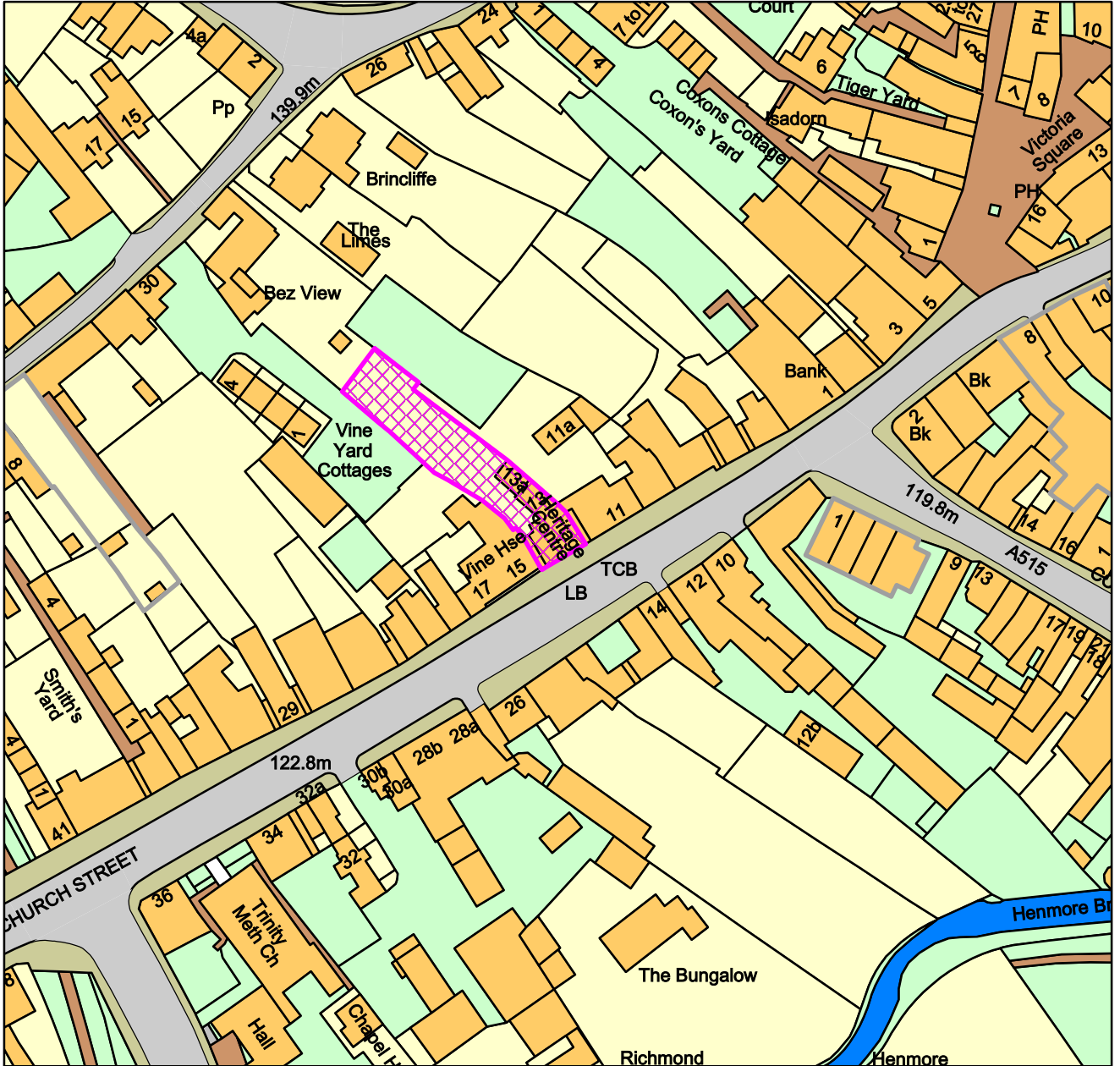
APPLICATION NUMBER		21/00152/LBALT	
SITE ADDRESS:		13A Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Retention of roof mounted solar panels	
CASE OFFICER	Dr Mark Askey	APPLICANT	Ms Elizabeth Smail
PARISH/TOWN	Ashbourne	AGENT	
WARD MEMBER(S)	Cllr S Bull Cllr S Lees	DETERMINATION TARGET	16 th July 2021
REASON FOR DETERMINATION BY COMMITTEE	Considered sensitive by the Development Manager	REASON FOR SITE VISIT (IF APPLICABLE)	Not necessary. The application seeks retrospective consent and the impact of the works can be assessed from the photographs included in this report.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The impact of the works on heritage assets - The public benefits to be derived from the works

RECOMMENDATION
That Listed Building Consent be Refused

21/00151/FUL & 21/00152/LBALT

13A Church Street, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 02/09/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

1.1 13 Church Street, Ashbourne (which includes 13A) is a grade II listed building (listed 1951) within the Ashbourne Conservation Area. The property dates from the early 19th century with later 19th century alterations and additions. It is of brickwork construction, with a moulded eaves and clay tiles and generally three-storeys in height. The windows to the front elevation have moulded key blocks and lintels. The main doorway has a stuccoed Roman arched door case with moulded archivolt.



2.0 DETAILS OF THE APPLICATION

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

- Retention of Solar PV roof panels (as show in photographs 1 and 2 above).

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2021) - Conserving and Enhancing the Historic Environment
2. National Planning Practice Guidance
3. Historic England Advice Note 2 – Making Changes to Heritage Assets (2016)
4. Ashbourne Conservation Area Appraisal

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 No objections.

6.0 REPRESENTATIONS RECEIVED

6.1 None.

7.0 OFFICER APPRAISAL

7.1 In late September 2019 the applicant wrote to the Local Planning Authority advising that they intended to install solar panels on their listed building to help tackle the climate change emergency.

7.2 In early October 2019 the Local Planning Authority responded with clear advice advising of the need to secure both planning permission and listed building consent before any installation was carried out and advising that carrying out works without securing the requisite consent would open the owner up to prosecution proceedings.

7.3 Notwithstanding the prompt reply from the Local Planning Authority the applicant proceeded to install the solar PV panels to the roof of the listed building without making an application for or obtaining the necessary Listed Building Consent or Planning Permission.

7.4 The Local Planning Authority in light of this clear disregard for their advice and the legislation was left with little option but to pursue removal of the panels/prosecution. Following the instigation of legal proceedings it has been agreed by the parties that these legal proceedings be paused to allow the applicant the opportunity to apply retrospectively for the installation of the solar PV panels to the listed building. Retrospective applications for Listed Building Consent & Planning Permission were received on 8 February 2021.

Retrospective Works -

Significance:

7.5 The property was included on the List of Buildings of Special Architectural or Historic Interest in 1951 and given the grading of II. This is an early listing ('listing' being established in 1947) and recognises the architectural interest of the building within the historic town of Ashbourne. The property is also included in the Ashbourne Conservation Area (designated 1968), being one of the first tranche of conservation areas to be designated in England (following the Civic Amenities Act of 1967) and important for the national recognition of Ashbourne as one of the finest Georgian towns in the Midlands.

7.6 The property is an impressive and imposing piece of architecture dating from the late 18th century and follows the Classical architectural design, form, proportion and detailing of the period. It has an elevated front elevation to Church Street, the main doorway being accessed by a staircase and the door having a semi-circular arched opening with recessed door. The front windows are all multi-paned sashes set within decorative skewed keystone lintels and cills. The main elevation has a moulded eaves and roof with coped verges and kneelers. Pedestrian access to the rear is via a side door and passageway. The rear of the building is

generally three-storeys and is of Georgian & Victorian date. The roofs are all laid with clay tiles.

- 7.7 The property was undoubtedly built as a town residence for a wealthy family (believed to be for William Ellam, a local tobacco & snuff manufacturer), most probably on the site of an earlier, late medieval, property (probably designed by an architect (unknown) who was fully aware of the most fashionable architectural style, form and detailing of the time). As part of the detailed assessment & analysis of the town for the Character Appraisal of 2012, the medieval layout of the town was studied and its existing and lost burgage plots were identified and recognised as a fundamental & significant part of the morphology of the town's development and intrinsic to its character and appearance. No 13 Church Street occupies one of these, slightly curving, medieval burgage plots and this ancient layout of the town has dictated the general form and character of the rear development of the buildings along the principal road network that formed the core of the laid out town. Furthermore, and of particular historic and social significance to the town layout of Ashbourne, are the numerous yards, alleys and gennels providing access ways and connections throughout the town. These were all identified and recognised as part of the Character Appraisal of 2012. In the introduction to the Character Appraisal there is a 'summary of important townscape features' which includes the following – 'high quality architecture throughout the Conservation Area' and 'interesting array of roofs, chimneystacks and pots which can be viewed from many vantage points'. The Appraisal also notes that 'Ashbourne displays a unified and holistic character. The building development is tightly knitted into the framework of the town, generally along main arterial routes. Panoramic views spread out from the higher vantage points, across the rooftops and chimneys and gardens of the town to the valley and hills beyond'.
- 7.8 As a medieval planned town, altered and greatly re-fashioned in the Georgian and early Victorian period, Ashbourne has and retains a unique character and appearance. This is not only in its formal and imposing street facades but of equal importance and significance are the rear of the buildings lining the principal roads. Church Street is the main & principal through-fare and almost all of the buildings, to both sides are statutorily protected. Through the numerous yards, alleys and gennels almost all parts of the townscape can be explored and viewed. This reveals the rear of properties and their less formalised architecture and service wings, ranges and buildings. Individually and cumulatively these numerous and often closely arranged and grouped rear parts of the historic buildings contribute significantly to the special character and appearance of the listed buildings and the Conservation Area.

Works undertaken –

- 7.9 On the clay tiled, dual, roof of the north-western part of the rear range to the listed building fourteen (14) solar PV panels have been installed over the roof covering. On the south-west roof slopes seven panels have been arranged comprising a block of two (to one part of the roof), a block of four (to another part of the roof) and a single panel adjacent to the block of four. On the north-eastern roof slopes seven panels have been arranged comprising a block of six (to one part of the roof) and a single panel to another part of the roof. The panels are all secured/attached by proprietary brackets through the roof and each panel is 1.64m long x 992mm wide (and a thickness of 35mm). The panels all have a silver/aluminium edging strip.

Assessment & Conclusions –

- 7.10 With regard to the installation of the solar PV panels, the principal issues are to consider & assess their impact(s) and whether the works as undertaken preserve the listed building, or any feature of special architectural or historic interest that it possesses, and whether the works as undertaken preserve or enhance the character and appearance of the Ashbourne Conservation Area.

- 7.11 Whilst the solar panels have been placed on two roof slopes to the rear of the listed building they are visible from Vine Yard and glimpses from Coxon's Yard as well as from several private apartments to the east. As outlined in the section on 'significance' above, the roofscape of the rear of the listed buildings to Church Street (and elsewhere in the historic town centre), including that to No. 13/13A, contribute significantly to the special character and appearance of the listed buildings and the Conservation Area. Views of this rear roofscape, as seen from Vine Yard, for example, is a conglomeration of historic service wings, ranges and outbuildings which individually and cumulatively present a unique collection of building forms, shapes, roofs and stacks. In this regard, it is considered that these historic roofs, their roofing materials and associated building forms & shapes etc. are significant attributes to the historic character and appearance of the listed buildings and Conservation Area in providing a variety of traditional tones & textures and in their blank, robust and solid forms. Whilst it is noted that some of the roofs contain small rooflights (the application property has three), these, in themselves, do not detract from the overall unity and homogeneity of the roofscape and their predominantly blank, robust and solid forms. No other roofs within the wide visual viewpoint or panorama from, for example, Vine Yard, display solar panels or any other such roof mounted apparatus and in this regard, their visual & physical presence represents an anomaly that draws the eye.
- 7.12 Whilst there are two distinct 'blocks' of panels, arranged on either roof slope, the spread of the panels to a slightly higher roof slope (on each side) and the single panel (SW slope) that is oddly juxtaposed adjacent to the 'block' of panels, coupled with the silver aluminium perimeter framing to the panels, presents an obvious addition to the historic roofs and represents an intrusive and discordant feature to the detriment of the existing architectural character and appearance of the listed building. This addition to the general/overall roofscape of the rear of the properties to this side of Church Street presents a distracting and incongruous element/apparatus into this historic roofscape.
- 7.13 It is considered that the solar panels, as installed, have introduced an alien shape, grouping, texture and reflective quality (even though they are anti-reflective) in place of the existing matt finish, texture and appearance of the clay tiled roof finish. In that regard, the installation significantly disrupts the former robust and solid form of the original form of the roof slopes and their intrinsic matt texture and character.
- 7.14 Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent/Planning Permission for any works/development affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Section 72(1) of the Act states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas'. Furthermore, Paragraph 199 of the NPPF (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
- 7.15 It is considered that the solar array, as installed, fails to preserve the special architectural interest and significance of the listed building (as an entire entity and its relationship to the adjacent listed buildings) and also fails to preserve (or enhance) the character and appearance of the Ashbourne Conservation Area. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.
- 7.16 Whilst it is acknowledged that the use of solar panels to domestic properties can make a contribution, albeit small, towards reducing a wider reliance on fossil fuels and that this could

be considered as a general public benefit (but not a 'heritage benefit' as defined by the NPPG), it is advised that in line with the requirements of the 1990 Act, and NPPF, considerable importance and great weight should be given to the preservation of historic/heritage assets. Taking this statutory duty into account it is considered that the, general, public benefit of the installation, which would be extremely modest, is clearly outweighed by the harm caused, as identified and outlined above. In conclusion, therefore, the works as undertaken fail to preserve the character and special architectural interest of the grade II listed building and fail to preserve or enhance the character and appearance of this part of the Ashbourne Conservation Area.

