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27 January 2014

To: All Councillors

As a Member or Substitute of the **Central and Northern Area Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 4 February 2014** at 6.00pm in the **Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb'. The signature is fluid and cursive, with a large initial 'S'.

Sandra Lamb

Head of Democratic Services

AGENDA

SITE VISITS **The Committee is advised to meet at the Town Hall, Matlock at 3.50pm prompt to arrange travel to the site by car.**

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services 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

14 January 2014

3. INTERESTS

Members 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 Member 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. 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.

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 their views, ask questions or submit petitions relating to the planning application under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

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Application No.13/00779/FUL (Site Visit)	4 - 16
Redevelopment of site – 11 dwellings, car parking and alterations to access at Youth Hostels Association, Trevelyan House, Matlock.	
4.2	
Application No.13/00838/FUL	17 - 27
Change of use of land to use for siting of 8 No. holiday lodges (chalets) at the Woodyard, Homesford.	
5.	
TREES PROGRESS REPORT – DDDC APPLICATIONS	28 - 34
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
6.	
TREES PROGRESS REPORT – DCC APPLICATIONS	35 - 36
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
7.	
APPEALS PROGRESS REPORT	37 - 39
To note a report on appeals to the Planning Inspectorate.	

Members of the Committee

Councillors David Burton, Robert Cartwright, Mrs Ann Elliot, David Fearn, Neil Horton, Mike Longden, Jean Monks, Garry Purdy, Lewis Rose OBE, Peter Slack, Andrew Statham, Geoff Stevens MBE, Mrs Jacquie Stevens, Mrs Philippa Tilbrook, Barrie Tipping, Mrs Carol Walker, Ms Jo Wild

Substitute Members

Councillors Richard Bright, Mrs Sue Burfoot, Albert Catt, Richard Fitzherbert, Steve Flitter, Chris Furness, Cate Hunt, Mike Ratcliffe, Colin Swindell, Mrs Judith Twigg

SITE VISITS

Members will leave the Town Hall, Matlock at 4.00pm prompt for the following site visits:

NB: MEMBERS TO MEET AT TOWN HALL AT 3.50PM TO ARRANGE TRAVEL TO THE SITE BY CAR

	Page Nos.
4.10pm Application No. 13/00779/FUL	4 - 16
Youth Hostels Association, Trevelyan House, Matlock	
Requested by Ward Member to assess the impact of the development on the amenity of neighbouring residents, the character and appearance of the proposed development and its materials, highway matters and ecological matters.	
4.45pm Return to Town Hall	

COMMITTEE SITE MEETINGS PROCEDURES

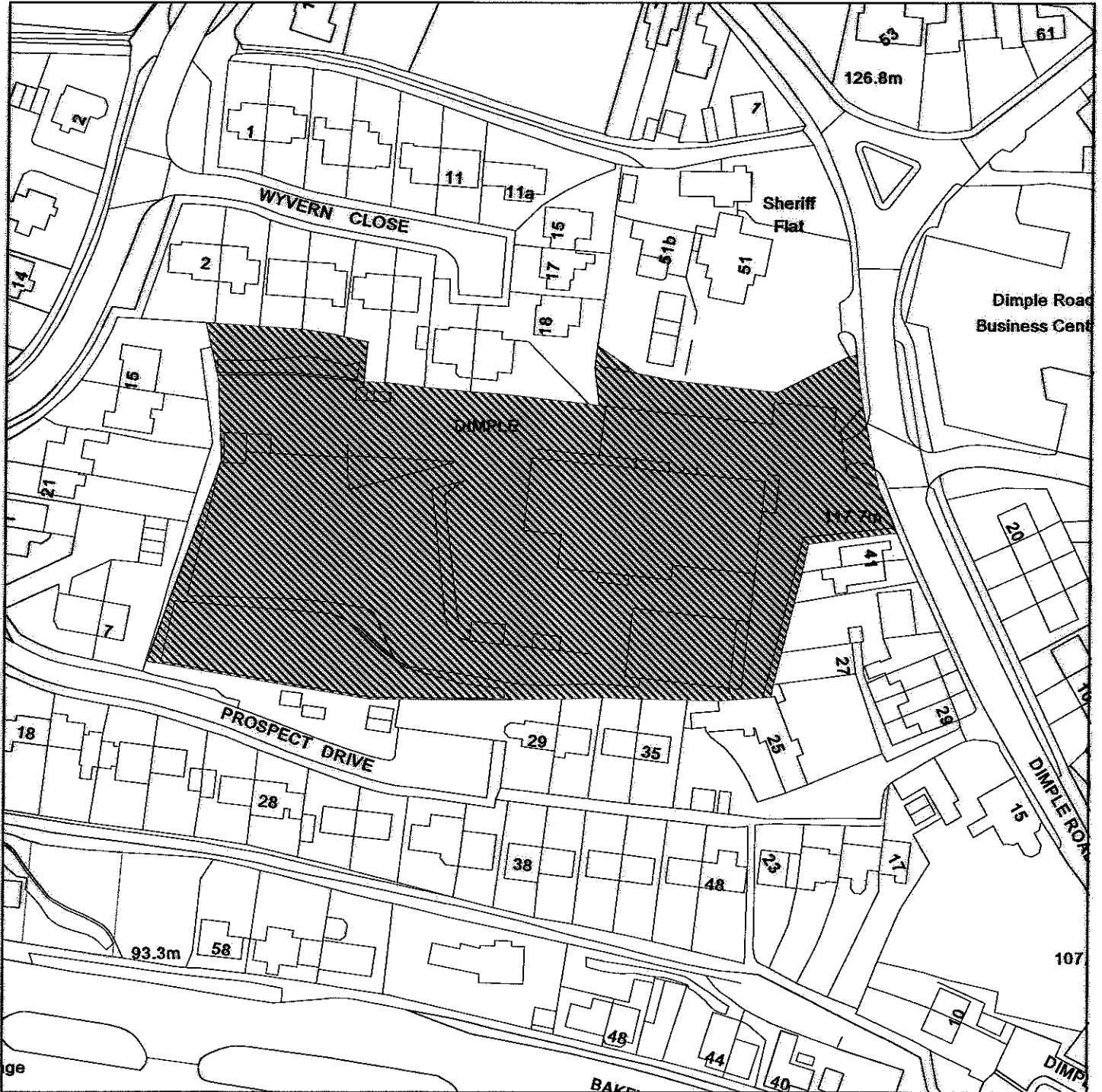
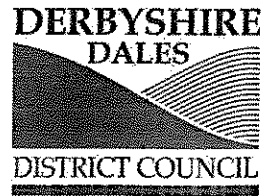
You have been invited to attend a site meeting of the Council's Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents 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.

13/00779/FUL

Youth Hostels Association, Trevelyan House, Matlock



Scale : 1:1250

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	24 January 2014
Licence No.	100019785

13/00779/FUL REDEVELOPMENT OF SITE – 11 DWELLINGS, CAR PARKING AND ALTERATIONS TO ACCESS AT YOUTH HOSTELS ASSOCIATION, TREVELYAN HOUSE, MATLOCK FOR YHA (ENGLAND AND WALES) LTD.

Town Council: Matlock
Application type: Full

Date of receipt: 13.11.13
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site comprises the car park and outbuildings servicing the Head Office of the Youth Hostel Association. The site is set in a largely residential area other than some offices on the opposite side of The Dimple. There are a group of trees to the south of the car park which are subject to a Tree Preservation Order (DDDC/012).

THE APPLICATION:

Full planning permission is sought for the following:

- the erection of 11, three bedroomed, open market dwellinghouses on the overspill car park to the west serving the offices
- each unit is proposed to measure 5.75m wide by 9.5m deep and 8.3m high and be in two blocks of four and a block of three units
- the dwellings are proposed to be constructed with brick and render with light brown roof tiles to match those of dwellinghouses in the area
- windows to be grey aluminium and doors to be timber with a natural stained finish
- coloured aluminium flashings with cavity wall trays over the roof/wall abutments
- the dwellinghouses would have two car parking spaces each (one at the dwelling and one at a central courtyard)
- the demolition of the outbuildings to the south side of the principal building and provision of parking space to offset the loss of the parking area to the west as part of the residential development
- the re-landscaping of the approach to the dwellinghouses alongside the office building and other landscaping works around the site.

The applicant has submitted the following documentation in support of the application

- ecological report
- arboricultural statement
- design and access statement

RELEVANT HISTORY:

11/00823/FUL Installation of 272 no. solar panels to existing roofs - Granted

09/00413/FUL Siting of storage container to house summer camp equipment for temporary period to 30th September 2010 – Granted

01/02/0120 Refurbishment of offices including external cladding and new roofs - Granted

13/00779/FUL (Continued)

CONSULTATIONS:

Town Council – Comment

- no objection in principle to building of houses
- appears to be no access to back gardens except through houses
- provision should be made for a refuse bin (compound)
- replacement parking for the YHA should be adequate
- pedestrian access to Prospect Drive and Wyvern Close needs to be clarified
- materials of the build are important - not felt that render is in keeping with other residential properties in the area
- drainage needs to be clarified - if it is proposed to link into Sherriff Fields, the sewers are inadequate
- insufficient and unimaginative development of the site
- several letters of representation have been received and it is understood that Derbyshire Dales District Council have copies - all their points are relevant and should be taken into consideration.