8.0 RECOMMENDATION

That Listed Building Consent be refused for the following reason.

1. The proposal to retain the solar PV panel arrays to the north-east and south-west roof slopes to the listed building fails to preserve the special architectural interest and significance of this grade II listed building and fails to preserve or enhance the character and appearance of the Ashbourne Conservation Area. It is considered that the level of harm that results is less than substantial harm to the significance of the heritage assets, however this outweighs the limited public benefit that derives from the domestic generation of renewable energy. As such, the proposals are contrary to the National Planning Policy Framework - 2019 (Conserving and Enhancing the Historic Environment) and the National Planning Policy Guidance.

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Location Plan (1:1250)

Block Plan (1:500)

Photo of Front Elevation of Property

Panel Specification Sheet

NE Elevation (showing panel array)

SW Elevation (showing panel array)

Photos of panel arrays

Design, Access & Heritage Statement (January 2013)

Letter from building contractor (undated)

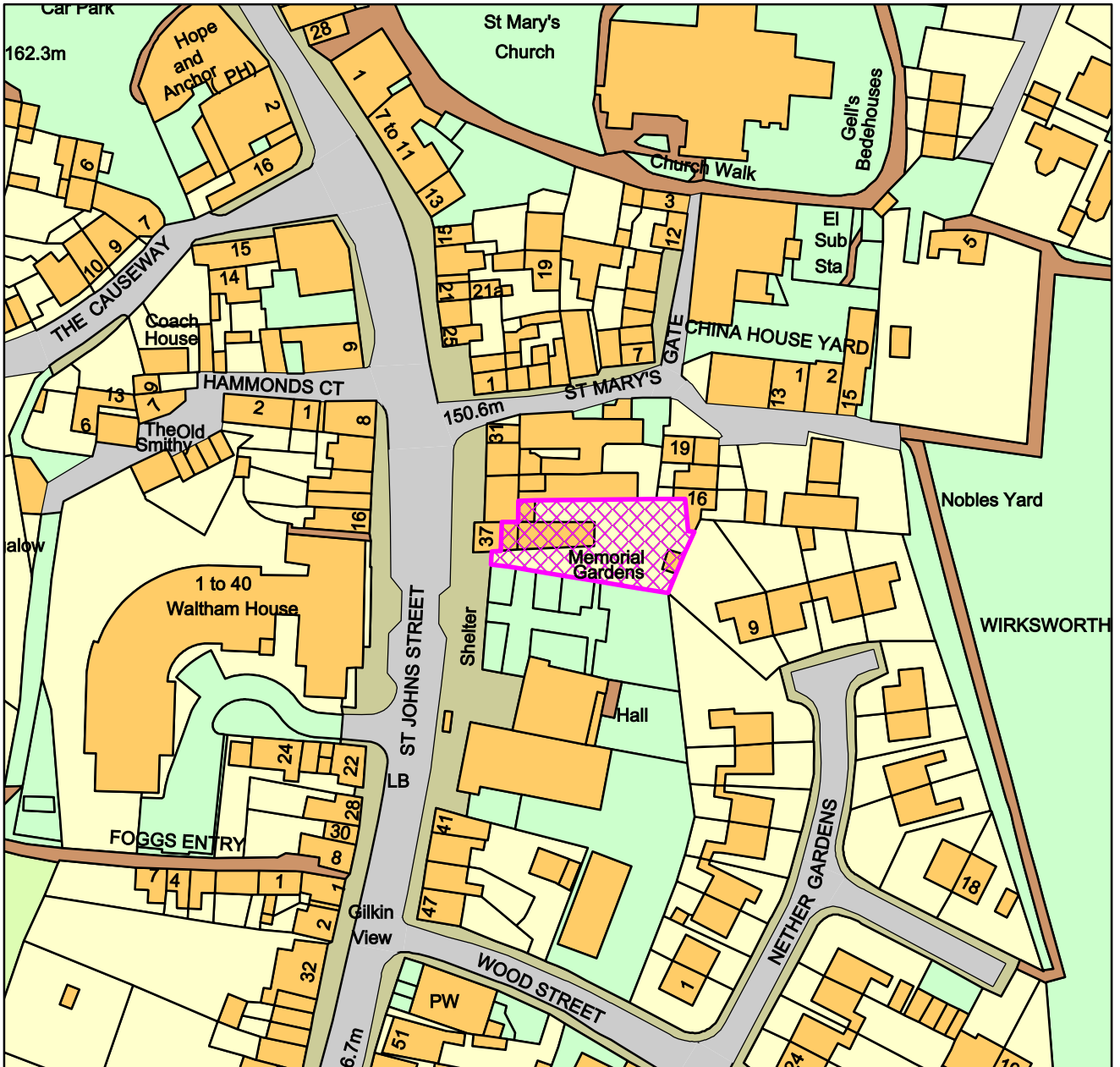
APPLICATION NUMBER		21/00311/FUL	
SITE ADDRESS:		37A St John Street, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Solar Panels, housing for smart meter and erection of shed	
CASE OFFICER	Sarah Arbon	APPLICANT	Miss A McLaren
PARISH/TOWN	Wirksworth	AGENT	
WARD MEMBER(S)	Cllr P Slack Cllr M Radcliffe	DETERMINATION TARGET	21 st May 2021
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Slack	REASON FOR SITE VISIT (IF APPLICABLE)	Members visited the site on the 12 th July 2021

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

RECOMMENDATION
Refusal

21/00311/FUL & 21/00312/LBALT

37A St John Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 02/09/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

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



2.0 DETAILS OF THE APPLICATION

- 2.1 This application was deferred at committee on the 13th July 2021 with the following resolution:

That consideration of this application be deferred for negotiations with Officers with a view to modifying the proposal to try and safeguard the special architectural interest and significance of the listed building and the character and appearance of the Wirksworth Conservation Area and avoid harm to a designated heritage asset.

- 2.2 The applicant has proposed two different options as an amendment to the original submission for the installation of 14 No solar panels on both of the south facing roofs slopes of the property. Option A proposes five solar panels on the higher roof of the main listed building and option B proposes nine panels on the lower roof slope. Planning permission is therefore sought for either option and no longer the total number of 14 panels as this was previously considered by committee. Permission is also sought for a new timber shed to the rear garden measuring 1.9m x 0.7m x 1.5m

- 2.2 Either five panels on the higher roof (option A) or nine panels on the lower roof (option B) are proposed attached to the roof to the south facing roof slopes of the listed building, mounted on brackets affixed through the roof covering. The panels are to have an anti-reflective finish and black edgings/frames.
- 2.3 The small timber garden shed is proposed adjacent to the boundary wall on the northern boundary and enclosed by the building to the west and south.
- 2.4 The ground source heat pump referred to in the original description of development is permitted development and does not require planning permission.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S2: Settlement Hierarchy
 - S3: Development within Defined Settlement Boundaries
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - PD7: Climate Change
2. Wirksworth Neighbourhood Plan 2015
NP17: Upgrading existing buildings
3. Wirksworth Conservation Area Appraisal
4. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

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

5.0 CONSULTATION RESPONSES

Wirksworth Parish Council

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

Design and Conservation Officer (Derbyshire Dales)

- 5.2 The proposal would be visible from the public realm and would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed

building and would also fail to preserve the character and appearance of the Wirksworth Conservation Area. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Cllr P Slack

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

6.0 REPRESENTATIONS RECEIVED

- 6.1 A petition of support was received since the 13th July committee meeting which has 97 signatures (59 of which have provided a Wirksworth address). The petition sets out the Council's stance on panels appearing alien on the listed building and makes the case that panels would work in combination with the ground source heat pump to make the building carbon neutral. It also states there are other examples of solar panels being approved on listed / heritage buildings in Derbyshire Dales and beyond, and if approved, this could be a landmark case for Wirksworth, showing how progressive and sustainable the Council can be.

Wirksworth Civic Society

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

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

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

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

- a) That the panels be confined to the lower, clay-tiled roof AND
- b) That the type of panel be changed to a product which is fitted flush with the roof plane and replaces the tiles from the same area, thus avoiding upstanding

mounting legs required. (A model of this product can be seen from Water Lane in Wirksworth on a refurbished house).

7.0 OFFICER APPRAISAL

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

- Principle of development
- Impact on Heritage Assets

7.2 Policy PD7 supports the generation of energy from renewable or low-carbon sources provided that the installation would not have significant adverse impact (either alone or cumulatively) and promoting energy and water efficiency and the use of renewable / low carbon energy through retro-fitting or refurbishment of existing buildings. It goes on to state that proposals should demonstrate: the impact of the scheme on visual amenity; the historic environment and heritage assets as well as their settings; it has been designed and sited to minimise any adverse impact on the surrounding area and direct benefits to the area and local community.

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

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

7.4 Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.

7.5 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a Design, Access and Heritage Statement which assesses the significance of the asset as medium taking account of Historic England Guidance and mentions the Key Issues in the Local Plan, Wirksworth Neighbourhood Plan and Wirksworth Conservation Plan.

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

7.7 The principal issues are to consider and assess their impact(s) and whether the proposal would preserve the listed building, or any feature of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the character and appearance of the Wirksworth Conservation Area. The property is a grade II listed building,

dated 1719, with later alterations, located prominently within this part of the Conservation Area. The submitted DAHS identifies the weighting of significance for this property and categorises it as “*Medium: Grade II Listed Buildings/ Conservation Areas containing buildings that contribute significantly to its historic character*”.

- 7.8 The proposed solar panels are to be located on the south facing roof slopes to the listed building. The property can be seen in views from the public realm from St John Street and from the adjacent Memorial Gardens. Whilst the tree provides some concealment, from certain viewpoints, the property remains visible. The south facing roof slopes of the property are prominent and are architecturally significant elements of the listed building. Roofs and roofing materials are significant attributes to the character and appearance of the Conservation Area in providing a variety of traditional tones and textures and in their blank, robust and solid forms. Whilst the proposed solar panels are to be slim profile, black framed, have an anti-reflective finish and would be reversible they would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. It is also of significance that in 360 degree views adjacent and within the vicinity to the property no other roofs within that view have solar panels installed on their roofs. In this regard, the proposed solar panels would be exceptional and anomalous.
- 7.9 It is considered that whilst the proposed solar panel array has some positive aspects to its design and installation the presence of the solar array on either the higher roof slope or the lower roof slopes to the listed building would introduce a visually apparent alien shape and texture in place of the existing matt finish, texture and appearance of the slated and tiled roof coverings and would visually disrupt the robust solid form of the roof slopes. Option A would introduce five panels to the higher roof slope of the main stone listed building which is prominent from the main street in short distance views as there is some screening by the tree. Whilst, this option does offer the reduction of the nine panels on the lower roof slope and thus a reduced impact the level of harm remains at a level that cannot be supported by officers. Option B proposes nine panels on the lower roof slope which is visible from long distance views from the south and is visible above the boundary wall adjacent to the Memorial Gardens. This option offers a reduction in the five panels, however, the amount of panels means that the majority of the roof slope is covered and is visible when entering the centre of Wirksworth from the south. On this basis, this option also is at a level of harm that cannot be supported by officers.
- 7.10 Appeal decisions for solar panels either on listed buildings or affecting their setting have been assessed. The Inspector in an appeal decision dated January 2020 (APP/W0530/W/3230069) stated that “*the black panels would have a shinier finish than the surrounding roof tiles and would undoubtedly be a modern and incongruous intervention to the roof slope*”. An Inspector for an appeal in Morpeth (APP/P2935/Y/15/3139639) stated that the difference in appearance of the panels from the existing roof tiles “makes them stand out as modern, incongruous additions which draw the eye, harmful to the historic character of the listed building on which they are sited”. In this appeal the array would be visible for public vantage points and states that setting of a heritage asset is the surroundings in which the asset is experienced. The proposed array would be highly visible from the Memorable Gardens and the main street in the centre of Wirksworth.
- 7.11 Furthermore in an appeal decision in Northampton the Inspector states “the significance of the barn and stables lies in their architectural interest which along with their attractive village setting makes a positive contribution to the general area”. This is true of the application property which sits in a prominent location where its historic interest includes its group value where roof materials are traditional.

- 7.12 Paragraph 193 of the NPPF (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building and would also fail to preserve the character and appearance of the Wirksworth Conservation Area. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.
- 7.13 The submitted reports are based on the fourteen panels originally proposed and states the energy generation would be 4KW at peak times, sufficient to power the Ground Source Heat Pump (GSHP) proposed as part of the Listed Building Consent and other household appliances as well as providing opportunity to sell back excess power to the grid. Power optimisers within the panels would maximise efficiently when in shade. The estimated monthly energy graph submitted indicates that solar energy production would exceed consumption for 7 months of the year and the company estimates that 71% of the production could be exported with a CO2 saving of 1.25t. It is clear that a public benefit of the panels would be to make a contribution to the production of renewable energy and lowering carbon emissions. However, in this instance the very minor contribution to national targets in favour of sustainable energy generation would produce a very modest public benefit. Therefore due to the significance of the heritage asset affected, this benefit would be outweighed by the harm identified. On this basis, the solar panels are not considered acceptable, contrary to Policies PD2 and PD7.
- 7.14 A new timber shed proposed to be located in the rear garden which is enclosed within the garden and would be located against the garden boundary wall (and not attached/against the listed building). It is to be relatively small in scale and form. Details of its proposed finish have not been submitted and it is considered that it should be painted or (opaque) stained a dark, recessive, colour which can be controlled by condition. This part of the proposal is considered to be acceptable and accords with Policies PD1 and PD2.
- 7.15 The proposed electric meter housing (steel meter box painted green) located on the south elevation of the property is considered to be acceptable in constituting no adverse harm to the overall significance of the listed building.

Conclusion

- 7.16 The applicants' amended submissions have sought to reduce the overall coverage of solar panels through presenting two options to address the reason why the scheme was previously deferred. Whilst this reduced coverage in either option presents a slight lessening of the impact the remaining panels would still have a harmful impact on the heritage assets which outweighs the public benefit and therefore the officer recommendation remains one of refusal.

8.0 RECOMMENDATION

That planning permission be refused for the following reason.

The proposed solar panels on either the higher or lower southern roof slopes of this listed building would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings, thereby failing to preserve the special architectural interest and significance of the listed building and the character and appearance of the Wirksworth Conservation Area. It is considered that the level of harm would be less than substantial harm to the significance of a designated heritage assets whereby the limited public benefit of

renewable energy generation would not outweigh the harm, contrary to Policies PD2 and PD7 of the Adopted Derbyshire Dales Local Plan, Policy NP17 of the Wirksworth Neighbourhood Plan 2015 and NPPF paragraphs 193 and 196.

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Plan no's 1148-2/P01 A, P07A, Amended drawing A, Amended Drawing B and P10A

Photo Survey

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

Historic Building Appraisal

Design, Access and Heritage Statement

Trigen letter dated 28/9/2020

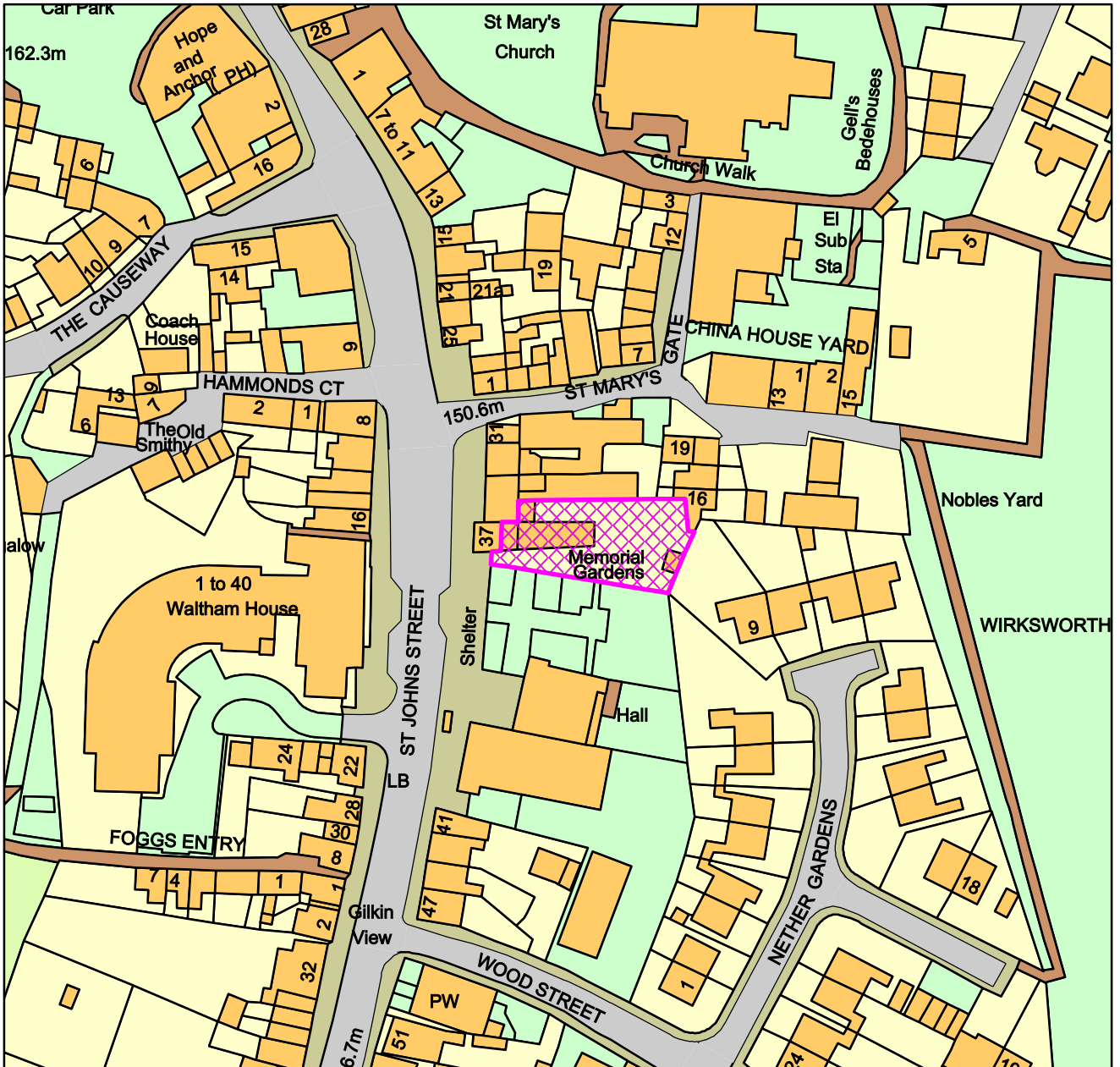
APPLICATION NUMBER		21/00312/LBALT	
SITE ADDRESS:		37A St John Street, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations to facilitate renewable energy equipment/infrastructure	
CASE OFFICER	Sarah Arbon	APPLICANT	Miss A McLaren
PARISH/TOWN	Wirksworth	AGENT	
WARD MEMBER(S)	Cllr P Slack Cllr M Radcliffe	DETERMINATION TARGET	3 rd May 2021
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Slack	REASON FOR SITE VISIT (IF APPLICABLE)	Members visited the site on the 12 th July 2021

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

RECOMMENDATION
Refusal

21/00311/FUL & 21/00312/LBALT

37A St John Street, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 02/09/2021

100019785

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

1.0 THE SITE AND SURROUNDINGS

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



2.0 DETAILS OF THE APPLICATION

- 2.1 This application was deferred at committee on the 13th July 2021 with the following resolution:

That consideration of this application be deferred for negotiations with Officers with a view to modifying the proposal to try and safeguard the special architectural interest and significance of the listed building and the character and appearance of the Wirksworth Conservation Area and avoid harm to a designated heritage asset.

- 2.2 The applicant has proposed two different options as an amendment to the original submission for the installation of 14 No solar panels on both of the south facing roofs slopes of the property. Option A proposes five solar panels on the higher roof of the main listed building and option B proposes nine panels on the lower roof slope. Planning permission is therefore sought for either option and no longer the total number of 14 panels as this was previously considered by committee.

2.3 Listed Building Consent is sought for the following:-

- a) Either five panels on the higher roof (option A) or nine panels on the lower roof (option B) are proposed attached to the roof to the south facing roof slopes of the listed building, mounted on brackets affixed through the roof covering. The panels are to have an anti-reflective finish and black edgings/frame.
- b) Electric meter housing;
- c) 2No. 75mm diameter holes (below ground level) on north elevation for ground source heat pump (GSHP);
- d) GSHP and Invertor housed in the Utility Room;
- e) Domestic hot water (DHW) cylinder and buffer tank for GSHP housed in a cupboard on first floor landing;

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

2 Wirksworth Conservation Area Appraisal

3. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

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

5.0 CONSULTATION RESPONSES

Wirksworth Parish Council

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

Design and Conservation Officer (Derbyshire Dales)

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

The proposed solar panels would be visible from the public realm and would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. It is considered that

the proposed solar array would fail to preserve the special architectural interest and significance of the listed building. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Cllr Peter Slack

5.3 Support renewable energy aspects of the application.

6.0 REPRESENTATIONS RECEIVED

6.1 A petition of support was received since the 13th July committee meeting which has 97 signatures (59 of which have provided a Wirksworth address). The petition sets out the Council's stance on panels appearing alien on the listed building and makes the case that panels would work in combination with the ground source heat pump to make the building carbon neutral. It also states there are other examples of solar panels being approved on listed / heritage buildings in Derbyshire Dales and beyond, and if approved, this could be a landmark case for Wirksworth, showing how progressive and sustainable the Council can be.

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

- a) A major aim of Transition Wirksworth is to increase the sustainability of our community.
- b) The climate emergency demands that our community should rapidly decrease its carbon footprint to net zero.
- c) The District Council has declared a climate emergency and pledged to make its own carbon footprint net zero by 2030.
- d) The national government has committed to a net zero Britain.
- e) The government's Climate Change Committee had calculated that local councils can directly influence approximately one third of all carbon emissions and will be crucial in achieving this goal as rapidly as possible. A major way the District Council can do this is through planning.
- f) The Planning Department therefore needs to have a presumption in favour of any application that will reduce carbon emissions that outweighs a presumption of no change in the appearance of buildings in conservation areas or with conservation status.
- g) The proposal is a well thought through scheme with every effort made to make the improvements unobtrusive.
- h) The proposal to save an historic building from disrepair and also to turn it around and make it a greener property for the use of a family with very strong links to both the historical arts and our town, would be an absolute asset.
- i) The plans submitted are respectful to the surrounding area and to see this property being brought back to life will be absolutely beneficial to our community.
- j) Having seen the sympathetic transformation that has been achieved already, both inside and outside no 39a there is confidence that the works would be carried out with the utmost care and attention to retaining the character of this beautiful yet tired property.
- k) Matlock Bank is a Conservation Area but from the Town Hall there are lots of PV and 20 panels were passed on a listed barn off Hurds Hollow.
- l) The Council support climate change and have been positive in allowing and enabling home owners to achieve goals to reduce their carbon footprint.
- m) GSHP is ideal in this situation as it is hidden.
- n) The property is barely visible to the public and planning permission has already been given to renovate.
- o) The designs are discrete and tasteful.