Local Highway Authority – No objection subject to conditions

Derbyshire County Council (Economy, Transport and Environment Dept.) – Comment:

- requirements set out at Annex A of the NPPF include access to high speed broadband and new homes designed to Lifetime Homes standards
- do not require a financial contribution towards the provision of primary or secondary places in relation to this proposed development
- new residential development should incorporate a 32mm mains water riser which will enable the installation of domestic sprinkler systems
- Northwood Household Waste Recycling Centre has surplus capacity and therefore do not require a financial contribution towards additional waste management capacity

REPRESENTATIONS:

- A total of twelve letters of representation from neighbours. The comments can be summarised as follows:
 - little imagination to layout and provocative to neighbouring properties
 - too many houses proposed and consequently too close to Megdale and Wyvern Close
 - poor standard of design and unfair that consideration of these aspects deferred for future discharge by the District Council with no opportunity for residents to comment
 - no cross sections across the site – appears 1-4 will be about 1.5m higher than units 5-8
 - would single storey development be a better solution
 - no indication of how houses would be screened – insufficient space given short rear gardens
 - hard landscaping details practically non-existent
 - loss of trees and vegetation
 - no pedestrian access to rear of the properties – implication is waste bins would be on site at front of properties – need storage compound for bins
 - inappropriate materials – should be dark brown brickwork and dark rather than light brown roof tiles – question whether architect visited the site
 - overlooking and loss of privacy
 - loss of views
 - loss of light

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- increase in noise
 - subsidence on the site of the garages which have needed to be reinforced
 - traffic congestion on The Dimple and hazardous in snowy conditions
 - access visibility constrained by parked cars
 - do not want proposal to lead to parking issues on the Dimple – developers could widen the road outside Dales Housing Offices and the Old People's accommodation by removing grass verge which would improve road safety and cater for increased traffic volume
 - question adequacy of parking provision and how will be constructed
 - want reassurances that adequate parking left to serve the YHA and future business expansion – had such an issue Scott Wilson Kirkpatrick did not have sufficient parking
 - no proposal for a safe, marked and suitably segregated pedestrian access – a safer access should be provided to town through Prospect Drive
 - will a landscape buffer be provided between YHA offices and the proposed visitor car park
 - increased pressure on problematic drainage system
 - noise, dust and disruption during construction
 - impact on wildlife
 - great crested newts observed in garden pond and overwinter in overgrown area at north west corner of the site – building work would be just several feet from this area and 10m from pond
 - is wildlife area between the west end of Wyvern Close and the development to be retained, protected and enhanced and by what means
 - would devalue neighbour's property
 - could become social housing
 - legal matter with respect to rear access to 37 Dimple Road
- one letter of support agreeing with redevelopment of a vacant brownfield site and advising that it is very important that the new development should display a strong local identity

Matlock Civic Association – Comment

- no objection subject to sufficient parking provision
- concerned with quality of the development and a number of detailed matters
- removal of boundary wall regretted
- lack of safe pedestrian access to the Dimple and surrounding developments was regretted and relationship of development to its neighbours particularly poor
- materials not in sympathy with local building materials and should be reconsidered

POLICIES:

1. Adopted Local Plan 2005

SF1	Development Within Settlement Framework Boundaries
SF5	Design and Appearance of Development
H1	New Housing Development Within Settlement Framework Boundaries
H9	Design and Appearance of New Housing
H10	Affordable Housing within the Settlement Framework of Market Towns
EDT4	Other Existing Employment Land and Business Premises
NBE5	Development Affecting Species Protected by Law or are Nationally Rare
NBE6	Trees and Woodlands

13/00779/FUL (Continued)

NBE26	Landscape Design in Association with New Development
L6	Outdoor Playing Space in New Housing Developments
TR1	Access Requirements and the Impact of New Development
TR8	Parking Requirements for New Development

2. Pre-submission Draft Local Plan (2013)
 - Strategic Policy 1 - Sustainable Development Principles
 - Strategic Policy 3 - Protecting and Enhancing the Natural and Historic Environment
 - Strategic Policy 8 - Strategic Housing Development
 - Strategic Policy 9 - Climate Change
 - Strategic Policy 12 - Matlock/Wirksworth Sub Area
 - Development Management Policy 1- Development within Settlement Framework Boundaries
 - Development Management Policy 6 - Landscape Character
 - Development Management Policy 7 - Biodiversity and Geological Interests
 - Development Management Policy 9 - Design and Appearance of Development
 - Development Management Policy 11 - Existing Employment Land and Premises
 - Development Management Policy 17- Affordable Housing
 - Development Management Policy 21 - Open Space
 - Development Management Policy 22 - Access and Parking
3. National Planning Policy Framework

ISSUES:

1. Introduction - Policy

The principal policy consideration is that this is an employment site. Policy EDT4 advises that there should be no loss of employment potential with any development proposals. In this respect, the proposals will result in the demolition of some buildings to provide compensatory parking provision as a result of seeking to develop the lower car park. These buildings provide little scope for employment use and it is not considered that would compromise employment levels at the site.

There is the potential for the application site to be developed for employment uses rather than residential development. However, this area is currently a car park serving offices which will be compensated for as part of the development proposals. It is considered unreasonable to require the marketing of the car parking area for commercial development of this essentially surplus area of land for employment use by the YHA.

The NPPF advises that development proposals should be approved without delay where they accord with the Local Plan and, where such policies could be deemed out of date, that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. It is considered that whilst Policy EDT4 is not necessarily out of date, the proposed dwellinghouses would make a contribution to meeting the District Council's housing provision requirements and taking some pressure off having to consider more peripheral, greenfield sites for such development. This is a material consideration in the determination of this planning application.

The site lies within the Settlement Framework Boundary of Matlock. Policy SF1 in the Adopted Local Plan states that permission will be granted if the proposal will make full and effective use of Brownfield land in preference to Greenfield sites, preserves and/or enhances the character and appearance of the settlement, is well related to surrounding

13/00779/FUL (Continued)

properties and land uses, is well related to means of access and does not result in the loss of local services and facilities.

Policy SF5 relates to the design and appearance of a development. In this respect, the most relevant elements for consideration of the Policy are that the development preserves or enhances the quality and local distinctiveness of its surroundings, reinforces the sense of place and is well related to surrounding properties.

Policy H1 advises that residential development will be permitted within Settlement Framework boundaries for the erection of dwellinghouses and conversion of buildings to housing provided it respects the character, appearance and setting of the settlement. Policy H9 seeks to ensure that the proposal is in scale and character with the area, has regard to distinctive landscape features, provides adequate amenity space and privacy and does not have a detrimental impact on adjacent properties.

Reference is made to Policy H10 as this seeks to ensure, where sites within the Market Towns and are being developed with 15 or more dwelling units, or are a greater area than 0.5ha, that 45% of the dwellinghouses are provided as affordable dwellinghouses.

Policies NBE5 and NBE6 relate to the need to protect wildlife and trees. Policy L6 seeks provision for open space and play area provision. Other policies for consideration are TR1 and TR8 with regard to access, parking and highway safety matters.

It is considered that the above Policies reflect Government policy contained in the National Planning Policy Framework (NPPF) and also reflect policies in the Pre-submission Draft Local Plan (2013).

2. Design and Appearance

Concern has been raised by local residents with regard to the design and materials proposed for the development. Notwithstanding these comments, the proposal has to be assessed in the immediate context and it is considered that the design of the dwellinghouses, not being traditional in character and appearance, would complement the modern appearance of the YHA building. The predominant material in the immediate area is brickwork. Therefore, further to discussions with the Case Officer, the proposals have been amended in order that the stonework is removed from the scheme and that a brick plinth is provided around the dwellinghouses.

The porches are also proposed to now be brickwork and integrated to the dwellinghouse rather than appearing as an 'add on' afterthought. The formation of a brick plinth, with the sharpness of the render above, would also be reflective of the sharp lines of the facings to the YHA building and yet be reflective of materials of dwellinghouses in the area. Residents have raised concern that the proposed materials would be addressed through condition without neighbour consultation. However, it is often the case that such matters are addressed by Officers in order to ensure timely decision making and appropriate materials for any development.

There has also been concern expressed in respect to the levels of the dwellinghouses. There is proposed to be some 2m excavation of the site at the northern end (from some 116m down to 114.065m) for Plots 1-4 and this is evident with the provision of retaining walls to the north. Plots 5-8 would be set below at 113.90m which is an increase in level of some 300mm. In this respect, it is not considered that these relatively minor adjustments to the site levels require a cross section drawing to be submitted for approval.