- p) A member of the Derbyshire Dales Climate Hub comments that the Government's Independent Committee on Climate Change (CCC) has published its 6th Carbon budget . The CCC identifies that local authorities are responsible for 2 – 5% of local emissions but potentially have powers or influence approximately a third of an area's emissions through place-shaping and leadership.
- q) Having declared a Climate Emergency the Authority is well aware that this crisis now forms the context within which planning decisions must be made. The National Planning Policy Framework (19.02.2019) sets out how the local planning authority, in making a decision about possible harm to a heritage asset, should look at balancing the harm of a scheme against the sustainability benefits of the proposal.
- r) In balancing this equation, the authority might also consider the fact that the UK is missing nearly all its renewable energy targets - 75% of our electricity must come from clean energy sources by 2030 if the UK is to meet its legally binding commitment to zero emissions by 2050.
- s) The 'whole building approach' is well conceived, thoroughly researched, appropriate to the condition, location and future preservation of this special heritage asset.

Wirksworth Civic Society

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

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

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

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

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

7.0 OFFICER APPRAISAL

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

– Impact on Heritage Assets

- 7.2 The principal issues are to consider and assess the impacts and whether the proposal would preserve the listed building, or any feature of special architectural or historic interest that it possesses. The property is a grade II listed building, dated 1719, with later alterations, located prominently within Wirksworth adjacent to the public area of Memorial Gardens.
- 7.3 The submitted DAHS identifies the weighting of significance for this property and categorises it as “*Medium: Grade II Listed Buildings/ Conservation Areas containing buildings that contribute significantly to its historic character*”.
- 7.4 In the Statement of Significance and Impact there is a recognition that the panels “*will have a negligible impact on the historic fabric*” and acknowledges that “*while the panels do cover the roof, the design / location has been considered to be as visually unobtrusive as possible*”. The current roof coverings are of two types – slates and clay tiles. In the submitted Design, Access & Heritage Statement (DAHS) it concludes that the proposed solar panels “*will have as minimal physical and visual impact as possible*”, that they are “*reversible*” and will have a “*negligible impact on the original built fabric*”.
- 7.6 The proposed solar panels are to be located on the south facing roof slopes to the listed building. The property can be seen in views from the public realm from St John Street and from the adjacent Memorial Gardens. Whilst the tree provides some concealment, from certain viewpoints, the property remains visible. The south facing roof slopes of the property are prominent and are architecturally significant elements of the listed building. Whilst the proposed solar panels are to be slim profile, black framed, have an anti-reflective finish and would be reversible they would present a sizeable and alien addition to the roofscape of the listed building which, currently, displays its original built plain form and appearance and traditional roof coverings. the proposed solar panels would be exceptional and anomalous.
- 7.7 It is considered that whilst the proposed solar panel array has some positive aspects to its design and installation the presence of the solar array to this south facing roof slopes to the listed building would introduce a visually apparent alien shape and texture in place of the existing matt finish, texture and appearance of the slated and tiled roof coverings and would visually disrupt the robust solid form of the roof slopes. Option A would introduce five panels to the higher roof slope of the main stone listed building which is prominent from the main street in short distance views as there is some screening by the tree. Whilst, this option does offer the reduction of the nine panels on the lower roof slope and thus a reduced impact the level of harm remains at a level that cannot be supported by officers. Option B proposes nine panels on the lower roof slope which is visible from long distance views from the south and is visible above the boundary wall adjacent to the Memorial Gardens. This option offers a reduction in the five panels, however, the amount of panels means that the majority of the roof slope is covered and is visible when entering the centre of Wirksworth from the south. On this basis, this option also is at a level of harm that cannot be supported by officers.
- 7.8 This stance is apparent in appeal decisions for solar panels either on listed buildings or affecting their setting. The Inspector in an appeal decision dated January 2020 (APP/W0530/W/3230069) stated that “*the black panels would have a shinier finish than the surrounding roof tiles and would undoubtedly be a modern and incongruous intervention to the roof slope*”. The Inspector for an appeal in Morpeth (APP/P2935/Y/15/3139639) stated that the difference in appearance of the panels from the existing roof tiles “*makes them stand out as modern, incongruous additions which draw the eye, harmful to the historic character of the listed building on which they are sited*”. In this appeal the array would be visible for public vantage points and states that “*setting of a heritage asset is the surroundings in which*

the asset is experienced". The proposed array would be highly visible from the Memorial Gardens and the main street in the centre of Wirksworth.

7.9 Furthermore in an appeal decision in Northampton the Inspector states "the significance of the barn and stables lies in their architectural interest which along with their attractive village setting makes a positive contribution to the general area". This is true of the application property which sits in a prominent location where its historic interest includes its group value where roof materials are traditional.

7.10 The submitted reports are based on the fourteen panels originally proposed and the energy generation would be 4KW at peak times, sufficient to power the Ground Source Heat Pump (GSHP) proposed as part of this Listed Building Consent and other household appliances as well as providing opportunity to sell back excess power to the grid. Power optimisers within the panels would maximise efficiently when in shade. The estimated monthly energy graph submitted indicates that solar energy production would exceed consumption for 7 months of the year and the company estimates that 71% of the production could be exported with a CO2 saving of 1.25t. It is clear that a public benefit of the panels would be to make a contribution to the production of renewable energy and lowering carbon emissions. However, in this instance the very minor contribution to national targets in favour of sustainable energy generation would produce an extremely modest public benefit. Therefore due to the significance of the heritage asset affected, this benefit would be outweighed by the harm identified.

7.11 Sections 16(2) and 66(1) of the 1990 Act require that when considering whether to grant Listed Building Consent for any works affecting a listed building, or its setting, special regard must be had to the desirability of preserving or enhancing the building, or its setting, or any features of architectural or historic interest it possesses. Paragraph 193 of the NPPF (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building. In this regard there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

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

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

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

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

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

listed building as a considered assessment on impacts on significance on listed buildings is required.

- 7.14 The other works proposed as part of this listed building consent include:- the proposed electric meter housing (steel meter box painted green) located on the south elevation of the property. The proposal to house the ground source heat pump, and the solar panel inverter, in the Utility Room and new Domestic hot water (DHW) cylinder and buffer tank for GSHP proposed to be housed in a cupboard on first floor landing. These works are considered to be acceptable in constituting no adverse harm to the overall significance of the listed building.
- 7.15 The two, proposed, 75mm diameter holes for the GSHP are to be formed through the external north wall of the listed building, *below* existing ground level. In this regard, following the formation of the two holes and the re-covering of the earth over them their presence would not be visible. It is considered that the minor loss of historic fabric would not be harmful to the overall significance of the listed building and the proposed works are considered acceptable. The application details indicate the position of the associated pipes and bore holes and whilst this element of the scheme does not require Listed Building Consent, the applicant has confirmed that the contractor has measured to ensure the boreholes would have adequate clearance from the protected tree on the southern boundary to avoid damage to its roots system.
- 7.16 It was suggested to the applicant that the solar panels be removed from the application, however, this option was dismissed. Therefore, as the Council cannot issue a split decision all other aspects of the scheme discussed below, whilst acceptable, form part of the listed building consent application where the recommendation is refusal.

Conclusion

- 7.17 The applicants' amended submissions have sought to reduce the overall coverage of solar panels through presenting two options to address the reason why the scheme was previously deferred. Whilst this reduced coverage in either option presents a slight lessening of the impact the remaining panels would still have a harmful impact on the heritage assets which outweighs the public benefit and therefore the officer recommendation remains one of refusal.

8.0 RECOMMENDATION

That Listed Building Consent be refused for the following reason.

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

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and discussed the concerns, however, the applicant wanted to proceed as submitted therefore

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

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Plan no's 1148-2/P01 A, P07A, Amended drawing A, Amended Drawing B and P10A

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

Historic Building Appraisal

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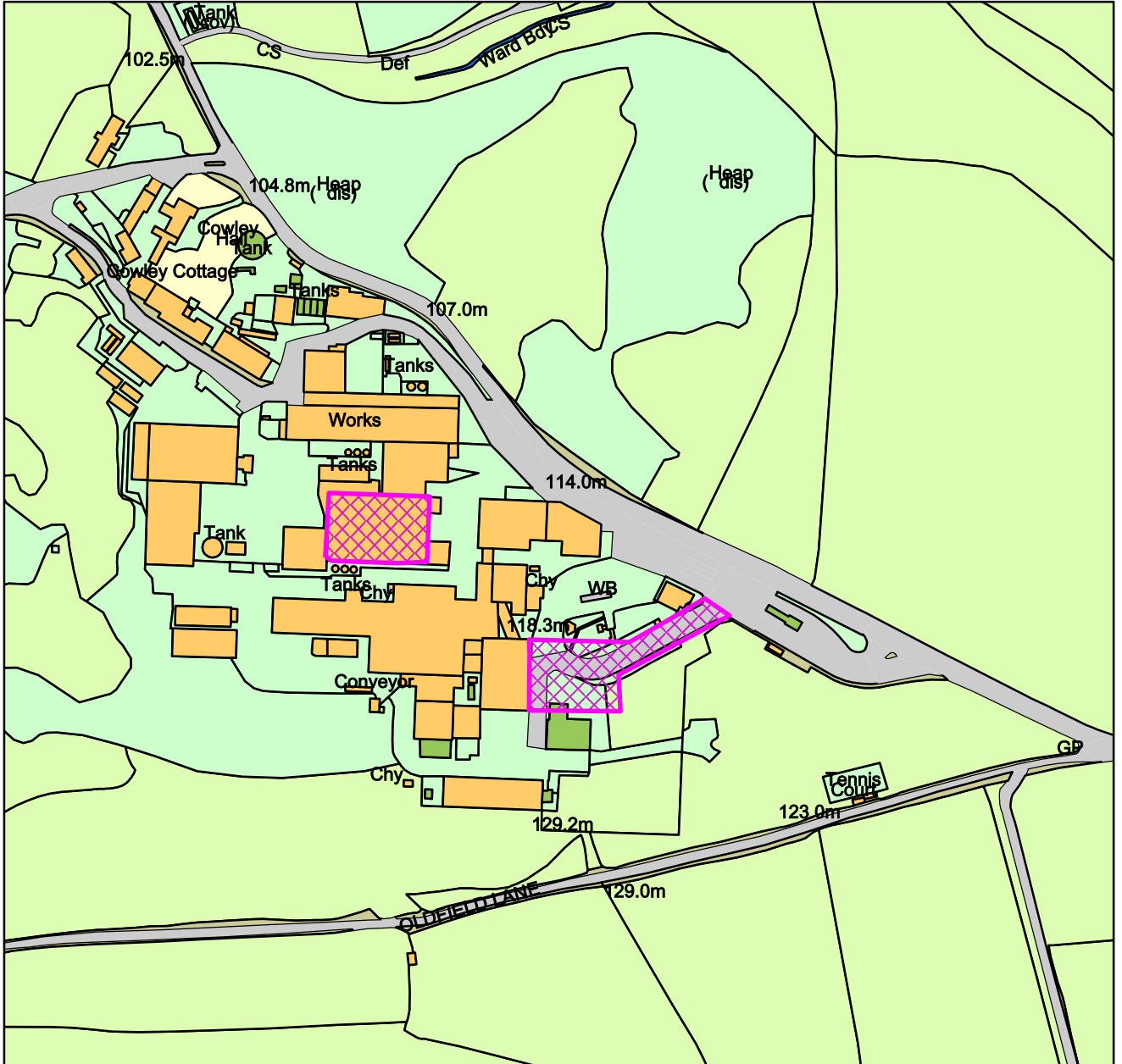
APPLICATION NUMBER		21/00500/FUL	
SITE ADDRESS:		Darley Dale Smelter, Oldfield Lane, Warren Carr	
DESCRIPTION OF DEVELOPMENT		Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL)	
CASE OFFICER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

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

RECOMMENDATION
Approval subject to conditions

21/00500/FUL

H J Enthovens & Sons, Darley Dale Smelter, Oldfield Lane, Warren Carr



Derbyshire Dales DC

1:3,500

Date: 30/06/2021

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

1.0 THE SITE AND SURROUNDINGS

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



2.0 DETAILS OF THE APPLICATION

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

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

- Divert access road to accommodate an extension to C-Bay, the new plant (Cible 6) would be housed in the existing C-bay. The extension replaces the existing A-Bay which is structurally poor and destined for demolition following the transition of operations into the new C-Bay.

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

- 2.8 Existing buildings are of a dark grey cladding and plant is coloured battleship grey. The proposal is for the building to match this colour.
- 2.9 The 2018 permission gave consent for the removal of the 30 fast growing evergreen trees from the south eastern end of the site. For each tree removed an oak sapling would to be planted. In addition a further 10% of trees are to be planted.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1 : Sustainable Development Principles
 - Policy S4 : Development in the Countryside
 - Policy PD1 : Design and Place Making
 - Policy PD2 : Protecting the Historic Environment
 - Policy PD3 : Biodiversity and the Natural Environment
 - Policy PD5 : Landscape Character
 - Policy PD6 : Trees, Hedgerows and Woodlands
 - Policy PD9 : Pollution Control and Unstable Land
 - Policy HC19 : Accessibility and Transport
 - Policy HC21 : Car Parking Standards
 - Policy EC1 : New and Existing Employment Development
2. National Planning Policy Framework 2018
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

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

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

5.0 CONSULTATION RESPONSES

South Darley Parish Council

- 5.1 The Parish Council cannot support this application as it deviates substantially from the original plans. We believe that it should be subjected to a full and rigorous review.
- 5.2 Stanton In Peak Parish Council (adjacent Parish):
Object to this application as many of the issues raised in our objections to 18/00919/FUL are amplified by this incremental creep which would create a major landscape change due to the height and for the following reasons:
- 1) The proposals increase the visibility of the site from the road as the new extension encroaches on the existing green buffer. It is also highly visible from the Peak District National Park and the village and Conservation Area of Stanton Lees. As the height will increase by 30% - an additional 5.3 metres, the earth bunds would be insufficient to mask this from our parishioners who live in close proximity in Warren Carr who have expressed major concerns as to its impact on their lives.
 - 2) Council expressed disbelief that the architects could have designed the buildings for 18/001919/FUL without taking into consideration their height requirements as the plant being housed already existed and consider the outline mention of a phase 4 referred to at that time with no detail, proves our fears that further expansion was already planned for.

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

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

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

Environment Agency

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

Derbyshire County Council (Highways)

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

Derbyshire County Council (Flood team)

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

Derbyshire Constabulary Designing Out Crime Officer

- 5.6 No objections.

Environmental Health (Derbyshire Dales)

- 5.7 No objections as the regulator for this site is the Environment Agency who provide an Environmental Permit including odour, noise, dust etc. However, in terms of Air Quality the district council has overall responsibility and the Air Quality Objective for Lead is $0.25\mu\text{g}/\text{m}^3$ as an annual mean.

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

6.0 REPRESENTATIONS RECEIVED

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

Detail of the application:

- a) There continues to be an expansion of the property which was anticipated as there is groundwork around the rear perimeter.
- b) It is difficult to understand why the additional height required was not included in the original application in 2018.

- c) The description of the application is misleading as it is not for relocating equipment as the original proposal was to relocate the existing A-bay storage facility into the proposed C-Bay storage extension with no expansion of site storage.
- d) Under Phase 1 of the works the new Cibel 6 equipment has already been located in the existing C-Bay and the 12m in height accommodates this equipment.
- e) The increase in height will increase capacity.
- f) Just 6 months after the 2018 permission two more storage buildings were approved on site.

Traffic:

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

Amenity issues:

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

Other:

- z) Over the years the throughput tonnage has increased without the considered scrutiny by DDDC Planners and DCC Highways with part of the reason being each application is below activation thresholds.

- aa) The size of the plant is unacceptable in this countryside location, it has doubled in the past 30 years.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Visual Impact
- Highway Safety
- Impact on Residential Amenity
- Ecological Impacts

Principle of development

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

Visual Impact

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

Highway Safety

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

Impact on Residential Amenity

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

would not warrant the refusal of planning permission. As such the proposal is considered to comply with policies S9 and PD1 of the adopted Derbyshire Dales Local Plan 2017.

Conclusion

- 7.12 Having considered the impacts arising from the proposed development it is considered that the proposal would not result in impacts that are substantial and therefore the proposal is considered to accord with local and national planning policies and approval is recommended.
- 7.13 Whilst the concerns of Stanton in the Peak Parish Council are noted, the Local Planning Authority can only consider the impacts arising from the proposed development and it is other regulatory bodies that maintain control of the operation and impose a pollution control regime over the entire site.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
Reason:
This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
2. This permission relates solely to application plans:- location plan scale 1:2500, plan 1000 P1, 1002 P1, 4501 P1, 5502 P1, 6002 P1 and 9003 P1 received on the 26th April 2021.
Reason:
For the avoidance of doubt.

9.0 NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.3 This decision notice relates to the following documents:
Location plan scale 1:2500,
Plans 1000 P1, 1002 P1, 4501 P1, 5502 P1, 6002 P1 and 9003 P1 received on the 26th April 2021.
Design and Access Statement received 26th April 2020
- 9.5 The applicant is advised that in order to assist with the aim to improve air quality to contact the Council's Environmental Health team (Tel: 01629 761212) in respect of establishing an annual submission of data in respect of sampling undertaken for lead in the air.

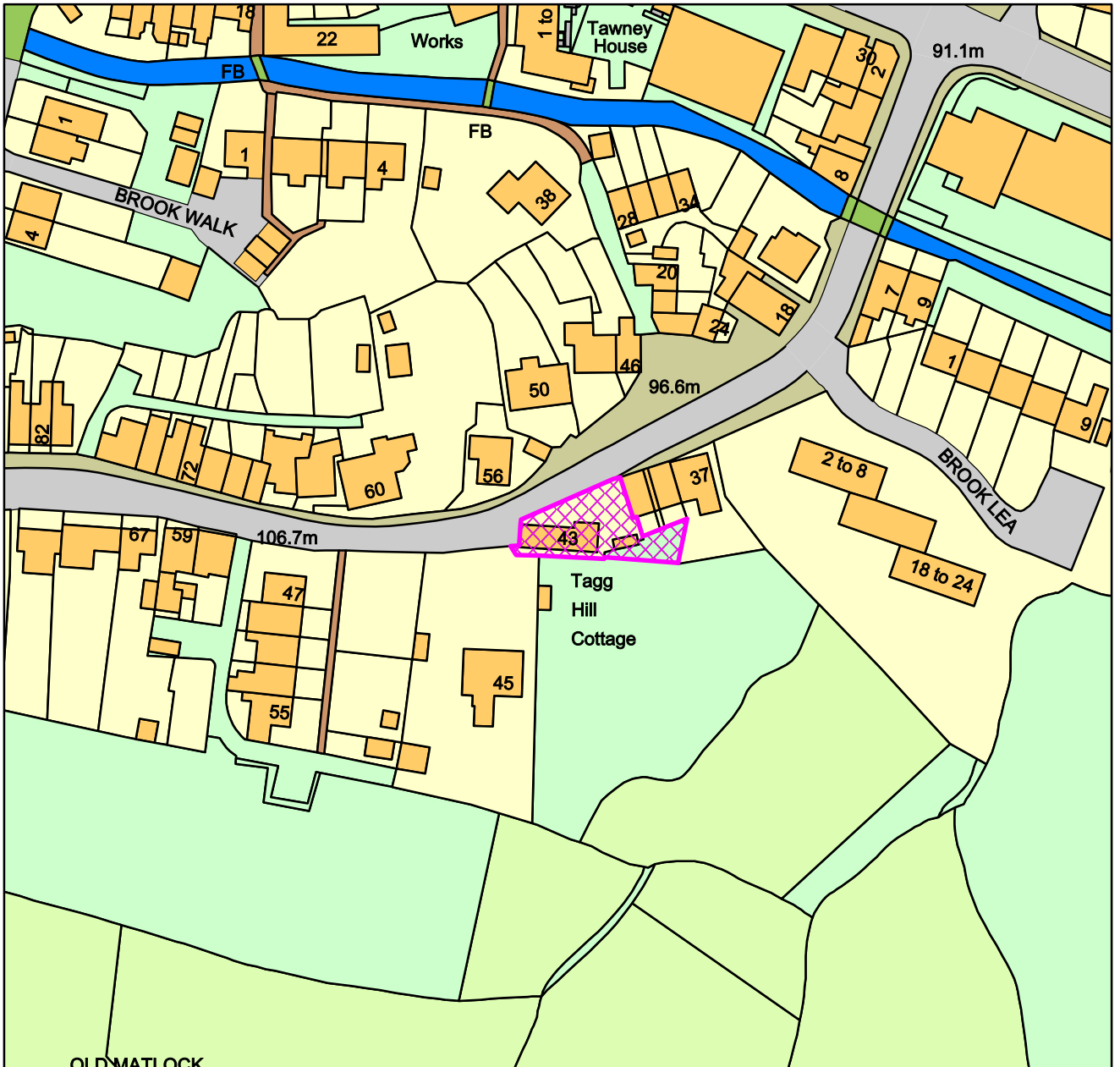
APPLICATION NUMBER		21/00722/FUL	
SITE ADDRESS:		Tagg Hill Cottage, 43 Church Street, Matlock, Derbyshire, DE4 3BY	
DESCRIPTION OF DEVELOPMENT		Creation of vehicular access and parking area with turntable.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Dr. Anne Phillips
PARISH/TOWN	Matlock	AGENT	None.
WARD MEMBER(S)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

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

RECOMMENDATION
Planning permission be refused.

21/00722/FUL

Tagg Hill Cottage, 43 Church Street, Matlock



Derbyshire Dales DC

1:1,250

Date: 29/07/2021

100019785

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

1. THE SITE AND SURROUNDINGS

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



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the formation of a vehicular access, which will require the removal of part of the current roadside boundary / retaining wall.
- 2.2 The application was first considered by the Planning Committee on 10th August 2021. However, it was deferred by Members, following concerns raised about the quality, accuracy and professionalism of the Consultation Response provided by the Local Highway Authority. Members requested that the Local Highway Authority re-consider the application and provide further explanation / clarification.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION RESPONSES

- 5.1 Town Council
No comment.
- 5.2 Derbyshire County Council (Local Highway Authority)
Following the deferral from the August Planning Committee, the Local Highway Authority have provided this additional response:

I appreciate that the applicant has stated they will only enter and exit the site from the uphill direction not the north as previously stated in error – however notwithstanding this, the proposed access is not acceptable to the Highway Authority, unless the Planning Authority consider a condition to secure this is reasonable and can be imposed and enforced? If not, manoeuvring and visibility in both directions to/from the access needs to be assessed and considered as part of the application.

The site has been qualitatively assessed from the roadside. Irrespective of the road name the application site has been assessed correctly - whether it is 'Church Street' or 'Church Road' makes no difference to the conclusion.

The 2.4m 'x' distance is usually measured from the kerbline back along the center line of the access, in the case of a perpendicular access. In this instance due to the acute angle of the access this distance would need to increase to ensure that the driver of an emerging vehicle can see without the front end of the vehicle protruding into the carriageway. It is considered that a perpendicular 2.4m 'x' distance would be likely to be sufficient to deliver what the Highway Authority is seeking to achieve, however no sightlines have been shown as part of the application details. The Highway Authority would expect a plan demonstrating acceptable emerging visibility from a drivers eye viewpoint without the car protruding into the carriageway and extending 43m in each direction. In view of the controlled frontage, lack of footway and location of the dwelling, it is not considered that these sightlines can be achieved.