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The buildings proposed to be demolished are of little merit and their removal and replacement with parking places is considered to have a neutral impact on the character and appearance of the site. Nevertheless, it is considered reasonable to require some additional landscaping along the boundary to visually soften views of the site in the local and wider context. A 1.2m high wall adjacent to the south side of the proposed car park would also be appropriate to screen headlights from the dwellinghouse at 29-35 Prospect Drive.

Concern has been raised with regard to the demolition of the frontage boundary wall. It is considered that its removal would open up the frontage to the large commercial office building to a greater extent but that this would not harm the character and appearance of the area.

3. Impact on the Amenity of Neighbouring Residents

The proposed dwellinghouses are sited such that there is acceptable distance between them and the existing dwellinghouses around the site in terms of privacy, light and outlook being that there is over 20m between the nearest facing dwellings. Objections have been raised with regard to a loss of a view but this is a matter that cannot be given significant weight in the determination of a planning application.

There would be some additional disturbance caused by traffic coming and going at different times of the day, rather than currently experienced with the current operational hours of the premises. However, there are no restrictions on the hours of operation of the building and the car park. Nevertheless, it is not considered that there would be such additional comings and goings from the site to result in significant harm to the amenity of local residents that would otherwise justify not redeveloping this previously developed site.

4. Highway, Access and Parking Issues

The Local Highway Authority has advised that it has received sufficient evidence from the applicant that the 79 car parking spaces to be retained for the YHA building will be adequate. Whilst the proposed layout of the residential development doesn't provide sufficient turning space within the site for a refuse vehicle, it's not seen as a severe safety concern should a bin wagon have to reverse into the site from the public highway once a week. In addition, there appears to be adequate space within the site for smaller delivery vehicles, i.e. a supermarket home delivery vehicle, to enter the site, turn and exit. In this respect, the need to reverse to or from the public highway should be minimal.

The approach to the proposed dwellinghouses is via a commercial/office development which is not considered the most welcoming of entranceways. However, the physical limitations of the site do not allow for a clear segregation of the office building from the residential access. Nevertheless, this is not considered a reason for refusal of the application and is more a matter for future residents on the site being comfortable with this arrangement. In terms of pedestrian access, there would be likely to be a high degree of attention to pedestrians by drivers in this residential/office environment.

5. Trees

The applicant has submitted an arboricultural statement indicating the loss of some nineteen low quality trees and one moderate quality tree. However, it is considered that this can be mitigated with new landscaping around and within the site. It is recommended that all other trees to be retained are protected in accordance with best practice guidance within BS5837: 2012.

13/00779/FUL (Continued)

6. Wildlife Issues

The applicant's ecology report identifies that individual habitats within the application site are of little ecological value. Mitigation measures are proposed within the report and its recommendations can be subject to a condition on any grant of planning permission. It is considered by the ecologist that these could lead to a minor ecological gain over time.

An area to the northwest of the site is identified by residents as maybe being an area containing great crested newts. This has not been noted in the ecological survey of the site. In addition, it is considered that this area is adequately segregated from the development, although there will need to be a requirement for conditions to ensure this area is safeguarded during construction. It is not considered that the development would compromise this area or suggested territory of the great crested newts given that the area for development is currently a car park already affected by a degree of vehicle and pedestrian activity. The developer will need to comply with wildlife protection legislation contained in the Wildlife and Countryside Act in carrying out the development.

7. Affordable Housing Provision

Policy H10 of the adopted Local Plan requires provision of 45% affordable housing on sites over 0.5ha or where 15 or more dwellings are created. In this case, the application site area for the dwellinghouses is marginally above this guide figure. However, it is also subject to constraints such as the access ramp and trees, limiting the developable area of the site. In these circumstances, where the net developable area is probably slightly below the threshold, and the scheme at high density is clearly not an attempt to circumvent the Policy, it is not considered appropriate or reasonable to seek affordable housing under the terms of Local Plan Policy.

8. Subsidence

Concern has been raised with regards to subsidence in the area. The garages to the west of the site, which it is advised were affected by subsidence, would be more than 10m away from the proposed dwellinghouses. However, such matters would need to be addressed through Building Regulations.

9. Drainage

With regards to drainage, there have been no concerns raised by the statutory undertakers and the site drainage would need to be SuDS compliant to meet the requirements of Building Regulations. The matter of connecting into the mains sewer and any potential implications would be a matter the developer would need to address with Severn Trent Water with an application to them.

10. Open Space and Play Area Provision

Policy L6 of the adopted Local Plan requires the provision of on-site play space, or a financial contribution towards provision, improving or maintaining such facilities off-site, for sites in excess of 0.4ha in area. The site area for the dwellinghouse development is marginally above this threshold (approximately 0.5ha). However, it is considered that, in this instance, the provision of on-site play space, based on the number of dwelling units, would be rather limited in nature and of no benefit to residents. Each property has domestic gardens, there is open space nearby at the Dimple playing fields and there are existing play facilities throughout the town. In this respect, it is not considered appropriate to require on-site provision, or a financial contribution, given the marginal extent of the development site above the policy threshold.

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11. Conclusion

There is some conflict with Policy EDT4 of the adopted Local Plan as there may be potential for the application site to be developed for employment uses rather than residential development. However, it is considered unreasonable to require the marketing of the car parking area for commercial development of what is essentially a surplus area of land for use by the YHA and place potential delay in bringing forward development as this would be contrary to the guidance of the NPPF.

In addition, the site is a sustainable area of previously developed land which will provide for 11 dwellinghouses and offset a small part of the District Council's current need to consider the development of greenfield sites for such residential development. Given the above assessment, it is recommended that planning permission be granted subject to conditions.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full
2. The development hereby approved shall be carried out in accordance with the original submitted plans and drawings except as amended by the drawing and additional information received on 24th January 2014 and except insofar as may otherwise be required by other conditions to which this permission is subject.
3. Notwithstanding the details on the approved drawings, and before the development commences, amended drawings detailing the following alterations to the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) each dwelling/group of dwellings shall have a brick plinth with the brickwork extending up to align with the top of the ground floor windows, on all visible sides of the dwellinghouses, with render set above;
 - (b) the porches shall be constructed in matching brick; and
 - (c) the timberwork between the first floor rear windows shall be replaced with a recessed rendered panel to match that of the render to the first floor element of the buildings.

The development shall thereafter be carried out in accordance with the approved amended drawings.

4. Notwithstanding the details on the approved drawing, samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.
5. Prior to the commencement of development, details of all flashings, gutters, downpipes and all other external pipework shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details and so retained.

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6. Condition DM25 Window/Door Frames – Inset Required (80mm)
7. Prior to the commencement of development, construction details (fully dimensioned vertical & horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1), design and pattern of all windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority. The window and doors shall then be installed in accordance with the approved details and so retained.
8. Condition DM23 Design Details (External Fixtures)
9. The development shall be carried out in accordance with the recommendations in Section 6 of the Ecological Information Network Consultants Ecology Report (October 2013) unless otherwise agreed in writing by the Local Planning Authority.
10. Demolition and clearance works shall only be undertaken at a time of the year (September – February) when disturbance to bats will be minimised unless otherwise agreed in writing by the Local Planning Authority.
11. Unless otherwise detailed in Rycroft Associates Arboricultural Statement (12th September 2013) all trees detailed on the approved drawings shall be retained unless otherwise agreed in writing by the Local Planning Authority and shall be protected during the course of development in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No works shall commence on site until such time as the approved protective measures are provided on the site and all works shall be carried out in accordance with the recommendations in Section 9 of the Arboricultural Statement.
12. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
 - (a) indications of all existing trees, hedgerows and other vegetation on the land;
 - (b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (c) measures for the protection of retained vegetation during the course of development;
 - (d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection; and
 - (e) hard surfacing materials
 - (f) a management plan for the future maintenance of all areas of landscaping outside of domestic curtilages.
13. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be

13/00779/FUL (Continued)

carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

14. No development shall commence until detailed plans showing the design, location, and materials to be used on all boundary walls/fences/screen walls and other means of enclosure, to include a wall of no less than 1.2m in height along the southern boundary of the car parking area to the south of the office building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The boundary treatments so approved shall then be provided and completed in accordance with a schedule to be approved in writing by the Local Planning Authority, and shall thereafter be retained in perpetuity.
15. Construction work on the site shall be restricted to 08.00 to 19.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturdays and there shall be no works undertaken on Sundays or Bank Holidays.
16. 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
17. Before any other operations are commenced (excluding Condition No 16 above), 79 car parking spaces shall be provided within the site in accordance with the application drawings for the existing office use on the site. Parking spaces shall measure a minimum of 2.4m x 4.8m.
18. Before any other operations are commenced (excluding Conditions 16 and 17 above), the existing access to Dimple Road shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m x 4.3m emerging visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
19. Throughout the period of construction, wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous materials on the public highway.
20. 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/ visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use. Parking spaces shall measure a minimum of 2.4m x 4.8m.
21. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Statutory Instrument revoking or re-enacting that Order with or without modification) no extensions, additional windows or dormer windows (other than those expressly authorised by this permission), shall be provided on the approved