Concerns were also raised over the lack of manoeuvring space available within the site curtilage and whether the proposed turn-table could be controlled and enforced. Whilst the application drawing demonstrates a 3.8m turntable, the site constraints of the house wall, hedge and existing stone wall surrounding the turntable, may make the facility difficult to operate for a large vehicle. The applicant has stated that the proposals are for one vehicle only, however there is sufficient depth before the turntable to park an additional vehicle and the Highway Authority would again wish to seek confirmation on how this could be reasonably controlled or enforced. Any additional vehicle would not benefit from being able to use the turntable. The D&A statement also makes reference to a gate although this is not demonstrated on the site layout plan.

In view of the above, the previous recommendations continue to apply. I hope the above clarifies the points raised by your planning committee.

5.3 Initial Response from the Local Highway Authority:

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

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

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

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

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

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

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

5.4 Conservation Officer

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

5.5 Ward Member (Cllr. Sue Burfoot)

You will know that the above planning application was discussed at the planning committee held on the 10th August and that the committee's decision was to defer the application.

I understand from Councillor David Hughes that you have suggested that the planning committee make a visit to see a turntable installed on a drive in Darley Dale to demonstrate how such devices work.

As a member of the planning committee can I formally request that such a visit is made prior to the above application being considered at the planning committee.

5.6 Ward Member (Cllr. Hughes)

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

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

6. REPRESENTATIONS RECEIVED

None.

7. OFFICER APPRAISAL

7.1 This application was deferred at the Planning Committee meeting on the 10th August to seek clarification on the assessment and comments made by the Local Highway Authority in their original consultation response.

7.2 Following deferral of the application, the applicant has presented amended plans and commented on the access and manoeuvring arrangements with a view to addressing the concerns raised by the Local Highway Authority.

- 7.3 As previously advised there are three main considerations – The contribution of the proposal to tackling climate change; impact on the Conservation Area; and impact on Highway Safety.

The contribution of the proposal to tackling climate change

- 7.4 The background to this planning application is that the applicant is concerned for the environment and supports the Council's Climate Change Strategy and Action Plan to become carbon neutral by 2030. A way to reduce her carbon footprint is by switching to an electric car. Unfortunately however, the property does not have any on-site parking available or provision for an electric car charger. The proposal therefore, is to form a vehicular access, so that an electric car can hook up to a charger at the premises. This will also enable disabled access. Permeable paving will also replace the currently non-permeable surfaces, to ensure that there is no rain-water run off onto the highway. As there is limited turning space available on site, a turntable is also proposed. This will allow a vehicle to enter and leave the premises in a forward gear. A similar scheme for a turntable was approved on the A6 in Darley Dale (16/00721/FUL).
- 7.5 The proposal will make a contribution to helping to tackle climate change, by allowing this individual resident to imminently switch to an electric vehicle. As such, this proposal accords with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on the Conservation Area

- 7.6 In terms of the impact on the character and appearance of this part of the Old Matlock Conservation Area, it is not considered that the proposal to create steps as illustrated on the annotated photograph and reduce the length of the wall by the amount proposed would result in harm to this part of the conservation area. The proposal would therefore, it is considered, comply with the requirements of policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on Highway Safety

- 7.7 The main unresolved concern relates to the impact of the development on highway safety. The lead Local Highway Authority engineer has clarified that they understood that the applicant would only enter and exit the site from the uphill direction, not the north as previously stated in error. However, they maintain that this cannot be effectively controlled and is unacceptable from a highway safety perspective.
- 7.8 They go on to advise that the site has been qualitatively assessed from the roadside. Irrespective of the road name the application site has been assessed correctly - whether it is 'Church Street' or 'Church Road' makes no difference to the conclusion.
- 7.9 The engineer clarifies that that the 2.4m 'x' distance is usually measured from the kerbline back along the centre line of the access, in the case of a perpendicular access. In this instance due to the acute angle of the access this distance would need to increase to ensure that the driver of an emerging vehicle can see without the front end of the vehicle protruding into the carriageway. It is considered that a perpendicular 2.4m 'x' distance would be likely to be sufficient to deliver what the Highway Authority is seeking to achieve, however no sightlines have been shown as part of the application details. The Highway Authority would expect a plan demonstrating acceptable emerging visibility from a drivers eye viewpoint without the car protruding into the carriageway and extending 43m in each direction. In view of the controlled frontage, lack of footway and location of the dwelling, it is not considered that these sightlines can be achieved.

- 7.10 The Local Highway Authority have also advised the hedge and existing stone wall surrounding the turntable, may make the facility difficult to operate for a large vehicle.
- 7.11 The applicant has advised that the alignment of the proposed access, coupled with the width of the public highway at that point, makes it a physical impossibility to attempt to enter or exit the site from other than the uphill direction. They advise that they would maintain an unobstructed view in both uphill and downhill directions. The retaining wall on the downhill side would be lowered and the soil beside the proposed access way sloped back to ensure a clear view in the downhill direction from the driver's eye-line height. The applicant proposes to install a mirror on the uphill corner of Tag Hill Cottage and has submitted a revised plan which re-sites the turntable further forward, eliminating any possibility of parking for a second vehicle. The applicant also advises that the turntable would have the ability to be turned by hand in the event of a power-failure (if electrically operated) to ensure that a vehicle entering the site can always leave in a forward gear.
- 7.12 The amended layout and above information has been presented to the Local Highway Authority for further comment. Any comments received will be presented to planning committee members at the planning committee in a late representations sheet, however, notwithstanding the amended and additional information received, the fundamental concerns with the application from a highway safety perspective remain. The Local Planning Authority consider that the existing and future occupants of the dwelling would be unable to secure the requisite visibility splays required and control that vehicles entering and exiting the site (including visitors and delivery vehicles) would do so safely / in a forward gear. The lack of visibility sightlines would cause a potential hazard to both the user of the access and other road users. Although the applicant says that that the access will only be used from the west, this cannot be controlled and could end up with people attempting to access it directly from the north, which would cause hazards. The use of the turntable in the original or more constrained position by all vehicles entering the site cannot be secured / controlled, thereby leading to dangerous vehicle manoeuvres on the public highway.

Conclusion

- 7.9 Whilst the proposal is considered to be in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017); and the proposal is not considered to result in harm to this part of the Conservation Area; the proposal is recommended for refusal on highway safety grounds for the reasons previously stated and repeated below.

8. RECOMMENDATION

Planning Permission be refused for the following reasons:

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

NOTES TO APPLICANT:

This Decision Notice relates to the following documents:

Planning application form and drawings, received by the Council on 3rd June 2021 and amended plans, received by the Council on 31st August 2021.

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.

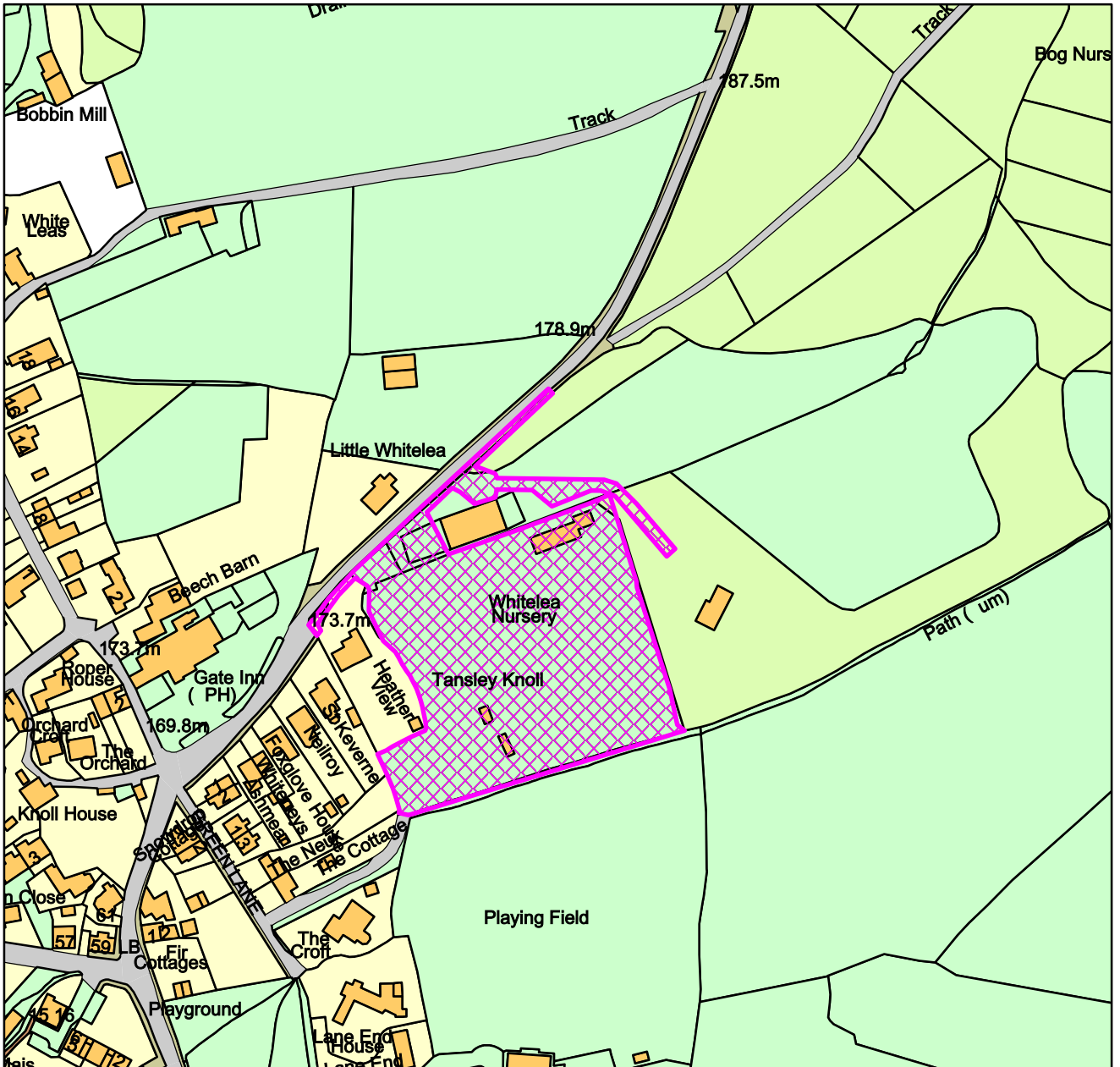
APPLICATION NUMBER		21/00771/VCOND	
SITE ADDRESS:		Land Off Whitelea Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Variation of Condition 2 (approved plans) of planning permission 17/00850/FUL to allow for the substitution of house types	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Woodall Homes Ltd
PARISH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

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

RECOMMENDATION
Refusal

21/00771/VCOND

Land off Whitelea Lane, Tansley



Derbyshire Dales DC

1:2,500

Date: 02/09/2021

100019785

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

1. THE SITE AND SURROUNDINGS

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



2. DETAILS OF THE APPLICATION

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

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

Total 18 open market dwellings

5 no. 2 bed, two storey units

7 no. 3 bed, two storey units

6 no. 4 bed, two storey units

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

5 no. 2 bed two storey units

3 no. 3 bed two storey units

Overall total is 26.

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

Total 18 open market dwellings

5 no. 3 bed, single storey two storey units

2 no. 3 bed, single storey two storey units

5 no. 4 bed, two storey units

4 no. 4 bed, two ½ storey units

2 no. 5 bed, two ½ storey units

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

6 no. 2 bed two storey units

2 no. 3 bed two storey units

Overall total is 26.

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

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

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1 Sustainable Development Principles

S2 Settlement Hierarchy

S3 Development within Defined Settlement Boundaries

S5 Strategic Housing Development

S7 Matlock/Wirksworth/Darley Dale Development Strategy

S10 Local Infrastructure Provision and Developer Contributions

PD1 Design and Place Making

PD3 Biodiversity and the Natural Environment

PD4 Green Infrastructure

PD5 Landscape Character

PD6 Trees, Hedgerows and Woodland

PD8 Flood Risk Management and Water Quality

HC1 Location of Housing Development

HC2 Housing Land Allocations

- HC4 Affordable Housing
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 National Planning Policy Framework

3.3. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

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

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - a new planning application for Whitelea Lane was expected by the Parish Council - it would appear this is not going to happen? - instead various amendments to the original plan are being put forward, for consultation
- these amendments are being put forward as minor amendments - would argue that these are not minor amendments
 - a minor amendment being one whose scale and nature is not substantially different from the one which has been approved - the house tenure has been changed significantly, as have the use of materials.
 - a minor amendment should not impact either visually or in terms of amenity - the new plans show a different orientation of the dwellings
 - the impact on the Fete Field will be great as there appears to be plans to remove the Derbyshire Hedge - if this is allowed to happen the privacy and rural aspect of the Fete Field will be lost
 - would the interest of any 3rd party who participated in, or were informed of the original application, be disadvantaged in any way
 - the interest of the Parish would be disadvantaged as the seclusion of this tranquil field will be lost
 - the present views of the field are a continuation of the agricultural landscape, without the hedge a new housing estate will be predominant within the wider landscape
 - the changes to the original application passed by DDDC are significant, the site has been completely re orientated, windows and doors are in different positions, material to be used are different and there appears to be a significant increase in the amount of render on the properties, the choice of white render being completely out of keeping with a predominantly stone built village
 - there is no site plan on line - the site plan is 'hidden' within the access statement
 - Woodall Homes kindly forwarded a site plan to the Parish Council - the site plan shows clearly the removal of ALL vegetation and trees along the boundary with Tansley Fete

Field, to include a historic Derbyshire Hedge - who thought this a good idea, and was your arboriculturalist consulted?

- surely there are protection laws related to ancient hedges?
- object strongly to the removal of this ancient hedge, which abuts the whole length of the boundary and beyond
- question the environmental credentials of a LA that even considers such sacrilege, the hedge needs protecting
- is noted DDDC met with the new owners some months ago to advise on these new proposals - it is upsetting to note once again the wishes of the community are being ignored
- had hoped that we were to get a quality development, it would appear this is questionable.

Local Highway Authority (Derbyshire County Council)

- 5.2
- from the submitted details it is unclear whether the footpath will extend to the north of the access and link with private access to the north of the site
 - also unclear whether the conditioned visibility improvements to this access are still being provided
 - whilst there are no objections to the substitute house type (subject to the previous highway comments/conditions), for the avoidance of doubt the latest layout plan should include the details of the above as previously consented.

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

Introduction

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

Character and Appearance

7.2 Two, 2 ½ storey dwellings are proposed at, or close to, the front of the site. Plot 1 would be set at the junction of the residential estate with Whitelea Lane. The other one would be the first house that is arrived at on the eastern side of the estate road. The estate road continues with further along the main access road with Plots 8 and 9 and two further 2½ storey dwellings. The scale of the dwellings is emphasised with the windows in the end gables and the rooflights.

7.3 Whilst there are 2½ storey dwellings within the settlement, and in relatively close proximity to the site, it is considered that the 2½ storey dwellings are inappropriate for this edge of settlement development and have a more suburban character and appearance, particularly given the details such as the bay windows. In terms of general appearance, the original scheme proposed simple dwelling frontages with few adornments.

7.4 The approved scheme proposed chimney details to give articulation to the roofscapes; chimneys are now only proposed to appear on four dwellings, all of the same house type. The development appears more as an 'anywhere' estate development rather than a group of well-designed dwellings being respectful to the general villagescape and particularly to this fringe of settlement area.

7.5 Whilst the original scheme is considered superior to the proposed revision, this cannot in itself be a reason for refusal of the application. Nevertheless the dwelling types are generally

considered to have a more urban/suburban character and appearance, which does not respond well to this location on the edge of a village. As such, it is considered that the development is unacceptable in terms of design, character and appearance with respect to this site.

- 7.6 Bungalows within the scheme are generally to be welcomed, as they offer accommodation suited to persons with mobility difficulties and more elderly residents. One point of concern is that the bungalow at Plot 7 has a rather bland, side elevation facing towards the balancing pond and the footpath link; this could be improved with more articulation of this elevation. However, it is also considered that a two storey dwellinghouse, as previously approved in this location, would serve as a better focal building when approaching the site from the footpath to the west and to give/retain an improved sense of two storey enclosure to the balancing pond area.
- 7.7 The applicants recently submitted a variation of condition application (ref: 21/00763/VCOND - variation of condition 4 (stonework to dwellings) of planning permission 17/00850/FUL) to allow for the use of tumbled Birchover stone, which has been approved. This was deemed acceptable for the approved scheme, which presented dwellings that could assume a more 'cottage like' appearance that such a stone finish creates. The developer has now commenced building on the site in this stone finish.
- 7.8 However, the use of such a stone finish is considered inappropriate for the types of dwellings now being proposed under this application to vary condition 2. The proposed, revised house types generally have a more suburban appearance, particularly in relation to the bay window embellished dwellinghouses and bungalows. Such dwellings would normally be expected to have a more formal sawn-edged, pitched face stone.
- 7.9 The variation of Condition 4 of planning permission 17/00850/FUL cannot be transposed to this current application to vary condition 2 of planning permission 17/00850/FUL. Such a proposal would need to be considered as a variation of condition 2 of this current application, should it be approved as, if approved, it would be a standalone permission. The alternative would have been for the applicant to submit an application to vary both conditions 2 and 4 as a single application. Nevertheless, as advised above, such a proposal to use tumbled stone for the revised house types would have been likely to have received an Officer's recommendation of refusal.

Layout and amenity

- 7.10 In general, the layout is considered acceptable and the revised proposals have sought to reduce the extent of parked frontages in the scheme, which is particularly evident in the area of frontages to Plots 6-10 and the plots opposite of Plots 22-26. In terms of amenity, five dwellings are now proposed to back onto the property of Heather View, with two dwellings (Plots 3 and 4) would be able to overlook the rear garden amenity space to that property; the other (Plot 5) is proposed to be a bungalow. However, the two, 2 storey dwellings are set some 13-15m away from the boundary and, in that respect, are not considered to significantly harm amenity with overlooking from the rear facing, bedroom windows and are considered similar in this respect to the approved scheme.

Housing Mix

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

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

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

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

In terms of the revised scheme, this proposes the following:

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

7.12 In this respect, the proposals now represent a less than satisfactory mix of dwellings. It is appreciated that the provision of bungalows provides for dwellings with improved accessibility. However, the number of 4/5 bed roomed dwellings is unjustified and would normally be expected to be 5%. The approved scheme was allowed with 4/5 bedrooms being 33% of the market dwellings, but this is now proposed to be some 61%, with the other 39% being three bed roomed. As a percentage of overall dwellings, the 4/5 bed roomed properties would be some 42% of all dwellings, which is significantly higher than the policy would suggest and significantly higher than that of the approved development. As such, the proposal fails to meet with the aims of policy HC11, to a significant degree, and there is no justification as to why this should be the case, for what is a development on a largely greenfield site.

7.13 In addition, the proposals are further away from the aims of the requirements of the Housing Department of the District Council, given that the preference was for four, 2 bed roomed and four, 3 bed roomed affordable dwellings; the proposal reduces the requested 3 bed roomed units further from four down to two. This is unacceptable and at variance with the approved scheme.

Highway Matters

7.14 The Local Highway Authority has advised that the applicant has failed to detail the footpath that was proposed to link to the property to the north east of the site. The Local Highway Authority requested these details but the applicant has refused to submit them. Nevertheless, in granting any variation of Condition 2, it would be possible to address this as a condition of any permission.

Landscaping

7.15 Concern has been raised with the potential harm to existing landscaping; the discharge of conditions application for planning permission 17/00850/FUL is in the process of being considered separately (ref: 17/00850/DCOND) and such matters will be assessed in consideration of the submitted proposals. This proposal to alter house types does not negate the need to address condition 12 of planning permission 17/00850/FUL appropriately.

Conclusion

7.16 Given the above, and notwithstanding the character and appearance of the approved scheme, it is considered that several of the house types proposed would be harmful to the character and appearance of this edge of settlement location at the northern gateway to the village. In addition, the proposed housing mix fails to meet the aims of policy HC11 and no justification has been submitted as to why this should be the case, particularly given the previously approved scheme was significantly more in line with those aims. As such, it is recommended that the application be refused.

8. RECOMMENDATION

8.1 That the variation of Condition 2 of planning permission 17/00850/FUL be refused for the following reasons:

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

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:

Drawing Nos. 21-02-P02, P03, P04, P05, P06, P07, P08, P09, P010, P011, P012, P013, P014, P015, P016, P017, P018, P019, P020, P021, P022 and P023 received on 24th June 2021

Amended Drawing No. 21-02-P01 rev. D received on 30th July 2021.

Active Enforcement Cases

02 September 2021

09:13:04



Ashbourne North

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

Ashbourne South

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

Brailsford

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

Carsington Water

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

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

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

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Notice Issued
ENF/19/00102	Without planning permission, the material change of use of the Land for the storage of a static caravan (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Notice Issued
ENF/19/00144	Without planning permission the unauthorised use of the site as a camping and caravan site	Land Opposite Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ	Notice Issued

ENF/20/00154	Felling of Scot's Pine tree subject to Tree Preservation Order 119 (G3)	Land At St Elphins Park Dale Road South Darley Dale Derbyshire	Pending Consideration
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Doveridge And Sudbury

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

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

Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Notice Issued
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration

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

Matlock All Saints

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration

ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00168	Replacement windows in Grade II* Listed Building	St Andrews House Lumsdale Road Matlock Derbyshire DE4 5NG	Pending Consideration
ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	Pending Consideration
ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/20/00145	Installation of air conditioning unit to exterior of Grade II Listed Building	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Pending Consideration
ENF/20/00147	Erection of treehouse	Littlemoor Farm Littlemoor Lane Riber Matlock Derbyshire DE4 5JS	Pending Consideration

Norbury

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

Stanton

ENF/20/00120	Without planning permission, the unauthorised erection of a dwellinghouse, deliberately concealed inside an agricultural storage/stable building Without planning permission the erection of a single storey, lean to extension to the agricultural storage/stable building	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration
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Winster And South Darley

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

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/20/00077	Unauthorised building works, consisting of demolition of outbuilding and erection of two storey side extension to dwelling at 5 Churchill Avenue, Middleton by Wirksworth.	5 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Pending Consideration

ENF/20/00101	Erection of shed ☒	The Old Barn Rise End Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/20/00164	Without planning permission, the unauthorised change of use of the building and associated land from office use (Use Class B1) permitted under Part 3, Class R of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) to a Dwellinghouse (Use Class C3).	Land At Manor Lodge Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration

Total Open Cases

79

Enforcement Investigations Closed



In the Month Prior to 02/09/2021

Clifton And Bradley

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	Planning Application Received	02/08/2021
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Darley Dale

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	Justification from Committee	20/08/2021
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Masson

ENF/21/00003	Unauthorised erection of fencing on land to rear of Greyhound Hotel, Cromford for Weir and Smithy Cottages	Adjacent To 5 Stable Cottages Greyhound Yard Market Place Cromford Derbyshire DE4 3QE	Complied Voluntarily	02/08/2021
ENF/21/00128	Allegedly work has begun on an application granted in 2015 and said work is different to the permitted plans.	1 High Street Bonsall Derbyshire DE4 2AS	Complaint Unfounded	26/08/2021
ENF/21/00141	Change of use to a holiday let	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Complaint Unfounded	23/08/2021

Stanton

ENF/21/00026	Accumulation/collection of scrap metal outside property including white goods, radiators, signs, bicycles, timber etc	1 Derwent Lane Darley Dale Derbyshire DE4 2HX	Complied Voluntarily	02/08/2021
ENF/21/00148	Allegedly building house too big and crossing the boundary of the neighbouring property.	14 Sunnybank Rowsley Derbyshire DE4 2DX	Complaint Unfounded	01/09/2021

Wirksworth

ENF/20/00157	Alleged unauthorised internal works to the Grade II Public House.	Hope And Anchor Public House Market Place Wirksworth Derbyshire DE4 4ET	Planning Application Received	06/08/2021
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Total Closed Cases 8

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 14th September 2021

PLANNING APPEAL – PROGRESS REPORT

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

20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed
20/00974/FUL	Field adjacent to Oldfield Lane, Warren Carr, Matlock	WR	Appeal dismissed – a copy of the decision is attached
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed

20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01275/FUL	158 Derby Road, Cromford	HOUSE	Appeal being processed
21/00030/FUL	St Elphins Cottage, Hackney, Matlock	WR	Appeal being processed
21/00185	9 Snitterton Road, Matlock	WR	Appeal being processed
21/00303/FUL	27 Rise End, Middleton	WR	Appeal being processed
20/00854/FUL	Darley Hillside Methodist Church, Moor Lane, Darley Dale	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site Visit made on 8 June 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2021

Appeal Ref: APP/P1045/W/21/3267401

Field adjacent to Oldfield Lane, Warren Carr DE4 2LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr P Evans against the decision of Derbyshire Dales District Council.
 - The application Ref: 20/00974/FUL, dated 1 October 2020, was refused by notice dated 27 November 2020.
 - The development proposed is use of land for the stationing and use of 3 no. camping pods and associated parking area.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the decision notice, in the interests of precision.
3. **Since the Council's decision, a new version of the National Planning Policy Framework** (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issues in this case. I shall determine the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - whether the proposed development would be sustainably located, with particular regard to reliance on private motor vehicles;

and the effect the proposed development on

- the character and appearance of the area; and
- highway safety.

Reasons

Sustainability of location

5. The appeal site comprises a field to the south-west of a stretch of unlit country road without a pavement. It is not within or in close proximity to a settlement with a comprehensive range of facilities and services. Regular public transport services are not easily accessible from the site. The above together would

result in people camping in the proposed pods being reliant on a private motor vehicle to access the site, and shops and facilities.

6. In conclusion, the proposal would not be sustainably located, with particular regard to reliance on private motor vehicles. As such, it would conflict with Policies S1, S4 and EC9 of the Derbyshire Dales Local Plan (LP), which together seek to ensure that development is accessible by modes of transport other than private motor vehicles, and thus sustainably located.
7. That various permitted development 'fallback' scenarios cited by the appellant would not achieve locational sustainability does not alter the above.

Character and appearance

8. The appeal site is located to the south-east of a cluster of dwellings abutting Oldfield Lane.
9. While there are industrial works on the north eastern side of Oldfield Road and along the southern half of Oldfield Road, these are visually separated from the appeal site by land, highway and vegetation.
10. Furthermore, the site is a lush meadow, adjacent to a public footpath which adjoins its south-eastern boundary. Woodland sits to the south-east, and fields to the south and west. Middle distance views of wooded hillside beyond, to the west and south-west further reinforce the rural feel of the site and its context. As such, the site reads on the ground as part of an area of verdant countryside to the south-west of the northern half of Oldfield Lane, that is largely free from development.
11. Intervening hedgerows, woodland and rolling topography would limit the visual influence of the proposed development on the Peak District National Park, the nearest boundary of which is around 350m away. Accordingly, the proposal would not diminish appreciation of the landscape from within the National Park.
12. However, the proposal would entail the addition of the following to the site. Holiday accommodation in the form of arch shaped timber-faced camping pods with largely glazed front elevations, and lighting would be introduced. A new vehicular access off Oldfield Lane and a parking area would be installed. It would also bring vehicles and camping paraphernalia and activity onto the site.
13. Leylandii type plants have been planted on the site boundary. However, established leylandii boundary hedging would have suburban and industrial associations that would jar with the rural character of the meadow and its countryside context on the south-western side of Oldfield Lane. Furthermore, even if non-native conifer hedging were supplemented with further, native planting, the presence of the proposed camping pod development would be visually and audibly perceptible from the adjoining public right of way through the boundary hedge, including through gaps and after seasonal leaf fall. Its presence would also be noticeable within the site and looking into the site towards the parking area, down the access off Oldfield Lane.
14. Therefore, the proposal would erode the spaciousness, verdancy and undeveloped character of the site and its rural landscape context. As such, I cannot agree that the proposal would appear as a curiosity that would not detract from local landscape character. Furthermore, the fact that the proposal

would entail less camping pods than a previously refused scheme¹ does not negate the identified adverse impacts.

15. To conclude, the proposal would harm the character and appearance of the area. As such, it would conflict with Policies S1, S4, PD1, PD5, EC8 and EC9 of the LP, which together seek to ensure that development complements and contributes positively to local character.

Highways

16. The proposal would entail extending part of the south-western verge by approximately 0.4m into the carriageway of Oldfield Lane, to provide a visibility splay. The resultant, reduced road width would be approximately 5.5m. The Local Highway Authority and local residents are concerned that the proposed verge extension would obstructively and hazardously protrude into the road.
17. Nevertheless, judging by the highways assessment (HA) by **the appellant's** highways consultant HAS, and what I saw during my site visit albeit a snapshot in time, the stretch of road in front of the site is relatively lightly trafficked. When fully booked, the proposed development is likely to add a modest maximum volume of around 12 vehicle trips per day². Furthermore, while higher speeds cannot be ruled out, the HA indicates that in the vicinity of the proposed access, speeds in the region of 30 to 40mph are more typical. Moreover, while the proposed access would be on a gently curving stretch of country road, Crashmap data cited in the HA indicates an absence of serious accidents in its vicinity.
18. Furthermore, judging by the HA, the modest narrowing of the carriageway is likely to have a moderately calming effect on drivers' speed. The proposed expanded verge would also provide additional walker refuge from traffic, approaching the entrance to the nearby public footpath.
19. No substantive analysis of the HA is presented by the Council or Highway Authority to indicate otherwise.
20. I therefore conclude that the proposal would provide a safe access and would not generate a significant additional volume of traffic. Thus, it would not harm highway safety, and would accord with Policy S4 of the LP.

Other Matters

21. The absence of harm in terms of highway safety is a neutral factor that does not weigh in favour of the proposal.
22. The proposal would contribute to the area's tourist accommodation in the form of three camping pods. This would **increase capacity for 'staycation' holidays** in the area and contribute to the local economy. The lack of detail about additional landscaping and landscape management limits the weight that this suggested benefit carries. An enlarged verge would provide some pedestrian refuge from traffic, and modest carriageway narrowing is likely to have a moderately calming effect on drivers' speed in the vicinity of the site. However, the benefit of the proposal would be limited in scale and would not outweigh the significant totality of harm identified in terms of locational sustainability and character and appearance.

¹ Planning application Ref: 18/00458/FUL.

² As set out on p2 of the HAS letter 18th September 2020.

Conclusion

23. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR



Appeal Decision

Site Visit made on 13 July 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2021

Appeal Ref: APP/P1045/W/21/3271492

Hay Barn, Upper Lane, Hulland Ward, Derbyshire DE6 3FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr P McCabe against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00189/PDA, dated 18 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is change of use from an existing Agricultural barn. Building works include all necessary internal works to construct a home, externally the only building works are to add windows and doors.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address **from the Council's** decision notice, as this appears to be correct and for the reasons of clarity. The appellants application form, appeal form at Section D and evidence refer to variations of **the "The Barn, Hay Barn and The Hay Barn"**.
3. A revised version of the National Planning Policy Framework 2021 (the Framework) has been published since the appeal was lodged. I am satisfied that the revisions to the Framework do not prejudice the positions of the parties in respect of the issues raised in this appeal, insofar as it is relevant to the development and prior approval matters, so it has not been necessary to seek further comments on this change.

Background and Main Issue

4. Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (the GPDO) permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q (b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a) above.
5. The appeal site is located within the open countryside and comprises of a agricultural building constructed of concrete block work, vertical hung Yorkshire boarding and profiled metal roofing. The proposal is for the conversion of the

building to residential accommodation. A planning application was granted at the appeal site **on 30 January 2020 (19/01286/FUL) for the 'reinstatement of cladding to hay barn, re-routing of farm track and temporary earth bund for duration of the restoration works (part retrospective)'**.

6. In this case, the Council contend that the building was only brought into agricultural use following the completion of the proposed development through the granting of planning permission, as stated above. Particularly, as the original building was taken back to its skeletal frame and the development involved the construction of a new building on the site. They do not consider it would comply with the criterion of Class Q.1(a) (iii), as the building, which was brought into use after 20 March 2013, has not been in use for a period of at least 10 years before the date development under Class Q begins.
7. Therefore, the main issue is whether the proposed change of use constitutes permitted development pursuant to Class Q.1(a) of the GPDO.

Reasons

8. The limitations set out in Class Q.1(a) of the GPDO do not permit development if the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20 March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
9. For the purposes of Class Q, the GPDO at X sets out that an 'established agricultural unit' means 'agricultural land' occupied as a unit for the purposes of agriculture, (b) on or before 20 March 2013 or for 10 years before the date the development begins. **'Agricultural building' means a building** (excluding dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business, and 'agricultural use' refers to such uses. As such, whether or not a building is a candidate for development under Class Q is not an issue that turns simply on whether or not it maintains a lawful agricultural land use.
10. From the evidence before me, the appeal site appears to have an historical agricultural use, of which the Council acknowledged in the delegated report, dated 30/01/2020 from the previous grant of permission. Notwithstanding this, I have not been provided with any substantive evidence, including the farming enterprise, holding number and the extent of land holding to substantiate this. However, it does appear that the Council were satisfied at that time, with the notation of the site use, despite the building not located on the applicants established farmstead. It was considered as an existing building which had been in use for a number of years, by granting consent for the development and proposed works for a building it would be used for purposes associated with agriculture, specifically the housing of cattle or the storage of implements.
11. Nonetheless, in terms of agricultural use at the site **on the 'Relevant Dates'**, as set out in the GPDO, the evidence before me is limited and less than supportive. Since the grant of planning permission, the development was carried out and the Council now argue that there is limited evidence of any continued agricultural use at the site, particularly as a new building for agriculture was in essence constructed from the granted permission in 2020.

12. Photographic evidence from the Council has been provided, date stamped from 2019. This shows the extent of what remained of the dilapidated building and from this, it is clearly visible there was very little remaining from any former historic agricultural use. **I would therefore disagree with the appellant's** contention that the barn has not been '*rebuilt*' and has merely been upgraded and repaired to form a more secure location for both machinery and crops. Furthermore, it would appear from the evidence before me that any previous agricultural use of the building would of likely ceased due to the dilapidated nature and whilst the development was being carried out, as what has been constructed appears as a new building. Moreover, from site observations there was no agricultural activity taking place within the building or wider appeal site.
13. The GPDO, paragraph W¹ (10)(a), requires that when determining applications, the local planning authority must take into account any representations made to them as a result of any consultation undertaken. Third party representations have been provided as part of this appeal. This includes Biggin Parish Council, which advises that works performed on this site have resulted in rebuilding. A new building has therefore been created and has not been used for 10yrs. Several local residents have also expressed concerns that there has been substantial amount of work undertaken over the past few years, and that the previous building has been derelict for years with no livestock and no evidence of agricultural activity or hay storage for numerous years.
14. Furthermore, at Paragraph W² 3 (a),(b) of the GPDO, it states that any application may be refused where the developer has provided insufficient information to enable the decision maker to establish whether the proposed development complies with any conditions, limitations or restrictions as may be applicable to the development in question. As such, even if I were to consider **the appellant's contention that** the barn has been used for over 50 years and had fallen into disrepair and became unsafe. I have no substantive evidence to support this. Including, the exact nature of repairs / structural works carried out or that it would meet the '**Relevant Dates**' criterion set out in the GPDO. The photographs from 2009 are not date stamped, and what is shown of the building at that time does not appear to represent what has been constructed since 2019 and is now built on the site.
15. On the basis of the evidence before me, insufficient evidence has been provided to demonstrate that on the balance of probability the building was solely in agricultural use as part of an established agricultural unit, Class Q.1(a) (iii) in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
16. I cannot be satisfied that the proposal is permitted development and as such I must find it is not. Therefore, the proposal would not comply with the express terms of permitted development set out in Schedule 2, Part 3, Class Q of the GPDO, particularly paragraphs Q.1.(a).

Other Matters

17. Given my conclusion above, there is no need for me to consider the further prior approval matters of transport and highways, noise, contamination, flood risk, impractical or undesirable location and the design or external appearance,

¹ W.- Procedure for applications for prior approval under Part 3, Paragraph 10 (a)

² W.- Procedure for applications for prior approval under Part 3, Paragraph 3 (a), (b)

and the provision of adequate natural light in all habitable rooms as it would not alter the outcome of the appeal.

Conclusion

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

KA Taylor

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