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dwellinghouses without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason

1. Reason ST02a
- 2 To define the permission and to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1 and H9 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.
- 3-8. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1 and H9 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.
- 9-10. In order to protect species protected by law and to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1, H9, NBE5 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework
- 11-14. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1, H9, NBE6 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.
15. To safeguard the amenity of the occupiers of neighbouring dwellinghouses to comply with Policies SF1, SF5, H1 and H9 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.
- 16-19. In the interests of highway safety to comply with Policy TR1 of the adopted Derbyshire Dales Local Plan (2005).
20. To ensure the provision of adequate on-site parking facilities in the interests of highway safety to comply with Policy TR1 of the adopted Derbyshire Dales Local Plan (2005).
21. To ensure the satisfactory appearance of the development to safeguard the character and appearance of the area and to safeguard the amenity of the occupiers of neighbouring dwellinghouses to comply with Policies SF1, SF5, H1 and H9 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 538595 and ask for Mr. Andy Maltby) before any works commence on the vehicular access modifications within highway limits.

13/00779/FUL (Continued)

The Local Planning Authority, prior to the submission of the application and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the scheme addressing initial concerns relating to ecological and arboricultural matters, the amenity of neighbouring residents, access and parking requirements and the character and appearance of the dwellinghouses.

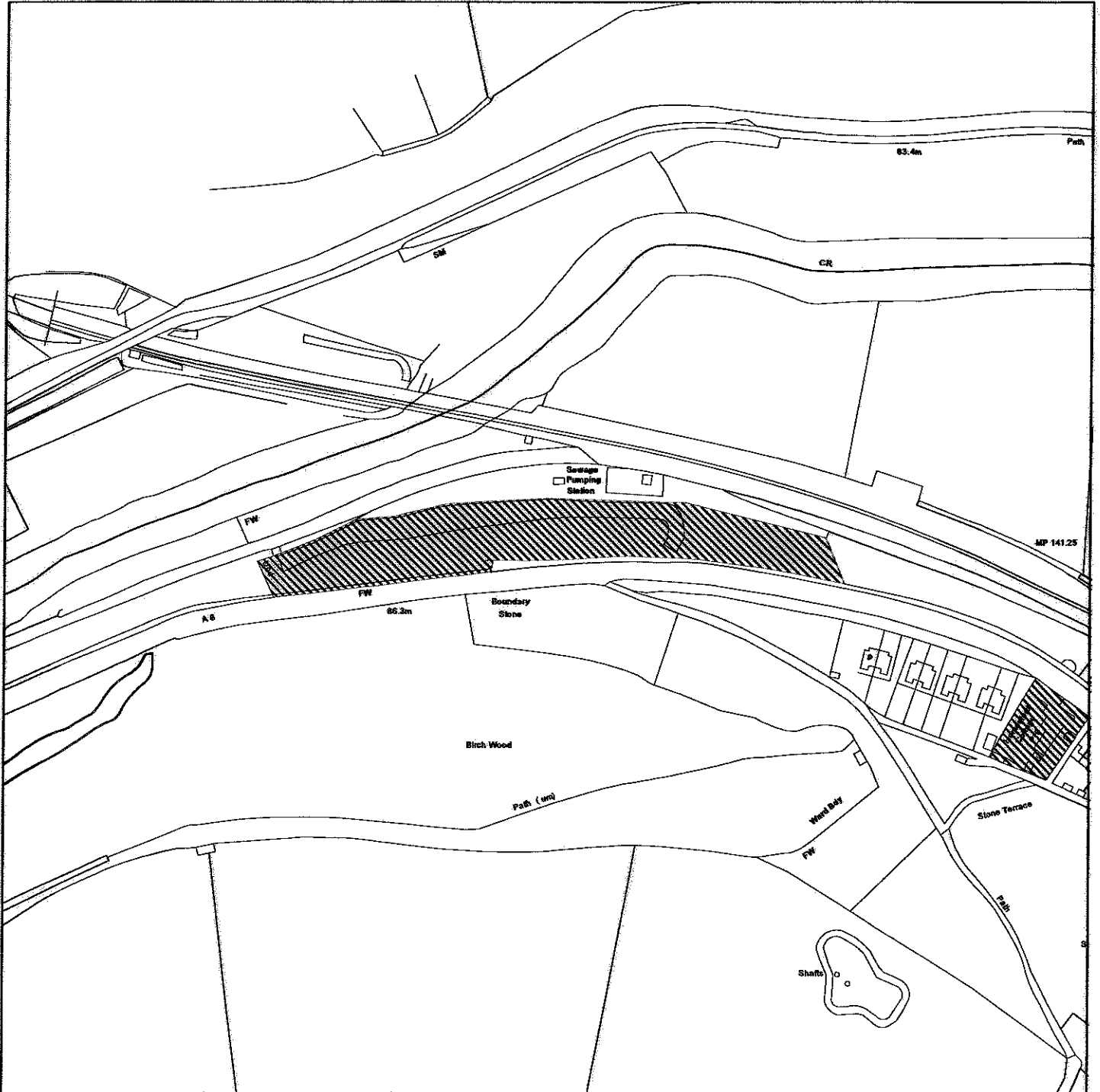
The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development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

This decision notice relates to the following documents:

Site Location Plan1:1250 received on 13th November 2013
Drawing Nos. AL01/A, AP02 and AS01 received on 13th November 2013
Amended Drawing No. AP01/C received on 24th January 2014
Design and Access Statement received on 13th November 2013
Ecology Report received on 13th November 2013
Arboricultural Statement received on 13th November 2013

13/00838/FUL

The Woodyard, Homesford, Matlock



Scale : 1:2500

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	24 January 2014
Licence No.	100019785

13/00838/FUL CHANGE OF USE OF LAND TO USE FOR SITING OF 8 NO. HOLIDAY LODGES (CHALETs) AT THE WOODYARD, HOMESFORD FOR HUCKNALL PROPERTY INVESTMENT LTD.

Town Council: Wirksworth
Application type: Full

Date of receipt: 04.12.13
Case Officer: Mr. G. Griffiths

BACKGROUND

This planning application is being re-presented to the Central and Northern Area Planning Committee further to the decision on 14th January 2014 to defer determination of the application until such time as the amended drawings presented to the Committee had been formally reconsulted upon.

The amendments included reducing the number of lodges from nine to eight (with the removal of the lodge proposed for residential accommodation for a site supervisor), the relocation of the access, alterations to the on-site access and parking provision, further details on landscaping and details of a refuse/recycling collection area. These details have been circulated to consultees.

Subsequent to this, the District Council has received a further amended plan showing some further alterations to the positioning of the lodges, the access through the site, parking provision and landscaping. These have not been subject to reconsultation, but they are reflective of the previously amended proposals and it is considered these can be taken into consideration in appraising the revised scheme, as set out below, without further consultation.

THE SITE AND SURROUNDINGS:

The site is an area of open land bounded by woodland of mature trees to the north, east and west. The woodland is subject to a Tree Preservation Order (DCC/TPO/115/A5). The southern boundary is open to views from the A6 and bounded by a low stone wall. The site is within the Derwent Valley Mills World Heritage Site.

THE APPLICATION:

Full planning permission is sought for the provision of eight holiday lodges. An amended plan has been submitted detailing the repositioning of the vehicle access to the eastern end of the site. It is proposed to have a vehicle turning and refuse/recycling collection area fronting the access. The access track within the site is proposed to run parallel to the A6 to a car parking area set centrally within the site. To the east of the parking area there are proposed to be three holiday lodges with a further five to the west of the parking area

The applicant has referred to pre-application discussions with the Local Planning Authority in 2008 and an application was submitted for six wooden camping huts. The applicant advises that this was withdrawn as the landowners wished to continue their existing business and trade albeit this has now significantly reduced and the owners wish to pursue different interests.

The applicant has identified the following benefits of the site:

- it is close to tourist attractions of the Derwent Valley Mills World Heritage Site, the Peak District National Park, the historic towns of Matlock, Matlock Bath and Wirksworth and the historic village of Cromford
- the site is close to public footpaths to Cromford and Whatstandwell

13/00838/FUL (continued)

- the site is in a sustainable location and accessible by a variety of transport modes
- the site has been used for business purposes
- the site would support sustainable rural tourism
- the lodges would be manufactured by a local company (Pinelog Ltd of Bakewell)
- the development would not have a prominent or adverse impact on the character and appearance of the immediate or wider landscape
- the lodges would have a natural timber appearance to blend into the site
- any lodges would be screened by existing and planned landscape features for the whole of its proposed operating season, so they will not be visible from outside the site, and the landscaping would provide soundproofing and privacy
- the income generated would assist with management of the land and its regeneration as a small, mixed broadleaf woodland
- on-site facilities are of a scale appropriate to the location and the site itself
- would provide alternatives to the car for local sightseeing.

The applicant advises that the adopted Local Plan (2005) has expired and little weight could be attached to the emerging Local Plan given deliberations of a Planning Inspector at a recent Appeal in the District. Nevertheless, the applicant considers the proposal also complies with the policies of the adopted Local Plan (2005) and emerging policies in Pre-submission Draft Local Plan (2013). However, the applicant considers that the majority of the weight in policy terms should be given to the National Planning Policy Framework and considers the proposal to be in accordance with this.

The applicant has submitted a Flood Risk Assessment which states that the Environment Agency has identified the site is within Flood Zone 1 (little or no risk of flooding) and Flood Zone 2 (low to medium risk of flooding). However, the applicant has assessed the site level for the lodges at 85.7 AOD which is above the 1:100 and 1:1000 year flood level. The drainage, subject to approval, is proposed to be connected to the existing sewage treatment plant which is close by to the north east of the site. The owners are also advised to be in discussion with the water authority to provide a new access to reduce the impact on the existing footpath network.

The applicant has also submitted a Tree Survey. This states that the trees on the site appear to be mainly about 60 years old and include numerous sycamore, many of which appear to have grown from stumps of trees cut down 60-70 years ago and now have several tall and rather crowded stems. Other trees include birch, wych elm, a beech and hawthorn, several elder and hazel bushes and ash and hazel saplings. It is advised that there is a need for woodland management. It is also advised that several trees have fallen recently as they have not had a secure roothold in the slope and given that part of the slope is of made up land.

RELEVANT HISTORY:

08/00891/FUL Change of use of land and erection of 6 No. wooden camping huts and associated amenities building for tourism accommodation - Withdrawn

01/07/0536 Erection of agricultural building for livestock and storage of fodder and implements – Granted but not implemented

Applications prior to 1960 refused for residential, café and petrol station development

13/00838/FUL (continued)

CONSULTATIONS:

Wirksworth Town Council – No objection in principle to original submitted scheme

Cromford Parish Council – Comment

Original scheme

- very keen to encourage tourism to the area but object to the original scheme for the following reasons:
- Size - feel application is too large
- Screening & Landscaping - site would have to have more suitable screening to enable it to be more discreet
- Parking & Turning - felt that cars would not be able to park and turn safely on the scale proposed - road safety is a very high priority on what is a very busy, and at times, dangerous road.

Amended Scheme – Comment:

- do not object to the revised application subject to conditions on layout of the access and appearance of the cabins and landscape
- written advice to the applicants that they cannot have permanent residential rights under this permission and would be very unlikely to get them under any later application.

Local Highway Authority – Comment:

- objected to access proposed with original scheme
- no objection to amended proposals subject to conditions regarding visibility splays, closing up of existing access, providing on-site storage area, etc during construction period, gradient of access and parking provision.

Environment Agency - No objection – Comment:

- there should be no lowering of ground level of the embankment on the edge of the development site which could extend the floodplain and increase flood risk to the development.

REPRESENTATIONS:

- A total of 21 letters of representation from neighbours and interested parties in support of the original application. The comments can be summarised as follows:
 - utilises brownfield site positively
 - well designed attractive improvement to tourist amenities and improve a site that is becoming an eyesore
 - will enhance tourist/visitor facilities - site ideal for such purpose
 - excellent facilities for walkers nearby
 - proximity to river and local walks
 - site would be screened
 - chalets would blend naturally into woodland setting
 - would preserve unique character of the World Heritage Site
 - existing landscaping would be retained
 - close to an existing residential holiday park
 - complementary to sustainable tourism
 - boost to tourism for the District
 - would benefit local business
 - superb location on the gateway to the World Heritage Site
 - far better use of the land than as a totally unacceptable travellers site

13/00838/FUL (continued)

- owners have been trying to sell business for a long time – the treatment of them has been disgraceful
- Cromford Fly Fishing Club has many members that travel from afar who would use the cabins as weekend stopovers
- proposed refusal of the holiday chalets would do more harm than good to an already slowly eroding village community through lack of investment
- Council needs to be very careful with this site as it is in a 'gateway road' to the World Heritage Site - inappropriate development would leave a personal legacy to those involved in the approval of plans for the site
- seems that the Council are hell bent on placing the traveller site at Homesford at any cost - the Woodyard is totally unsuitable on many counts as have been outlined in previous communications

POLICIES:

1. Adopted Local Plan (2005)
 - SF4 Development in the Countryside
 - SF5 Design and Appearance of Development
 - EDT19 Tourist Accommodation Outside Defined Settlement Frameworks
 - NBE5 Development Affecting Species Protected by Law or are Nationally Rare
 - NBE6 Trees and Woodlands
 - NBE7 Features Important in the Landscape
 - NBE8 Landscape Character
 - NBE25 Derwent Valley Mills World Heritage Site
 - NBE26 Landscape Design in Association with New Development
 - TR1 Access Requirements and the Impact of New Development
 - TR2 Travel Plans
 - TR8 Parking Requirements for New Development
2. Pre-submission Draft Local Plan (2013)
 - Strategic Policy 1 - Sustainable Development Principles
 - Strategic Policy 2 - Settlement Hierarchy
 - Strategic Policy 3 - Protecting and Enhancing the Natural and Historic Environment
 - Strategic Policy 6 - Promoting Peak District Tourism and Culture
 - Strategic Policy 11 - Accessibility
 - Development Management Policy 2 - Development in the Countryside
 - Development Management Policy 3 - Agricultural and Rural Workers Dwellings
 - Development Management Policy 6 - Landscape Character
 - Development Management Policy 7 - Biodiversity and Geological Interests
 - Development Management Policy 8 - The Historic Environment
 - Development Management Policy 9 - Design and Appearance of Development
 - Development Management Policy 13 - Holiday Chalets, Caravan and Campsite Developments
 - Development Management Policy 22 - Access and Parking
3. National Planning Policy Framework
4. Department of Communities and Local Government - The Good Practice Guide on Planning for Tourism

ISSUES:

1. Introduction

Before considering the merits of this application, there is a need to set out the planning background of the site and to set out the relevant planning policy considerations.

2. Background

The application site has a varied planning history. It was a former ash tip, which seems to have largely established its current land form profile. There have been separate applications between 1930s and 1960s for development on the site including a residential development of thirty dwellings, a transport café and a petrol filling station which were all refused.

In more recent times, an agricultural building for livestock and storage was granted on the site in 2001 and a commencement of the permission has been agreed with the works to the access. There have, in more recent times, been planning enforcement issues raised with regard to the unauthorised chalet and storage containers on the site. At the present time, there are three enforcement notices on the site, all of which have taken effect.

3. Policy

There are several national and local planning policies that have relevance to the consideration of this application. Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and one of the core principles is to encourage the effective use of land by reusing land that has been previously developed. Paragraph 17 (Core Planning Principles) and Paragraph 109 of the NPPF, also stress the need to recognise the intrinsic character and beauty of the countryside in reaching planning judgements and are relevant to the consideration of this application. The Core Planning Principles and Paragraphs 126, 133, 134, 137 and 138 also refer to the need to seek to preserve or enhance heritage assets; this is particularly relevant given the application site is within the World Heritage Site.

In terms of other policy considerations, Paragraph 215 of the NPPF advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Paragraph 14 advises that for decision taking, this means approving development where the development plan is absent, silent or relevant policies are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Central to the consideration of this application is whether the relevant policies of the adopted Derbyshire Dales Local Plan are up-to-date. The applicant refers to Policy EDT20 (Holiday Chalets, Caravan and Camp Site Developments). However, this is not a saved policy of the adopted Local Plan. However, Policy EDT19 is relevant as the preamble to this policy advises that holiday chalets must be carefully controlled to ensure that they do not run contrary to the principles of sustainable development.

In terms of the adopted Local Plan, Policy NBE8 states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. Policy NBE25 also states that planning permission for development within the Derwent Valley Mills World Heritage site will only be granted where it does not have an adverse impact on its character and appearance. Other relevant

13/00838/FUL (continued)

policies of the adopted Local Plan, which are considered to still reflect policy in the NPPF, include Policies SF4, SF5, NBE5, NBE6 and TR1 of the adopted Local Plan.

The proposal also has to be assessed in the context of the Pre-submission Draft Local Plan (2013). Development Management Policy 13 is the most pertinent and states that planning permission for holiday chalets will only be granted where the development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape, any visual impact would be well screened by existing landscape features for the whole of the year from public vantage points, any on-site facilities are of an appropriate scale to the location and site and the site is in a sustainable location accessible by a variety of modes of transport.

Whilst the emerging Local Plan is some way off adoption it is considered that the above Policy reflects policy in the NPPF and, therefore, can be given a degree of weight. Equally, this applies to the other policies of the Pre-submission Draft Local Plan referred to above in the 'Policies' section.

Another material consideration is guidance contained in the 'Good Practice Guide on Planning for Tourism.' The purpose of this guide is to ensure that the importance of tourism is understood and to take this fully into account when taking planning decisions in order to effectively facilitate, promote and deliver new tourism developments in a sustainable way.

Paragraph 5.1 of The Good Practice Guide on Planning for Tourism advises consideration of the following in terms of the impact of development:

where the development is located – developments need to be located where they are accessible to visitors (and for many, but not all developments, by means other than just by private car) and where they do not have an adverse impact upon sensitive environments;

how they are designed – developments should be attractive to users, they need to work well in functional terms and they need to use natural resources in an efficient manner; and

how they fit into their surroundings – developments need to respect their environs and complement them rather than detract from them. They should be designed to have a positive impact upon landscape, the historical setting and upon ecology.

Paragraph 5.3 advises that wherever possible and feasible for the development concerned, the applicant should look to:

- *locate the development close to public transport interchanges and bus routes which will not only help to reduce travel by car but also enable a wider range of people to visit the attraction;*
- *produce green transport plans – these are often appropriate for larger schemes where there may be scope to reduce private car travel by providing dedicated bus services or greater access by walking or cycling.....*

13/00838/FUL (continued)

Paragraph 20 relates specifically to accommodation such as holiday lodges. This advises that planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.

4. Sustainability

It is recognised that this development has the potential to create significant vehicle movements to and from the site as the site is located in the open countryside away from any significant settlement. However, it is along a main arterial route and can be accessed by public transport with a bus stop close by and access to the railway station at Whatstandwell. The land is also previously developed and there is a desire to see such sites re-used in preference to greenfield sites. The site is also within the Derwent Valley Mills World Heritage Site, which in itself is a tourist destination, and on the public footpath network. In this respect, whilst not located next to a settlement, the site is nevertheless considered a relatively sustainable location for tourism purposes.

The applicant has advised that there would be the potential to offer tours from the site in order to reduce car borne journeys. However, this would be difficult to control through a condition on any planning permission and unlikely to contribute significantly to persons arriving with cars not using them to get around. In addition, it is not considered that the proposed development is of such a significant scale that would require the submission of a Travel Plan in the context of Policy TR2 of the adopted Local Plan (2005).

Given the above, it is considered that the development would comply with the core principles for sustainable development contained in the NPPF and The Good Practice Guide on Planning for Tourism and with the preamble to Policy EDT19 and with Policy SF4 of the adopted Local Plan.

5. Economic Benefit

There would be some benefits to the local economy arising from the proposal. The applicant has advised that the actual development would include eight, locally built Pinelog lodges, thus providing/retaining employment in the District. The operations of the site will also require employees and there would be a likely requirement for contractor services to maintain the site. In addition, the facility may be self-catering but will be likely, in most instances, to bring economic benefits to shops, tourist attractions and services in the area. In this respect, weight has to be given to the economic benefits of the development in the short and long term.

Given the above, it is considered that the development would comply with the core principles for economic development through tourism contained in the NPPF and The Good Practice Guide on Planning for Tourism.

6. Impact on Character and Appearance of the Open Countryside and the Derwent Valley Mills World Heritage Site

Whilst the number of lodges proposed has been reduced from nine to eight, it is considered that these would have a cramped appearance on the site. The site is proposed to be substantially covered with lodges and hardstanding associated with access and parking and would have rather limited amenity space for families to enjoy (should they wish to be outside with the extent of noise and fumes from vehicles using the A6).

13/00838/FUL (continued)

In addition, given the cramped nature of the site, it is considered that the lodges would be very prominent in views of the site. Whilst the applicant proposes landscaping to the roadside boundary, it is considered that such an extent and height of beech hedging to screen the lodges, notwithstanding the intermittent lime trees, would take some time to grow to an effective height and depth that would fully screen such undistinguished lodge buildings. In addition, the continuous length of high beech hedge would give a 'domestic' character to the frontage and therefore landscaping would need to be given significantly more consideration if it is to assimilate with this open countryside location.

It has to be appreciated that in this location, the area is largely characterised by views from the A6 through open woodland and the insertion of any hedging would have some impact on this character. Therefore, if hedging is to be acceptable on the site, it would have to be a mix of native species that could be better assimilated into the environment. Notwithstanding this, the effective height of hedge required to screen the lodges would be likely to have implications on the depth of the hedge and thus place a constraint on the access and perpetuate the cramped nature of the site still further, particularly in areas detailed on the amended plan where the hedge is proposed to be only 1m wide. It is also considered that such a hedge would take many years to establish and in the meantime, the lodges, which are of alien form, would be open to view.

As such, it remains the view of Officers that the proposed development would be an overdevelopment of the site, with inadequate space for appropriate screening and, with such intensity of development of a non-traditional form, it would be inherently harmful to the character and appearance of the open countryside and the Derwent Valley Mills World Heritage site.

Whilst it is appreciated that the site is relatively close to existing residential/holiday park developments, these have been established for some considerable time. These do not set a precedent for holiday lodge development in the area which, if perpetuated, would appear readily apparent in the landscape and could significantly harm the character and appearance of the World Heritage Site and open countryside.

Given the above, it is considered that the development would fail to comply with the core principles for protecting the open countryside and areas of historic importance as contained in the NPPF and reflected in Policies SF4, SF5, NBE8 and NBE25 of the adopted Local Plan.

6. Site Maintenance

The site will require maintenance and the applicant advises that the woodland and landscape would be managed as a result of the development. In this respect, it is likely that a building would be required for such maintenance equipment. Nevertheless, it is considered that such a building could be accommodated on the site, and permission has previously been granted for such a building. This would need further consideration if planning permission is granted for the holiday lodges as to the requisite scale, siting and appearance of such a building. This would need to be considered with a separate planning application if such a building is deemed necessary.

7. Highway Issues

The Local Highway Authority has advised that the repositioning of the access to the point detailed on the amended drawings is acceptable and have requested that conditions to be attached to any grant of planning permission.

8. Amenity Issues

The site is very exposed to traffic noise and possible vibration from a busy arterial road. In this respect, there are some concerns as to what the impact may be on tourists staying at the lodges. However, this is considered a matter for the developer. They would need to be satisfied that the impacts of the A6 would not have an adverse impact on their visitors and ultimately the business operation.

9. Other Issues

Natural England advised on the previous planning application that there was no impact on the Cromford Canal SSSI or Local Nature Reserve. Whilst the applicant has not provided any information with regard to protected species, it is considered that given where the holiday lodges are proposed on this open and previously developed site, with little vegetation, that there will be no significant impact on protected species.

The Environment Agency commented on the previous application with regard to drainage; this was then proposed to be to a non-mains system. However, the applicant now proposes to connect to the mains sewer thus, it is considered, overcoming this objection. Nevertheless, a condition will be required on any grant of planning permission to ensure adequate drainage facilities service the site. The Environment Agency has also commented that there should be no lowering of the ground levels on the site and thus which could extend the floodplain and increase flood risk to the development. However, this is not proposed by the applicant.

10. Conclusion

Notwithstanding the reduction in the number of lodges on the site by one unit, and the revisions proposed in the amended drawing, it remains the view of Officers that, in order to accommodate the lodges, allow for associated vehicle access to them, parking areas, manoeuvring space, amenity space and, more importantly, to provide an appropriate level of landscaping to fully screen these alien structures throughout the year, they would need to be significantly reduced in number.

In this respect, it is considered that the proposed development would be an overdevelopment of the site which would be harmful to the character and appearance of the countryside and the Derwent Valley Mills World Heritage site. Given the above, it is recommended that planning permission be refused.

OFFICER RECOMMENDATION:

Planning permission be refused for the following reasons:

1. The scale of development proposed, as detailed in the amended drawings received on 24th January 2014, would be inherently prominent and encroaching and detrimental to the character and appearance of the countryside in this area of high quality and historic landscape within the Derwent Valley Mills World Heritage Site. As such, the proposal fails to comply with Government policy contained in the National Planning Policy Framework, Policies SF4, SF5, NBE8 and NBE25 of the adopted Derbyshire Dales Local Plan (2005) and Strategic Policies 1 and 3 and Development Management Policies 2, 6, 8, 9 and 13 of the Pre-submission Draft Derbyshire Dales Local Plan (2013).

13/00838/FUL (continued)

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:

Amended Drawing and Information received on 8th January 2014

Design and Access Statement received on 4th December 2013

Tree Report received on 4th December 2013

Flood Risk Assessment received on 4th December 2013

NOT CONFIDENTIAL - For public release

CENTRAL PLANNING COMMITTEE – 4th FEBRUARY, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for January 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
98	BIRCH GROVE, 82a LUMSDALE ROAD, UPPER LUMSDALE, MATLOCK FELLING OF TWO SYCAMORES Reasons: Dangerous PRUNING OF WILLOW Reasons: Not given	PENDING DECISION
62 & 109	6 NORMANHURST PARK AND LAND TO THE SOUTH-WEST OF 6 NORMANHURST PARK, DARLEY DALE PRUNING OF TREES Reasons: General maintenance Clearance for tractor Clearance over garage	PENDING DECISION
21	CULVER CROFT, LEA ROAD, LEA BRIDGE FELLING OF BEECH TREE Reasons: Unsatisfactory branch structure Overlong branches Structurally poor with tight fork Not a good long term tree Largely hidden behind Birch trees Long term management of the site PRUNING OF HORSE CHESTNUT Reasons: Overhanging driveway causing accumulation of leaves	PENDING DECISION
10	LAND ADJACENT TO 9 PORTEOUS CLOSE, TWO DALES PRUNING OF WEEPING BEECH Reasons: To allow safe passage of vehicles Overhanging adjacent property Overhanging path	PENDING DECISION
35	79 CAVENDISH ROAD, MATLOCK FELLING OF TREES Reasons: Dying Light to garden To facilitate reconstruction of retaining wall and landscaping of garden	PENDING DECISION
43	28 BANK GARDENS, MATLOCK FELLING OF SILVER BIRCH Reasons: Disproportionally large for garden Negative amenity value	PENDING DECISION

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
	Blocks light to dwellings Leaves block guttering and drains Close to retaining wall Close to services	
119	ST ELPHIN'S PARK, DARLEY DALE PRUNING & FELLING TREES Reasons: In the interests of Health & Safety For the purposes of sound arboricultural management	PENDING DECISION
72	27 THE PARKWAY, DARLEY DALE PRUNING OF TREES Reasons: To prevent snow damage Outgrowing location To improve light to garden	PENDING DECISION

NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
MATLOCK BANK	ST JOSEPH'S CATHOLIC PRIMARY SCHOOL, CHESTERFIELD ROAD, MATLOCK PRUNING & FELLING OF TREES Reasons: Self-set trees Overgrown vegetation Overhead cables Distorted growth Leaning Overhanging footpath Obstructing site sign Leader growing into Leylandii Crossing branches Growing over the school Playground	PENDING DECISION
MATLOCK BATH	YEW TREE COTTAGE, UPPERWOOD, MATLOCK BATH FELLING OF FIR Reasons: Excessive shading Top section broke off last year	PENDING DECISION
WIRKSWORTH	CLARE COTTAGE/THE OLD COACH HOUSE, GATEHOUSE DRIVE, WIRKSWORTH FELLING OF BEECH Reasons: Poor condition of tree	PENDING DECISION
MATLOCK BANK	ALL SAINTS VICARAGE, SMEDLEY STREET, MATLOCK FELLING & PRUNING OF TREES Reasons: Unsafe Obscuring light to house Overhanging the roof	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
CROMFORD	CULVER CROFT, LEA ROAD, LEA BRIDGE WORKS TO TREES Reasons: Overcrowded Obscuring views To open up garden Affecting growth of other trees Excessive shading of driveway Slippery leaves Lop-sided Low canopy Weak fork Spindly Light to house	PENDING DECISION
MATLOCK BATH	WAPPING NATURE RESERVE, CLIFTON ROAD, MATLOCK BATH POLLARDING OF ASH Reasons: Structural failure.	PENDING DECISION
WIRKSWORTH	YOKECLIFFE HOUSE, WEST END, WIRKSWORTH PRUNING & FELLING OF TREES Reasons: Foliage rather sparse Heavily pruned in past Overhanging the road Vigorous tree in confined space Close to adjoining property Squirrel damage Growing above retaining wall To allow other trees to develop	PENDING DECISION
WIRKSWORTH	DALE WOOD, WEST END, WIRKSWORTH FELLING OF TREES Reasons: To maintain longterm stability & continuity of the woodland	PENDING DECISION
WIRKSWORTH	11 WASH GREEN, WIRKSWORTH FELLING OF GOAT WILLOW Reasons: Excessive shading Poor location	PENDING DECISION
LUMSDALE	MOORLAND VIEW, UPPER LUMSDALE, MATLOCK FELLING OF A SPRUCE & LARCH Reasons: Not given	PENDING DECISION
BOLEHILL	OAKER HOUSE, 41 THE LANES, BOLEHILL PRUNING OF TREES Reasons: General Maintenance	NO OBJECTIONS
RIBER	THE HERMITAGE, RIBER ROAD, RIBER PRUNING & FELLING OF TREES Reasons: Diseased Multi-stemmed poor quality To create space for replanting Close proximity to stone wall	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	<p>To maintain the tree To increase light through the canopy To promote the health of trees and aid fruit production To increase the light and usable garden space Forestry trees too large for the garden that dwarf a large section of the garden Unwanted self-set tree To provide space for the development of the neighbouring tree</p>	
OLD MATLOCK	<p>93 MATLOCK GREEN, MATLOCK PRUNING OF TREES Reasons: Not given</p>	PENDING DECISION
MATLOCK BATH	<p>CROW PIE COTTAGE, 7 ORCHARD ROAD, MATLOCK BATH FELLING OF 7 TREES Reasons: Self-set, non specimen trees Almost totally shading the lawn Two lean badly</p>	PENDING DECISION
MATLOCK BATH	<p>YEW TREE COTTAGE, UPPERWOOD ROAD, MATLOCK BATH PRUNING OF TWO TREES Reasons: Not given</p>	PENDING DECISION
MATLOCK BATH	<p>ROCK WEIR, NEW BATH ROAD, MATLOCK BATH PRUNING & FELLING OF TREES Reasons: Growing out of boundary wall To remove liability for damage to parked cars</p>	PENDING DECISION
WIRKSWORTH	<p>DALE WOOD, WEST END, WIRKSWORTH FELLING OF TREES Reasons: Safety To allow other trees to develop</p>	PENDING DECISION
BOLEHILL	<p>OAKER HOUSE, 41 THE LANES, BOLEHILL FELLING OF HORSE CHESTNUT Reasons: Dying & dangerous PRUNING OF TREES Reasons: Not given</p>	NO OBJECTIONS
OLD MATLOCK	<p>THE HARRISON ALMSHOUSES, 3 – 11A MATLOCK GREEN, MATLOCK PRUNING OF WEEPING ASH Reasons: To provide clearance from overhead cables FELLING OF WEEPING ASH Reasons: Fungal decay in the stem FELLING OF CYPRESS Reasons: Light to properties</p>	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
CROMFORD	DERWENT HOUSE, WILLERSLEY LANE, CROMFORD PRUNING OF TWO YEW TREES Reasons: Not given FELLING OF THREE TREES Reasons: Leans over garden Suppressing adjacent tree Very close to building Causing heavy shading	PENDING DECISION
LUMSDALE	NATDALE, UPPER LUMSDALE, MATLOCK FELLING OF 17 LAWSON CYPRESSES Reasons: Produce excessive shading Obscure views of natural woodland Screening of erstwhile HGV yard no longer required	PENDING DECISION
MATLOCK BATH	STONEYDALE, HOLME ROAD, MATLOCK BATH FELLING OF TREES Reasons: Pushing retaining wall Leaning & close to neighbour's property Fear of size in relation to neighbouring property	PENDING DECISION
MATLOCK DALE	140 DALE ROAD, MATLOCK PRUNING & FELLING OF TREES Reasons: Concern about size in relation to property Poor specimen Low branch over neighbouring roof	PENDING DECISION
LUMSDALE	LAND TO THE REAR OF 59 RIBER VIEW CLOSE, TANSLEY FELLING OF SYCAMORE Reasons: To improve light Overcrowded	PENDING DECISION
CROMFORD	LAND BETWEEN CROMFORD CHURCH AND CROMFORD MILL, CROMFORD FELLING OF YEW Reasons: Sever lean over the road	NO OBJECTIONS
CROMFORD	LAND TO THE NORTH OF THE STATION APPROACH, CROMFORD RAILWAY STATION, LEA ROAD, CROMFORD BRIDGE PRUNING & FELLING OF TREES Reasons: Risk to public Shows signs of movement Embankment stabilisation risk Defective branches	NO OBJECTIONS
MATLOCK BATH	THE FISHPOND HOTEL, 204 SOUTH PARADE, MATLOCK BATH PRUNING & FELLING OF TREES	NO OBJECTIONS

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	Reasons: Garden restoration Dark shaded environment Potentially unstable Health & safety Growing from base of wall To improve stability & reduce risk of falling onto road or hotel Severely deformed Growing out of cliff	
WIRKSWORTH	YOKECLIFFE HOUSE, WEST END, WIRKSWORTH PRUNING OF A BEECH TREE Reasons: To be consistent with consent to prune neighbouring trees	NO OBJECTIONS
MATLOCK BANK	4 ROCKSIDE MEWS, WELLINGTON STREET, MATLOCK FELLING OF TWO PINE TREES Reasons: Severe storm damage Risk of limbs breaking in high winds Not safe to leave without companion tree	PENDING DECISION
MATLOCK BANK	43 WELLINGTON STREET, MATLOCK FELLING OF PINE Reasons: Risk of limb failure in high winds Not safe to leave without companion trees	PENDING DECISION
MIDDLETON-BY-WIRKSWORTH	MIDDLEPEAK WHARF, MIDDLETON ROAD, WIRKSWORTH FELLING OF FOUR SYCAMORES Reason: Poor condition Within falling distance of an outbuilding for which planning permission has been granted	PENDING DECISION
MATLOCK BANK	BT TELEPHONE EXCHANGE, NEW STREET, MATLOCK WORKS TO TREES Reasons: Restricting growth of young tree Risk of failure onto car park and buildings below Maintenance programme	PENDING DECISION
MATLOCK BATH	FISLEIGH AND BRUNSWOOD HOUSE, BRUNSWOOD ROAD, MATLOCK BATH FELLING OF TWO TREES Reasons: Misshapen and suppressed Outgrown location Very close to mains drains	PENDING DECISION
MATLOCK BANK	CONSTANTIA HOUSE, CAVENDISH ROAD	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	REDUCTION IN HEIGHT OF TWO CONIFERS Reasons: Fear of falling on house	
LUMSDALE	CORNER CROFT, 59 ASKER LANE, MATLOCK REDUCTION IN HEIGHT OF HOLLY TREE Reasons: To improve light to neighbouring property	PENDING DECISION
MIDDLETON-BY-WIRKSWORTH	LAND TO THE REAR OF 3 SANDY HILL, MIDDLETON FELLING OF MULTI-STEMMED ASH Reasons: Excessive lean towards buildings Potentially unstable as growing in loose rock bed	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

CENTRAL PLANNING COMMITTEE – 4th FEBRUARY, 2014

COUNTY COUNCIL TREE APPLICATIONS

Progress report for January 2014

CONSULTATIONS RECEIVED ON APPLICATIONS TO CARRY OUT WORKS TO TREES PROTECTED BY A DERBYSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER:

TPO NO.	ADDRESS/APPLICATION	DCC DECISION/COMMENT
123	ROCK LODGE, 69 DERBY ROAD, CROMFORD PRUNING & FELLING OF TREES Reasons: Potentially weak forks Clearance over the road To limit the spread of the tree To restrict the size To improve the shape of the crown To allow other trees to develop	PENDING DECISION
88	LAND ADJACENT TO 36 PARK AVENUE, DARLEY DALE PRUNING OF LIME Reasons: Overhanging neighbouring drive	PENDING DECISION
88	ABBEY HOUSE, CHURCH ROAD, DARLEY DALE PRUNING OF TREES Reasons: To reduce weight and leverage Growing over another tree FELLING OF TREES Over crowded To allow other trees to develop Spindly Not very attractive Poor form Poor condition Top of the tree broken off Leaning Forked Suffering from "Bleeding Canker" Extensive decay in stem Almost dead	PENDING DECISION
25	TOR HILL, 204 DALE ROAD, MATLOCK BATH PRUNING OF A BEECH Reasons: To provide clearance over the A6 FELLING OF TWO BEECH TREES Reasons: Suppressed Unsuitable form To allow the other Beech to develop	PENDING DECISION
25	GULLIVERS KINGDOM, TEMPLE ROAD, MATLOCK BATH PRUNING AND FELLING OF TREES	PENDING DECISION

TPO NO.	ADDRESS/APPLICATION	DCC DECISION/COMMENT
	Reasons: Self-set To clear branches from building Leaning over the roof Dead Distorting wall	
84	23 PINWOOD ROAD, MATLOCK PRUNING OF OAK Reasons: General maintenance To control the growth of the tree Not pruned for at least 10 years	PENDING DECISION
88	LAND TO THE REAR OF 9 PEAKLAND VIEW, DARLEY DALE FELLING OF ASH Reasons: Declining Pushing wall Outgrown location	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

PLANNING APPEAL - PROGRESS REPORT

Report of the Director of Planning & Housing Services

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
12/00656/FUL	Land opposite 52 Greenhill, Wirksworth	WR	Appeal being processed
12/00733/OUT	Land off Moor Croft, Chesterfield Road, Matlock	LI	Appeal being processed
13/00321/FUL	Lyndhurst, 96 Dale Road, Matlock	HH	Appeal Dismissed – Copy of Decision Attached
12/00732/FUL	Longway Bank Wood, Longway Bank, Whatstandwell	IH	Appeal being processed
13/00443/FUL	10 Imperial Road, Matlock	WR	Appeal being processed
ENF/12/00099	Tipsy Cottage, 14 Main Road, Darley Bridge	WR	Appeal being processed
13/00231/FUL	Matlock Transport, Northwood Lane, Darley Dale	WR	Appeal being processed
13/00567/FUL	Newclose House, Barnwell Lane, Cromford	HH	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.

Appeal Decision

Site visit made on 7 January 2014

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2014

Appeal Ref: APP/P1045/A/13/2203303

Lyndhurst, 96 Dale Road, Matlock, Derbyshire DE4 3LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Pamela Molyneux against the decision of Derbyshire Dales District Council.
 - The application Ref 13/00321/FUL, dated 8 May 2013, was refused by notice dated 4 July 2013.
 - The development proposed is formation of new vehicular access and hardstanding (part retrospective) and erection of gates.
-

Procedural Matter

1. The proposed works have been substantially implemented. I therefore treat the appeal as an application for retrospective planning permission.

Decision

2. The appeal is dismissed.

Main Issue

3. I consider the main issue to be the effect of the proposed development on the character or appearance of the Matlock Bridge Conservation Area.

Reasons

4. The appeal site is a property elevated above Dale Road with a triangular side garden, one long side of which is defined by a stone wall bounding the steeply rising Holt Lane from the vicinity of its junction with Dale Road. The wall is largely intact over much of its length and is a defining feature of the lane, contributing positively to both its character and appearance and hence to the conservation area as a whole. Because of its position and the topography, the wall is especially prominent after entry to and during ascent of the lane from the main road.
5. The 2003 Matlock Bridge Conservation Area Appraisal notes the wall as an interesting and attractive feature of the southern part of the lane and contrasts the lane's tranquil, almost village-like, ambience with that of the busy main road below. Having visited the site and the area of Matlock Bridge more generally, I have no reason to depart from that analysis. The wall is plainly an

important feature within the conservation area and I note from the officer's report that the means of enclosure in this vicinity are specifically protected by an Article 4 Direction to suspend permitted development rights, the exercise of which would otherwise be harmful to the character or appearance of the conservation area. Although not the determinative factor in this instance, the existence of the direction adds weight to the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

6. The approach of the National Planning Policy Framework is consistent with and in any event does not supplant the statutory duty. Moreover, the development plan policies cited by the Council, namely policies SF1, SF5 and NBE21 of its local plan, together promote good design in context including preservation or enhancement of the built environment, reinforcement of local distinctiveness and observation of the statutory duty in respect of conservation areas to which I have referred. None of these intentions is inconsistent with those of the Framework.
7. The works at issue are partially implemented and, leaving aside the question of quality of execution, which is poor, the removal of the section of wall at issue already gives sufficient indication of the negative effect that, in the context of the circumstances I have described, the proposed development would have. I am in no doubt that removal of this prominent section of wall would, in principle, be significantly harmful in those circumstances. The proposed scheme would therefore fail to preserve let alone enhance either the character or the appearance of this part of the conservation area. Bearing in mind the content of the conservation area appraisal to which I have referred, the degree of harm would be such that the Council's proposition that the harm to the significance of the heritage asset that it represents as a whole would be substantial is arguably so. Even were the harm to its significance less than substantial it would be harm nonetheless and, bearing in mind the statutory duty, would in the particular circumstances, in my estimation, be unacceptable. Less than substantial harm may in any event only be justified if it is outweighed by public benefits and I have no evidence to suggest that there are any such benefits of sufficient weight.
8. There would be increased private convenience of parking but this would be at the expense of a public on-street opportunity in an area where local residents share the available road space for that purpose. The appellant argues that it is necessary to gain vehicular access to the garden in order to maintain a large coniferous hedge, but tree surgeons routinely tackle such jobs in circumstances where there is no vehicular access. It is not a compelling argument.
9. Having taken the above and all other considerations raised into account, I consider, for the reasons I have given, that the proposed development would conflict harmfully with the intentions of the development plan, national policy and the statutory duty to which I have referred. No material considerations sufficient to outweigh that harm have been identified. I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector