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24 February 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 March 2014** at 6.00pm in the **Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be "Sandra Lamb".

Sandra Lamb

Head of Democratic Services

## **AGENDA**

**SITE VISITS** The Committee is advised that the coach will leave the Town Hall, Matlock at **3.30pm prompt**. A schedule detailing the sites to be visited is attached to the Agenda.

### **1. APOLOGIES/SUBSTITUTES**

Please advise Democratic Services on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

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

4 February 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.

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#### 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.

	<b>Page Nos</b>
<b>4.1</b>	
<b>Application No.13/00906/FUL (Site Visit)</b>	<b>5 - 22</b>
Enlargement of existing retail unit, change of use and conversion of storage building to use Class B1 (office) and 7 No. residential apartments, demolition of workshop building and erection of replacement building to accommodate 4 No. residential apartments and associated access/parking at Stones of Wirksworth Limited, Wood Street, Wirksworth.	
<b>4.2</b>	
<b>Application No.13/00828/FUL (Site Visit)</b>	<b>23 - 27</b>
Change of use of stable block to holiday accommodation at Bailiffs Cottage Farm, Tansley Wood, Lumsdale.	
<b>4.3</b>	
<b>Application No. 13/00796/OUT (Site Visit)</b>	<b>28 - 40</b>
Conversion of office building to dwelling house, demolition of garage and erection of 6 No. dwellings and associated access road (outline) for KV & GL Slack Ltd, Upper Lumsdale, Matlock.	
<b>5.</b>	
<b>TREES PROGRESS REPORT – DDDC APPLICATIONS</b>	<b>41 - 47</b>
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
<b>6.</b>	
<b>TREES PROGRESS REPORT – DCC APPLICATIONS</b>	<b>48 - 49</b>
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
<b>7.</b>	
<b>APPEALS PROGRESS REPORT</b>	<b>50</b>
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 3.30pm prompt for the following site visits:

		Page Nos.
3.45pm	<b>Application No. 13/00906/FUL</b> <b>Stones of Wirksworth, Wood Street, Wirksworth</b> Requested by Ward Member to assess the impact of the development on the levels of employment, the amenity of neighbouring residents and the impact on the character and appearance of the Conservation Area.	<b>5 - 22</b>
4.20pm	<b>Application No. 13/00828/FUL</b> <b>Bailiffs Cottage Farm, Tansley Wood, Lumsdale</b> Requested by Ward Member to assess the impact of the development.	<b>23 - 27</b>
4.40pm	<b>Application No. 13/00796/OUT</b> <b>KV &amp; GL Slack Ltd, Upper Lumsdale, Matlock</b> Requested by Ward Member to assess the impact of the development.	<b>28 - 40</b>

## 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:

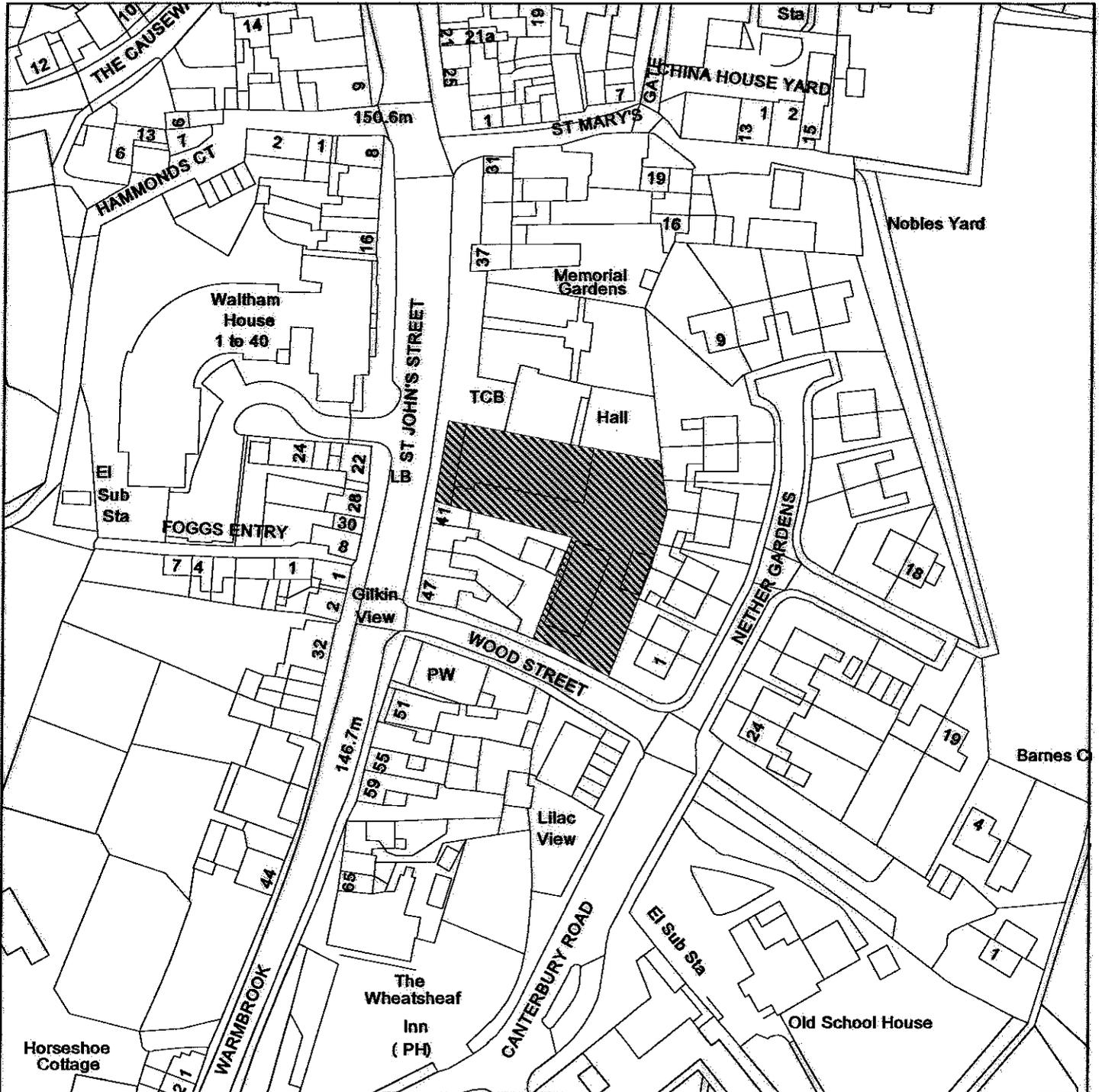
1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting).
2. A representative of the Town/Parish Council and the applicant (or representative can attend).
3. The Chairman will ascertain 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.

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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.

13/00906/FUL

**Stones Of Wirksworth, Wood Street, Wirksworth**



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

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 February 2014
<b>Licence No.</b>	100019785

**13/00906/FUL ENLARGEMENT OF EXISTING RETAIL UNIT, CHANGE OF USE AND CONVERSION OF STORAGE BUILDING TO USE CLASS B1 (OFFICE) AND 7 NO. RESIDENTIAL APARTMENTS, DEMOLITION OF WORKSHOP BUILDING AND ERECTION OF REPLACEMENT BUILDING TO ACCOMMODATE 4 NO. RESIDENTIAL APARTMENTS AND ASSOCIATED ACCESS/PARKING AT STONES OF WIRKSWORTH LTD., WOOD STREET, WIRKSWORTH FOR MR. D. & MR. A. STONE**

Town Council: Wirksworth  
Application type: Full

Date of receipt: 23.12.13  
Case Officer: Mr. G. Griffiths

**THE SITE AND SURROUNDINGS:**

The application site is a former cinema and associated L-shaped curtilage which has for many years been used as a builder's merchants and joiner's workshop. The buildings on the site include the large 1930's former cinema building which fronts onto St. John's Street. This is constructed with red brick frontage and a mix of stone, brick and render to the side and rear elevations. The building is currently used for storage and contained a hardware shop to the front, although this closed some two years ago. There is also a workshop building on the site which fronts onto Wood Street. This is a more recent building constructed with reconstituted stone blocks and a prefabricated sheet roof.

The site is within an area of mixed development. It is opposite Waltham House and residential properties on St. John's Street. It is attached to the memorial hall to the north and has traditional dwellinghouses to the south which also front St. John's Street. It is bounded to the rear by residential development on Nether Gardens and faces a Church, commercial building and garages to the south of Wood Street. The site is within the Settlement Framework boundary for Wirksworth and the Wirksworth Conservation Area.

**THE APPLICATION:**

This is a full planning application for the conversion of the former cinema building to a self-contained retail unit, office and seven apartments and the demolition of the workshop and erection of a replacement building for a further four apartments.

The alterations to the former cinema building include the following:

- subdivision of the building into seven, 2 bedrooomed flats
- erecting an extension to the rear elevation measuring 2.7m deep, 11.5m wide and 5.5m high with three projecting metal clad bay windows
- facing the south side of the building with render with the addition of three projecting metal clad bay windows
- provision of grey powder coated aluminium window frames
- insertion of patent glazed windows and rooflights on the roof

The details of the new building are as follows:

- dual pitch roofed building measuring some 8.1m wide by 17.5m deep and 9m high
- an attached, single storey bin store with mono-pitched roof
- proposed to provide four, 2 bedrooomed flats
- facing the building with brick with a render inset panel to the west elevation with the four projecting metal clad bay windows to the east side elevation
- provision of grey powder coated aluminium window frames

## 13/00906/FUL (Continued)

Vehicular access to the site and the 12 car parking spaces, of which two are disabled parking spaces, is proposed off Wood Street. A pedestrian and cycle access is also proposed off St. John's Street with a cycle store set to the south of the former cinema building. Soft landscaping is proposed to be incorporated in the eastern parts of the site to soften the appearance of the car parking spaces.

The applicants have advised with the previous planning application that the reason the site is no longer required for its current purpose is due to changes in the business profile, and are seeking permission to redevelop the site for residential/retail/office use. This site was until recently a building merchants and a joiners business which employed six people. Due to the economic downturn, the builder's merchants element of the business was closed in February 2011. The applicants consider the site is now inappropriate for their reduced scale of operation in building and joinery and relocation would reduce their overheads and allow the business to be less constrained with proximity to residential properties. In this respect, the applicants have advised that they would look to relocate to the Kingsfield or Ravenstor Industrial Estates.

The applicants previously submitted a viability statement in order to justify the proposals. In terms of Class A1 (retail) reuse, the applicants advise of some expression of interest from supermarket chains for the redevelopment of the site. This has not been thoroughly explored but they raise concerns regarding the impact that such a proposal could have on existing traders within the town and the impact on the amenity of occupiers of the surrounding residential properties due to deliveries via Wood Street and to the rear of Nether Gardens. Restrictions that could be applied on delivery times would be likely to have an adverse impact on such a potential use. The applicant has also previously made assessments with regard to the following possible alternative uses for the site:

Class A2 – Financial and Professional Services – demand in the town would be low and such uses do not require large premises.

Class A3-Food and Drink; Class A4-Drinking Establishments; Class A5-Hot Food Takeaways – the applicant considers the frontage unit could provide for such uses, but that the wider site would not be suitable for a large food restaurant chain given that such chains are not known to be looking at the town, and such uses would cause disturbance to residents with operating hours and associated vehicle movements. The buildings are considered to not readily lend themselves to conversion or redevelopment for such purposes given the potential costs set against expected rent yields.

Class B1 (Business) – the applicant has advised that Fidler Taylor, a local estate agent, consider that there is an oversupply of such premises and highlights a number of empty office spaces. In terms of light industrial usage, the applicant considers the proximity to residential properties to be a likely constraint and there are available units elsewhere in the town at Kingsfield and Ravenstor industrial estates.

Class B2 (General Industry) – it is recognised that the existing use is within this Use Class but such users may not be as amenable as the applicants to the local residents and such use would by definition be incompatible with the area.

Class B8 (Storage and Distribution) – this could be possible but would lead to disturbance through deliveries to and from the site and the site would not be considered by an operator if operating hours were restricted and such a use would not be good for the character and appearance of the Conservation Area.

## 13/00906/FUL (Continued)

Class D1 (Non-residential Institutions) – the applicant concludes there is no identified need for such uses in this location.

Class D2 (Assembly and Leisure) – demand for a further cinema is considered unlikely and the applicant considers there to be no demand for concert halls, bingo halls, etc which are large scale uses and would probably require demolition of the existing buildings on the site. It is also questioned as to the appropriateness of such uses in close proximity to residential properties. In terms of indoor and outdoor sports facilities, the applicant advises that there is a leisure centre close to the site and that there is no evidence of further demand.

Sui Generis Uses – the applicant advised that it is not possible to explore all other potential uses but that these would nevertheless have to give regard to the close proximity of residential properties which would make such a development an unattractive proposition.

In terms of residential use, the applicant considers it to be appropriate as the costs of conversion and redevelopment of the workshop will be significant. Such a use would provide an investor with a degree of confidence that the high development costs could be recovered. It is also considered that such development would support the vitality of the town and that the government's permitted development rights from B1 office uses to residential use is evidence of the desire to get more people living in town centres. The applicant also considers that such a use would protect the amenities of existing residents and provide for housing need in the town. The applicant has agreed to retain the retail unit and provide for office space in lieu of the loss of the employment of the current business.

### RELEVANT HISTORY:

13/00216/FUL	Change of use and conversion of storage building to self-contained retail unit and 8 no. residential apartments, demolition of workshop building and erection of replacement building to accommodate 4 no. residential apartments, associated access, car parking and landscaping - Refused
13/00217/CON	Demolition of workshop building – Granted

### CONSULTATIONS:

Town Council – Comment:

- investigating development of The Memorial Hall and consider have a pecuniary interest in any planning application on the site

Local Highway Authority – Comment:

- some concern with access width and visibility but no objection to revised scheme subject to conditions

Development Control Archaeologist – No objection

- consider there will be little or no archaeological impact from the proposed redevelopment

Conservation Advisory Forum – Comment:

- previous comments remain pertinent as follows:
  - o did not object to the principle of conversion or redevelopment of the site
  - o concerned that the Conservation Area should retain a mix of alternative uses

## 13/00906/FUL (Continued)

- expressed concern that the current use of the site was to be lost to extensive housing
- welcomed retention of the 1930s 'cinema' building
- if residential development was considered acceptable then the proposed design for both the conversion and the new build did not preserve or enhance the character of the Conservation Area - neither presented a wholly 'traditional' or overtly 'contemporary' approach to design
- proposed materials considered to be too diverse as a mix
- revised scheme not based on a contextual analysis of the Site and Wood Street and deemed a lost opportunity to produce a building/design concept for this prominent site within the Conservation Area
- considered architectural changes were minor in nature and have not resulted in a building/design concept appropriate for this part of the Conservation Area
- Wood Street building would seriously harm the special character and appearance of the Conservation Area and was a lost opportunity to explore the full potential of this part of the site in an imaginative way.

### Derbyshire County Council (Policy and Monitoring) – Comment on current application:

- County Council has sufficient capacity for waste collection and school place provision and does not require a financial contribution
- suggest homes should be appropriately designed to meet Lifetime Homes standards
- recommend provision of high speed broadband
- Derbyshire Clinical Commissioning Groups may seek financial contributions from developments of 5 or more dwellings
- suggest consult Derbyshire Fire and Rescue Services with regard to the installation of sprinkler systems

### Additional comments on previous application:

- redevelopment of this site offers a rare opportunity for repairing the townscape and enhancing the Conservation Area
- not only are the existing negative characteristics not addressed by the proposal, but also the situation is made worse by adding more development that is out of context with the character and appearance of the Conservation Area.
- strongly recommend that a full urban design analysis of this important site be undertaken in order that future development can be informed to achieve the ideal townscape solution
- consider that the proposal does not preserve or enhance the character or appearance of the Conservation Area.
- 

### Derbyshire Fire and Rescue Service – Comment:

- recommend installation of domestic sprinkler system and, if not installed at this time, that a minimum 32mm water supply capable of delivering required volumes of water be installed

### Derbyshire Constabulary Crime Prevention Design Advisor – Comment:

- no reference to security measures to be implemented

### Director of Community Services (Environmental Health) – No objection – Comment:

- require standard contaminated land conditions

## 13/00906/FUL (Continued)

- the developer must consider the issue of noise affecting the flats facing onto the main road and submit a scheme of works detailing how he intends to mitigate noise impact

### REPRESENTATIONS:

- A total of two letters of representation from neighbours. The comments can be summarised as follows:
  - will have a massive impact as will open area to greater activity
  - impact of positioning of bin store against neighbours dwellinghouse wall and refuse collection point should be moved considerably further away
  - concerned about loss of privacy from windows proposed in the former cinema (and those in the hall and flight of steps)
  - impact of lights at night from the former cinema building
  - no details of the height of the proposed building – intrudes 1.5m onto current sightline and pitch of roof appears excessive in contrast to that which exists
  - impact of windows on rear of proposed building on the privacy to neighbouring dwellinghouses
  - good to note separation of proposed building from boundary wall to allow maintenance
- One letter of support from a Derbyshire Dales resident stating it is important that the planned development is sympathetic to its historic surroundings and makes a positive contribution to the character of the Conservation Area
- Wirksworth Civic Society – Object:
  - virtually the same as the previous scheme and have same objections
  - loss of employment use
  - damage to visual amenity
  - redevelopment presents opportunity to reinstate historic streetline
  - alterations to cinema create grotesque remodelling
  - no objection to workshop but object to design of the equally poor replacement building

### POLICIES:

1. Adopted Local Plan (2005)
  - SF1 Development within Settlement Frameworks Boundaries
  - SF5 Design and Appearance of Development
  - SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
  - 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
  - H14 Housing to Meet the Needs of the Elderly and People with Disabilities
  - EDT4 Other Existing Employment Land and Business Premises
  - NBE5 Development Affecting Species Protected By Law or Are Nationally Rare
  - NBE21 Development Affecting a Conservation Area
  - NBE26 Landscape Design in Association with New Development
  - TR1 Access Requirements and the Impact of New Development
  - TR8 Parking Requirements for New Development
2. Pre-submission Draft Local Plan (2013)  
Strategic Policy 4 – Maintaining and Enhancing an Economic Base

## 13/00906/FUL (Continued)

Strategic Policy 7 - Retail, Leisure & Other Commercial Development

Strategic Policy 11 - Accessibility

Development Management Policy 1 - Development within Settlement Framework Boundaries

Development Management Policy 8 - The Historic Environment

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 22 - Access and Parking

3. Wirksworth Conservation Area Appraisal

4. National Planning Policy

National Planning Policy Framework

### ISSUES:

1. Introduction

There are four principal issues relating to the proposal:

- whether the proposed re use of the site is acceptable in the light of National and Local Plan Policy
- the design and appearance of the development and its impact on the Wirksworth Conservation Area
- the impact on the surrounding area and the amenity of neighbours
- matters of highway safety.

2. Policy

The principal matter for consideration is the appropriateness of a business use of the site being replaced with a largely residential redevelopment. Policy EDT4 in the Derbyshire Dales Local Plan considers existing employment land and business premises. The Policy states that development will only be granted for the re-development or change of use of existing business for non- employment uses where;

- a) the continuation of the land or premises use is no longer required; or
- b) the current use is incompatible with the surrounding properties and land uses.

In this regard, the Local Planning Authority recognises the importance in retaining small business premises for future use. Therefore, it is necessary for the applicants to demonstrate whether or not the site can continue to be used for employment purposes. It should also be questioned thereafter if a mixed commercial and residential development could make an acceptable and viable reuse of the site.

Strategic Policy 4 of the Pre-submission Draft Local Plan (2013) states that the District Council will maintain and, where possible, enhance the economic base of the Plan Area. This will be achieved (*inter alia*) by:

- *Protecting and promoting existing employment sites to ensure that development would not result in the loss of land or buildings from employment use;*
- *Encouraging the redevelopment, intensification and more efficient use of existing employment sites and premises in sustainable locations where they are either not fully utilised or unsuited to modern employment requirements, particularly those sites located within the Market Towns and those with good access by a variety of transport modes;*

## 13/00906/FUL (Continued)

- *Encouraging office development within the Market Towns*

In addition, Development Management Policy 11 – Existing Employment Land and Premises of the Pre-submission Draft Local Plan (2013) advises that:

*‘Planning permission will only be granted for the redevelopment or change of use of existing business or industrial land or premises (Use Classes B1, B2 or B8) for non-employment uses where:*

- a) The continuation of the land or premises in industrial or business use is not financially or commercially viable as demonstrated by a comprehensive viability assessment and marketing exercise and;*
- b) The current use is incompatible with the surrounding properties and land uses or;*
- c) The site is allocated for redevelopment in the Local Plan*

*In considering proposals involving the loss of existing business or industrial land or premises, preference will be given to mixed-use development over that involving the total loss of business land or premises. Proposals that would result in an under-supply of employment land in relation to identified needs will not be permitted’.*

In terms of the current adopted Local Plan, there are a number of other policies of particular relevance. The site lies within the Settlement Framework Boundary of Wirksworth. Policy SF1 in the adopted Local Plan states that planning permission will be granted if the proposal will make full and effective use of brownfield land in preference to greenfield sites, preserves or enhances the character and appearance of the settlement, is well related to surrounding properties and land uses, is well related to means of access and does not result in the loss of local services and facilities. It is considered that, in principle, the redevelopment of the site could comply with the above criteria.

Policy H1 states that residential development within Settlement Framework boundaries will be permitted for conversion of existing buildings to housing and infilling or consolidation, especially where this makes full and effective use of previously developed land, provided it doesn't have an adverse impact on the character, appearance and setting of the settlement.

Policy H9 seeks to achieve a high quality of housing design. The policy advises that planning permission will only be granted for new housing development where it is in scale and character with its surroundings, does not have a detrimental impact upon the amenities of adjacent properties and where access can be provided independently.

In terms of affordable housing provision, Policy H10 of the adopted Local Plan requires that on sites of 0.5 ha or more, or with developments of 15 or more dwellings, that 45% of dwellings be affordable dwellinghouses. However, the site would only contain 11 dwellings and is only 0.14 hectares in area. As such, there is little scope for any more dwellings being capable of being provided on the site and it is considered that the development accords with this policy.

As the site is situated within the Wirksworth Conservation Area, Policy NBE21 is relevant. This advises that planning permission will only be granted if it preserves or enhances the character and appearance of the area.

Policy TR1 in the Adopted Local Plan states that development requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate

## 13/00906/FUL (Continued)

the anticipated traffic generated by the development safely and without detriment to the character of the road network. Policy TR8 requires new developments to provide provision for parking in accordance with the Council's set standards. Policies SF8 and H14 also seek to ensure that any residential development seeks to meet the needs of the elderly and people with disabilities.

It is considered that all the above policies reflect the policy guidance contained in the National Planning Policy Framework and the emerging Local Plan remains some way off adoption or being a significant material consideration. Nevertheless, consideration needs to be given to whether the applicants have demonstrated that the site cannot be continued to be used fully for employment purposes before residential use and a lesser level of employment space provision is given consideration. Thereafter, it is necessary to consider whether the proposed development of this site will have an adverse impact upon the character and appearance of the area and town centre, the impact on the amenity of nearby residents and other issues such as highway matters; these are considered below.

### 3. Employment Matters

The applicants have previously been made aware of the concern of Officers with respect to the potential loss of employment and employment potential of the site. The applicant states that their company has never employed more than 6 people at any one time and that they have been in the premises for approximately 30 years.

To offset the loss of employment, the applicant has proposed an increase in the size of the existing, but vacant, retail unit from 82 to 98sqm. It is also proposed to provide a self-contained, 92sqm office unit above the retail space and it is advised that this could reasonably provide employment for 13 people, based on a typical allowance of 6sqm per person and 11sqm for ancillary requirements. It is also recognised by Officers that there may be limitations on the extent to which the site could be utilised for employment purposes from redevelopment of the site, given the potential impact on nearby residents.

The applicant refers to the second part of Policy EDT4 which refers to uses which may be incompatible with the surrounding area. The applicant states that there are currently no constraints on the times of operation and the usage as a builders yard has previously had cause for the movements of two lorries, two vans and two forklift trucks with potential noise and vibration issues. The joinery workshop which is proposed to be demolished and replaced contains power tools which can also be extremely noisy. The applicant considers that whilst there operations have not led for cause for complaint, this may not be the case for similar permitted uses.

Given this analysis of the existing use of the site, and the potential impacts of similar uses occurring, the difficulties in finding an alternative employment use for this particular site are a material consideration in the assessment of the application. In addition, as the applicant would be providing employment opportunity with the proposed retail and office space, it is considered that this partially offsets the loss of the existing employment potential, whose full utilisation could lead to adverse impacts on neighbours. The office provision would also be consistent with the desire for such development in Market Towns as set out in Strategic Policy 4 of the pre-submission Draft Local Plan (2013).

### 4. Retail Impact

The last use of the front of the main building fronting St. John's Road was as a retail use and such a re-use therefore raises no concerns from a retail policy viewpoint. The site is located close to the main shopping area of the town, and is unlikely to have a harmful

## 13/00906/FUL (Continued)

impact on the vitality and viability of the town centre and may encourage a greater footfall to shops at the southern edge of the town centre

### 5. Impact on the Character and Appearance of the Conservation Area

The County Council previously provided background information with respect planning application 13/00216/FUL (see consultee comments above) and at that time commented on the physical elements of the proposed redevelopment. Historically, the plot was developed closer to St John's Street, with containment of the public realm. In the view of the County Council, the decision to set-back the former cinema building, together with the opening up of adjacent spaces around it, has led to the opening-up of undesirable views to less inspiring development, such as the c1950's housing to Canterbury Road/Nether Gardens, and the 'leaking' of space from St John's Street in an uncontrolled and undesirable manner, with a consequential damaging effect on the Conservation Area.

In this respect, the County Council have previously expressed the view that the redevelopment of this site offers a rare opportunity for repairing the townscape and enhancing the Conservation Area by a suitably sensitive design, to build on years of successful improvements to this important town. They in commenting on the earlier scheme considered that, not only are the existing negative characteristics not addressed, but also the situation is made worse by adding more development that is out of context with the character and appearance of the Conservation Area. These broad comments would be equally applicable to the current scheme. It was strongly recommended by the County Council that a full urban design analysis of the site be undertaken in order that future development could be informed to achieve the ideal townscape solution. They considered that development of the form proposed does not preserve or enhance the character or appearance of the Conservation Area.

However, somewhat contrary to the earlier views expressed by the County Council, it is the view of Officers that, whilst the former cinema is not a building in the historic traditions of the town, it does provide reference to the town's evolution which is considered to be worth preserving. The retention of a frontage retail element would also provide a lively frontage to St John's Street. In this regard, the proposals would at least preserve the character and appearance of the Conservation Area.

In terms of the workshop off Wood Street, this is a functional building constructed of poor quality materials. The building makes little contribution to the character and appearance of the Wirksworth Conservation Area, albeit it does, to some extent, close off the streetscene of Wood Street. Although the future use of the site had yet to be determined, it was considered reasonable to recently grant conservation area consent for the demolition of the workshop building, purely on the grounds of the limited impact that this will have on the streetscene and the Conservation Area. However, a condition was required that a scheme for landscaping the site, or redeveloping it, will need to be approved prior to any works of demolition.

Notwithstanding the above, there is a strong criticism of the design detail of the proposed replacement building. However, the scope for the design of the building is constrained in how it addresses the proximity of nearby residents and their amenity, how it relates to the character and appearance of the Conservation and how the site can be viably redeveloped.

## 13/00906/FUL (Continued)

The insertion of angled bay windows with high level windows is an approach consistent with the redevelopment proposals of the principal building, to seek to address the potential for overlooking the neighbouring residential properties which is a significant constraint on the conversion of the former cinema building and the scale and design detail of the proposed building. The building is also constrained in the positioning of the access to achieve requisite visibility splays, parking space and access width to meet with highway safety requirements. It also has to be appreciated that this site is a transitory site between the traditional development fronting St. John's Street and the 1950s brick built dwellinghouses of Nether Gardens.

Nevertheless, the concerns of the Conservation Advisory Forum, Wirksworth Civic Society and neighbours with regard to the replacement building have been taken into consideration, albeit the concerns may not have been fully addressed given the constrained nature of the site for redevelopment. The original submitted proposal, as part of this current application, has been amended to remove the off-set projecting front bay on the Wood Street elevation and a central feature introduced into the gable to provide more balance to the front elevation of the building and a break to the masonry above the first floor windows. A section of render has also been introduced into the west side elevation to seek to address the concerns of neighbours with regard to otherwise looking onto a fully brick elevation (albeit with four windows). It is considered that this detail also gives the building a degree of integration in its appreciation of the proposed design alterations/materials to the side of the former cinema in contextual views from Wood Street. Improvements have also been made to the roof termination detail on the gable ends.

Given the above, it is considered that the proposed replacement building can be justified in its design and interrelationship with the principal building and as a transitional building between the traditional and more modern buildings along Wood Street. In this respect, the proposed development is considered to be an improvement to the character and appearance of the Conservation Area.

### 6. Impact on Amenity of Neighbours

Within the conversion scheme, the first floors are set back from the windows in order to restrict overlooking of neighbouring properties. The scheme has introduced obscured sections of glazing between the ground and first floor and the applicant has submitted details in cross section to detail how this would restrict the overlooking of the neighbouring dwellinghouses and their curtilages to the south. This has also been introduced to the communal stairwell. With regard to the windows proposed on the rear of the building, these would be some 16m from the rear gardens of the dwellinghouses on Nether Gardens and over 22m away from the dwellinghouses; this is considered a reasonable distance so as not to impact significantly on the privacy of residents of these properties.

In response to neighbouring residents' concerns about light pollution from the former cinema building, the applicant has advised that energy saving light fittings on timer switches would be adopted in all communal areas to ensure that lights do not remain on when they are not being used. In addition, it is not considered that a building of such scale can be reasonably converted to any meaningful and appropriate use without the formation of windows in the south elevation.

## **13/00906/FUL (Continued)**

The new build flats are proposed to face towards Nether Gardens where the gardens are some 8m away and the dwellinghouses 12.7m away. However, it is considered that the ground floor windows, looking out onto the boundary, will not overlook these dwellinghouses to cause a significant loss of privacy. The first floor windows are also proposed at a high level which will restrict the potential for overlooking Nether Gardens.

In terms of scale and mass, the proposed building will replace a workshop building to the north west of the existing dwellinghouses and therefore the replacement building is considered to have little additional impact on light or outlook to the dwellinghouses. The applicant has recognised that there would be a 1m increase in the ridge height of the new building. However, this is considered necessary in order to achieve a building that has a more traditional roof form to address concerns raised with regard to the previous planning application. It should also be borne in mind that the mass of the wall element would be reduced from the current situation and the roof would be sloping away from all neighbouring properties.

Although concerns have been raised with respect to the increased height, it is considered that general light and outlook would not be significantly harmed, given that the existing dwellinghouses fronting St. John's Street would be some 17m or more away from the proposed building. Therefore, there would be no reasonable grounds to justify refusal of the application on this basis. In addition, whilst the building would increase in height, there is no right to a view and the application could not be refused on the basis of such an impact. Given the above, it is considered that in terms of light and outlook that the building will be an improvement on the existing building.

Whilst the applicant proposes four windows in the west elevation, these are proposed to be obscure glazed at eye level in order to prevent overlooking of the curtilages of the neighbouring properties. Concerns have also been raised by neighbours with regard to the mass of brickwork proposed on the west elevation design. This has been taken into consideration and the west facing wall has been amended to a mix of brick and render in order in order to break up the brickwork.

The initially proposed bin stores detailed at the pedestrian and vehicle entranceways to the site were poorly considered as entrance features and with respect to the potential impact on neighbours from noise during use and odour emission. The applicant has amended the drawings to amalgamate these in a building in a central location attached to the proposed building. This is now considered acceptable by Officers to address concerns raised by neighbours.

The District Council's Environmental Health Section have raised some concern with potential on noise affecting the flats facing onto the main road and requested the submission of a scheme of works detailing how it potential noise impact would be mitigated. However, it is considered that the third floor flat within the roofscape would not be impacted upon any more than existing dwellinghouses/flats in the area and it is considered this could be reasonably left to the developer and Building Regulations to make such determinations.

### **7. Highway Issues**

The Local Highway Authority raised concerns with respect to the previous planning application with regard to the positioning of the vehicular access to Wood Street and the applicant has sought to address this with this current application.

## 13/00906/FUL (Continued)

The Local Highway Authority advise that, whilst the applicant states that Wood Street is a relatively quiet street, that there is no recognition that the road serves to residential properties on Canterbury Terrace and Nether Gardens, Anthony Gell School and the car park to the rear of The Wheatsheaf public house.

The Local Highway Authority also refer to the access corridor being reduced from 4.5m, as detailed in the previous planning application, to 3.4m with the current application. However, it is also advised that whilst amended plans could be sought to address this matter, that this matter and that of the visibility splays could nevertheless be addressed through conditions and that there would be no objection in principle to the proposal in this respect.

### 8. Accessibility

In terms of accessibility, there are constraints in the scale of the building, in ensuring access to all parts of the building for persons with mobility difficulties. There are ground floor flats proposed within the new building that would allow level access for persons with mobility difficulties which is considered a reasonable contribution towards such provision as part of the overall development.

### 9. Archaeology

The Development Control Archaeologist has assessed the proposals and considers there will be little or no archaeological impact from the proposed redevelopment

### 10. Site Contamination

The District Council's Environmental Health Section has raised concern to the possibility of contamination of the site given that it has been used as for building materials storage. In this respect, it is considered reasonable to attach conditions to require further investigation and remediation of the contaminants if they exist.

### 11. Crime Prevention

The Derbyshire Constabulary Crime Prevention Design Advisor has raised concern that no reference has been made to any security measures to be implemented. However, it is considered that there is a great deal of overlooking of the site and this could be addressed through a condition on any grant of planning permission.

### 12. Conclusion

It is considered that redevelopment and reuse of the site for a mixed use, albeit principally residential use, is appropriate given the former level and nature of use of the site and that as such the proposal broadly accords with the aims of Policy EDT4 of the adopted Local Plan (2005). In terms of character and appearance, it is considered that the renovation of the former cinema building will enhance the character and appearance of the Conservation Area and improve the vitality of the area.

With respect to the proposed apartment building replacing the joinery workshop, and notwithstanding the comments of the Conservation Advisory Form and the Civic Society, it is considered that the proposed building will integrate between the traditional dwellinghouses and the 1950s dwellinghouse. It is also considered that the building responds to the Church and buildings on the opposite side of Wood Street, and provides an improved enclosure of the streetscene.

## 13/00906/FUL (Continued)

This redevelopment of the joinery workshop site is also on a severely constrained site in terms of its redevelopment potential. The design of the proposed building has had regard to the materials, design and form of the conversion scheme for the former cinema and has addressed the significant constraints of proximity to neighbours and the requirements for the vehicle access positioning. Notwithstanding this, it is considered that the development will be an enhancement of the site and will preserve the character and appearance of the Conservation Area.

### **OFFICER RECOMMENDATION:**

Planning permission be granted subject to the following conditions:

1. Condition ST02s          Time Limit on Full
2. The development hereby approved shall be carried out in accordance with the original plans and specification except as amended by the plan and specifications received on 21<sup>st</sup> February 2014 and except insofar as may otherwise be required by other conditions to which this permission is subject.
3. Notwithstanding the submitted details with the application, before the development commences, samples of the proposed brick and the metal cladding shall be submitted to and approved in writing by the Local Planning Authority. The proposed replacement building shall thereafter be constructed with the approved brick and both the existing and proposed building shall be constructed, where detailed, with the approved metal sheet.
4. Condition DM12a          Sample Panel to be Inspected on Site
5. Condition DM7a          Render Colour to be Approved
6. Condition DM11          Roofing Sheet to be Approved
7. Notwithstanding the submitted details with the application, before the development commences details of the windows and doors to include details of their materials, colour and their recess within the walls, and details of the materials, colour and positioning of the rooflights, shall be submitted to and approved in writing by the Local Planning Authority. The proposed windows, doors and rooflights shall thereafter be provided in accordance with the approved details.
8. Condition DM27          Rainwater Goods, etc – Details Required
9. Condition LA12a          Approval of Landscaping Scheme before Commencement of Development  
(delete a, d, f, g, i, j, l, m, n)
10. Condition LA13          Landscape Works: Implementation
11. Condition LA9          Boundary Treatment: Details Required  
(the occupation of the dwellinghouse)

### 13/00906/FUL (Continued)

12. No works of construction shall take place on the site outside of the following hours:

Monday to Friday	08.00 to 20.00
Saturday	09.00 to 13.00
Sunday/Bank Holidays	No construction
  
13. Condition GR9      Secure by Design
  
14. Condition SD12      Land Affected by Contamination – Submission of Remediation Scheme
  
15. Condition SD14      Land Affected by Contamination – Prior to Occupation
  
16. Before any other operations are commenced (excluding demolition / site clearance), space shall be provided within the site curtilage for the 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, the existing access to Wood Street shall be modified to provide a splayed vehicle dropped crossing access, at least 4.1m wide in accordance with drawings to be submitted to and approved in writing with the Local Planning Authority. The access to be laid out and constructed strictly in accordance with the approved details and provided with 2.4m x 25m visibility splays in either direction (measured up to 1m into the nearside carriageway at the extremity of the splay), the area in advance of the sightlines being maintained for 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.
  
18. The access, the subject of Condition 17 above, shall not be taken into use until 2m x 2m x 45° pedestrian inter-visibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
  
19. Vehicular access shall be taken from Wood Street only and there shall be no vehicular access to St John's Street. In this regard any existing vehicular or pedestrian accesses to St John's Street/Wood Street made redundant by the proposed development shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated with full height kerbs and appropriate construction, as footway (or verge), in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.
  
20. The premises, the subject of the application, shall not be occupied until the proposed new access between each respective plot and the existing public highway have been laid out in accordance with the application drawings, at least 4.1m wide, constructed to base level and drained in accordance with the County Council's specification for private development roads. The access being fully surfaced/completed within 6 months of occupation of the 10<sup>th</sup> dwelling or other such timescale agreed in writing in advance with the Local Planning Authority.

### 13/00906/FUL (Continued)

21. There shall be no gates or other barriers at vehicular access points within 6m of the nearside highway boundary and any gates shall open inwards only.
22. No pedestrian gates, or any part of their opening arc, shall be permitted to open out over the public highway.
23. The premises, the subject of this permission, shall not be occupied until space has been provided within the application site in accordance with the approved drawings for the parking/manoeuvring of residents', service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from impediment to its designated use.
24. The windows detailed to be obscure glazed on the approved drawings shall be provided as such prior to the occupation of the dwellings in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The obscure glazed windows shall thereafter be retain and maintained as such for the life of the development.
25. Notwithstanding the details on the approved drawings, this permission does not grant approval for the two proposed bin stores and before the development commences, details of a replacement facility for the storage of bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall thereafter be provide prior to the occupation of the first dwelling unit and shall thereafter be retain and maintained as such for the life of the development.

#### Reasons:

1. Reason ST02
2. To define the permission for the avoidance of doubt.
- 3-8. To ensure the satisfactory appearance of the development 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.
- 9-11. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, H1, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
12. To safeguard the amenity of neighbouring residents 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.
13. Reason GR9
- 14-15. Reason SD14 (government guidance contained in the National Planning Policy Framework)
- 16.22. In the interests of highway safety to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).

## **13/00906/FUL (Continued)**

23. To ensure the provision of adequate parking facilities in the interests of highway safety to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005).
24. To safeguard the amenity of neighbouring residents to comply with Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
25. To ensure the satisfactory appearance of the development and to safeguard the amenity of neighbouring residents to comply with Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

### **NOTES TO APPLICANT:**

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

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

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street Works Act 1991, at least 12 weeks prior notification should be given to the Economy, Transport and Environment Department of Derbyshire County before any works commence on the vehicular access within the highway limits; please contact Joanne Mason on (01629) 538549 for further information.

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 adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. Where the development does not achieve adoptable criteria or is to remain private, the developer should consider constructing the access/road/street to an appropriate approved standard (as outlined in the County Council's Residential Design Guide), so that consideration can be given to exempting the development from such streetworks charges.

### **13/00906/FUL (Continued)**

Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 12 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: (01629) 580000 and ask for the New Roads and Streetworks Section).

Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management – telephone (01629) 538686.

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to impact on employment opportunities, the design and appearance of the development and its impact on the Wirksworth Conservation Area, the amenity of nearby residents and vehicle access issues.

This decision notice relates to the following documents:

Drawing Nos. 818-001, 002, 003, 004, 005, 006, 008B, 009B, 010A, 014 and 016 received on 23<sup>rd</sup> December 2013

Amended Drawings 818-07F, 011D, 012D, 013E and 015C received on 21<sup>st</sup> February 2014

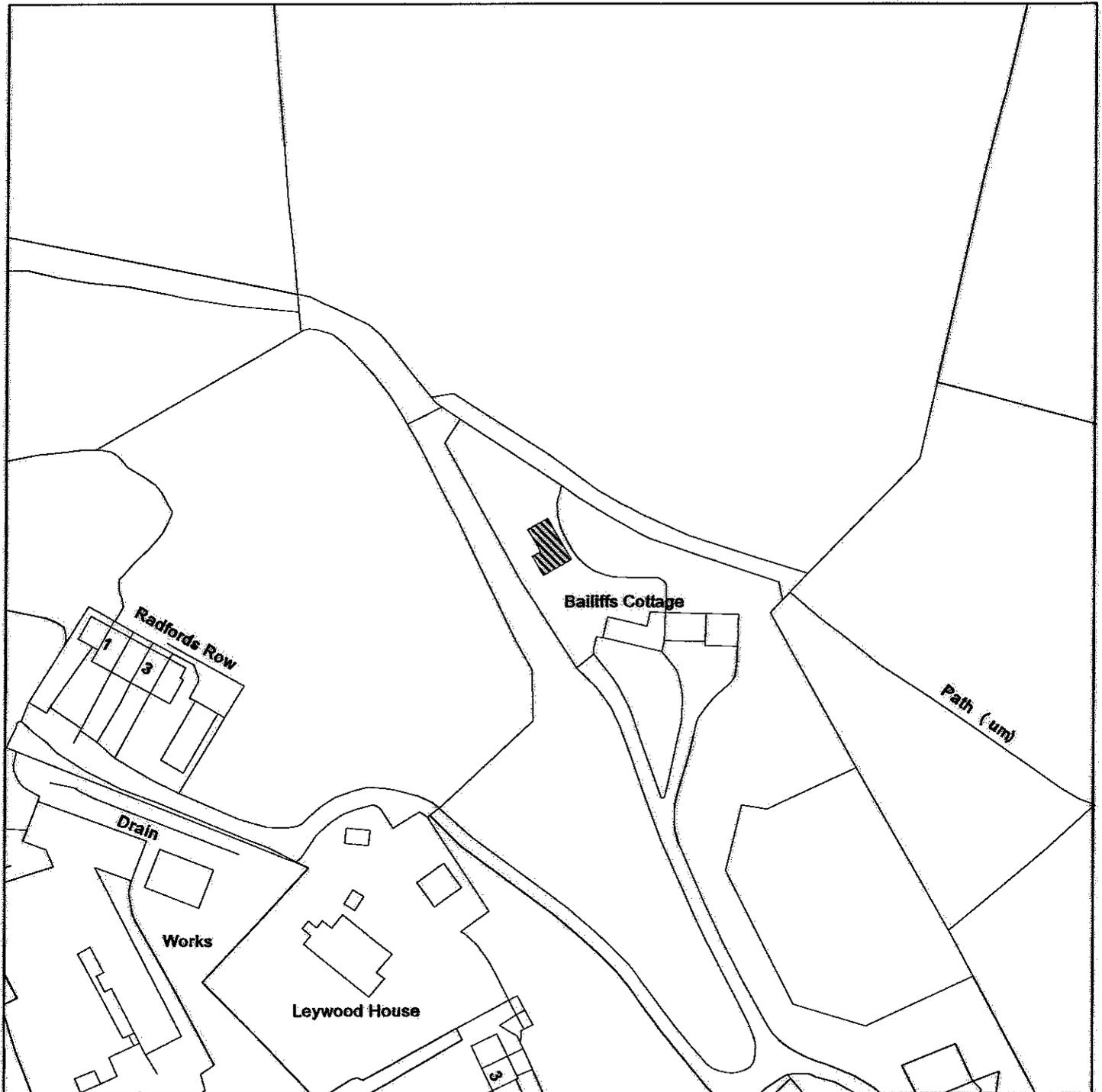
Additional Information received on 21<sup>st</sup> February 2014

Planning, Sustainability, Design and Access Statement received on 23 December 2013

Photographs of the site received on 23<sup>rd</sup> December 2013

13/00828/FUL

Bailiffs Cottage Farm, Tansley Wood, Lumsdale



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](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 February 2014
<b>Licence No.</b>	100019785

**13/00828/FUL CHANGE OF USE OF STABLE BLOCK TO HOLIDAY ACCOMMODATION AT BAILIFFS COTTAGE FARM, TANSLEY WOOD, LUMSDALE FOR MR N ELSE**

Parish Council: Tansley  
Application Type: Full

Date of Receipt: 25.11.2013  
Case Officer: Mrs. H. Frith

**THE SITE AND SURROUNDINGS:**

The application relates to a stable block building that is of high quality design and finish located adjacent to the existing dwelling. The site is accessed via a long and steep driveway which serves both the stable block and dwelling. The site is located in open countryside and partially screened by existing hedges and woodland. Tansley public footpath no.13 passes the rear of the building to the north of the site.

**THE APPLICATION:**

Planning permission is sought to convert the existing building into a holiday let. The conversion seeks to utilise existing openings of the building without creating any other alterations or extensions. Parking is available to the western side and rear of the building.

**RELEVANT HISTORY:**

0895/0543 Erection of Agricultural Building - Granted  
0793/0526 Erection of conservatory - Granted  
0390/0233 Stable Block (revised plans) - Refused  
0389/0296 Agricultural Building - Granted  
1187/0760 Extension to dwelling, erection of stable block and extension of residential curtilage – Granted

**CONSULTATIONS:**

Town Council:

Object on the grounds that the building is a stable and should remain so; the change would have a detrimental visual effect on the area.

Local Highway Authority:

Whilst emerging visibility from this access onto the fronting public highway is restricted, passing vehicle volumes and speeds are low. Furthermore, the proposed holiday use is unlikely to significantly increase the traffic generation already associated with this access and, according to my records, there have been no road traffic accidents within the close proximity of this site within the last 3 years. If your Authority is minded to permit the proposals, the Highway Authority recommends one car parking space to be provided within the site and designated for holiday use only.

**REPRESENTATIONS:**

None

## 13/00828/FUL (Continued)

### **POLICIES:**

Adopted Derbyshire Dales Local Plan (2005)

- SF4: Development In The Countryside
- SF5: Design And Appearance of Development
- H4: Housing Development Outside Settlement Framework Boundaries
- EDT19: Tourist Accommodation Outside Defined Settlement Frameworks
- NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
- NBE8: Landscape Character
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

Pre Submission Draft Local Plan

Development Management Policy 2 – Development In The Countryside

Development Management Policy 9 – Design And Appearance Of Development

Development Management Policy 12 – Tourism Development

Development Management Policy 22 – Access And Parking

National Planning Policy Framework – Parts 3, 7 and 11

### **ISSUES:**

The issues for consideration are those of the principle of development, visual impact and highway safety.

In terms of the principle of the development the site is located in a rural area but within the close proximity to footpath routes covering the Lumsdale area and giving access into Matlock. It is therefore a reasonable travelling distance to local facilities making this a reasonably sustainable location. In addition the proposal will put back into use a building of high quality design, finish and detailing even though it is of more modern construction. The owners no longer have a functional use for the building and therefore seek a use which will add to the rural economy. The proposed alterations to the building are considered to be in keeping with the character and appearance of the building without any significant alteration or extension. Subject to conditions on details the proposed alterations are considered to be acceptable in terms of visual impact on both the building and the wider landscape. For these reasons the proposal is considered to be acceptable in accordance with Policy EDT19 of the Adopted Derbyshire Dales Local Plan, Development Management Policy 12 of the Pre Submission Draft Local Plan and part 3 of the National Planning Policy Framework.

A protected species survey was not considered to be required in this case as the building is in good order with minimal access potential for bats and birds. The proposal is considered to be acceptable in accordance with policy NBE5 of the Adopted Derbyshire Dales Local Plan.

In terms of highway safety although visibility is restricted, vehicle numbers and speeds are low and the proposed use is unlikely to significantly increase traffic movements. It is therefore considered that the proposed change of use is acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan, subject to conditions.

## 13/00828/FUL (Continued)

In conclusion although this building is of relatively modern construction its re-use as a holiday let is considered to comply with the policies of the Adopted Local Plan, Emerging Plan and National Plan Policy Framework such that the granting of permission is warranted.

### **OFFICER RECOMMENDATION:**

To grant planning permission subject to the following conditions:

1. Condition ST02a: Time limit on full
2. Prior to the commencement of development 1:20 details of all new windows and doors and the finish paint colour shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
3. Prior to the commencement of development details of one car parking space to serve the proposed holiday let shall be submitted to and agreed in writing by the Local Planning Authority. The space shall be provided in accordance with the agreed details prior to the occupation of the unit.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modifications) the accommodation hereby permitted shall be used solely for the purposes of temporary holiday accommodation and for no other purpose.
5. The accommodation hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 28 days in any calendar year or more than a total of 56 days in a calendar year and it shall not be reoccupied by the same person/s within 28 days following the end of that period. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Authority in writing by no later than 31<sup>st</sup> December each year.

### Reasons:

1. Reason ST02a
2. To ensure an appropriate finished form of development in accordance with Policies SF5 and EDT19 of the Adopted Derbyshire Dales Local Plan.
3. In the interests of highway safety in accordance with Policy TR8 of the Adopted Derbyshire Dales Local Plan.
- 4-5. The development is not considered appropriate other than as a holiday facility because it is outside any Settlement Framework boundary and unrestricted residential use would be contrary to policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan.

## **13/00828/FUL (Continued)**

### **NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to extensions/alterations to the building.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. 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:

Existing plans received 18.12.13

Proposed plans received 18.12.13

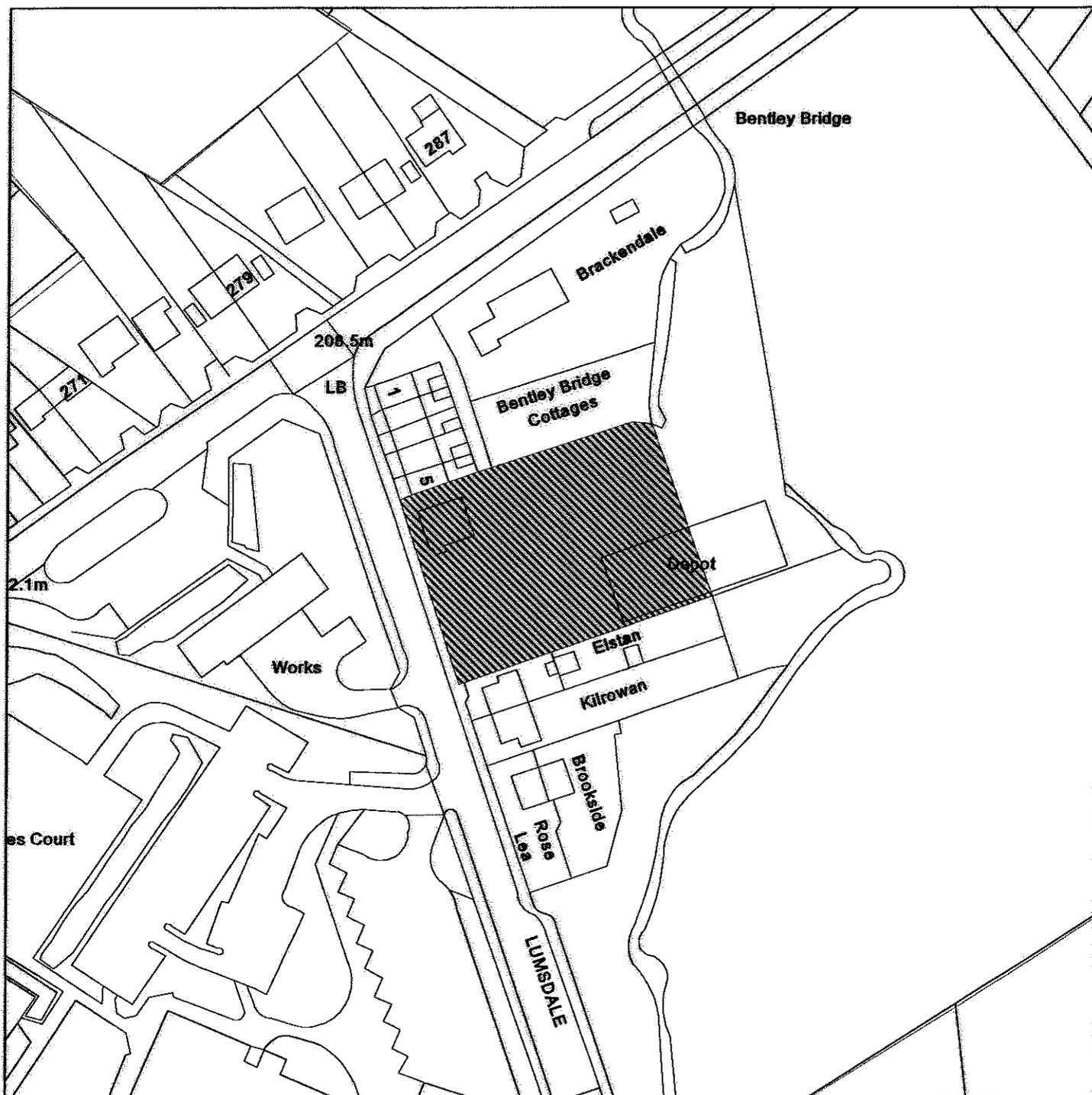
Location plan received 18.12.13

Site plan received 18.12.13

Statement and photographs regarding protected species received 18.12.13

# 13/00796/OUT

## K V And G L Slack Ltd, Upper Lumsdale, 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](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	21 February 2014
<b>Licence No.</b>	100019785

**13/00796/OUT CONVERSION OF OFFICE BUILDING TO DWELLING HOUSE, DEMOLITION OF GARAGE AND ERECTION OF 6 NO. DWELLINGS AND ASSOCIATED ACCESS ROAD (OUTLINE) FOR KV AND GL SLACK LTD. UPPER LUMSDALE, MATLOCK FOR MR G SLACK**

Parish Council: Matlock  
Application type: Full

Date of receipt: 20/11/2013  
Case Officer: Mrs H Frith

**THE SITE AND SURROUNDINGS:**

The application relates to an existing employment site used as a coach depot with large associated workshop building with office building located to the frontage of the site. The site has a stone boundary wall to the frontage with mature conifer hedge planting to the northern and eastern boundaries of the site, there is fencing to the southern site boundary. The majority of the site has a tarmac finish. There is a significant downward slope to the eastern end of the site. The lower level eastern portion of the depot site is not included in the application site and the site boundary cuts through the workshop building on site. The application site is within the settlement framework boundary.

**THE APPLICATION:**

Outline planning permission is sought to convert the existing office building into a dwelling and to erect 6 further dwellings on the site. The application is outline only with the only reserved matters submitted for approval being access and scale. In terms of the access this is proposed to be located almost to the centre of the site frontage. With regard to scale the submitted design and access statement notes that conversion of the office building is for one dwelling, the further 6 detached dwellings are to be two storey, three bedroom properties of approximately 120m<sup>2</sup> excluding garaging with an eaves height of approximately 4.3m and a ridge height of approximately 6m. It is intended that each dwelling plot would be able to accommodate 2 car parking spaces. It is noted in the application details that the properties will be of traditional form with ridged and gabled roof form of natural stone with slate roofing. The access is shown on the submitted plan with an indicative layout. However matters of appearance, landscaping and layout would be for further consideration under a reserved matters application. On the submitted plan an access route to land to the rear of the site is shown.

The applicant's agent has submitted a design and access statement which notes the following:

The eastern part of the coach depot is recorded as being within the flood zone and has been excluded from the site. The statement notes that this will be subject to separate proposals.

In terms of the background the previous application for planning permission was refused for two reasons: first, non-compliance with Policy EDT4 of the Adopted Derbyshire Dales Local Plan and second, due to the possible retention of part of the site in employment use. Following an appeal the first reason was not upheld, the appeal was dismissed on the second reason. This application aims to address the concerns raised by the Inspector.

The existing workshop building will be demolished. A flood risk assessment has been submitted. The land to the rear of the site has not been included in the application as it is unsuitable for residential development due to flood risk. The applicant's agent has noted that the land to the rear part of the site will be planted with trees and that it

## 13/00796/OUT (Continued)

is possible that a future occupant of one of the houses may wish to acquire the land as a paddock, allotment or extended garden for which further planning permission may be required.

In view of the flood risk this rear part of the site shall be green space and the employment use discontinued. The applicant is willing to enter into a unilateral undertaking to give effect to the termination of the employment use.

The main points of the submitted Flood Risk Assessment are noted as follows:

The majority of the site lies within Flood Zone 1 and consequently has a low probability of flooding. It is proposed to create a green corridor along the brook as wide as the extent of Flood Zones 2 and 3. This will ensure that the floodplain of the Bentley Brook is retained, that no development takes place in Flood Zones 2 or 3 and that a corridor is retained for wildlife and maintenance access. All residential development will be located in Flood Zone 1 and will therefore be at low risk of flooding from the brook which is appropriate for more vulnerable land use. Sequentially this complies with the requirement of the National Planning Policy Framework for proposed development to take place in Flood Zone 1, the area with the lowest possibility of flooding.

Surface water run-off from the higher ground to the west of the site and from within the site is a potential flood risk to the site. However, the northern end of the site is bounded by high ground level and the western end by a stone wall which will reduce the impact of overland surface water flow from higher ground. The drainage system for the site must be designed to accommodate overland flow from adjacent area of high ground as well as draining the site.

The Environment Agency has no records of historic flooding in the area. The current land owner is not aware of any flooding of the site from the Bentley Brook. A tree covered bank at the upstream end of the long culvert prevents flood water from entering the site along the north eastern boundary. Ground levels to the east of the site are generally lower than the site levels and therefore surface water and fluvial flow from overtopping of the bank in extreme flood events will generally run off the site to the Bentley Brook.

Finished floor levels for the development are recommended at a minimum of 201.73m, allowing for climate change.

Putting all development within Flood Zone 1 will ensure safety in case of a breach in the bank.

Surface water run-off from the site will be improved through the development due to the decrease in the impermeable surfaces. The use of SUDS is recommended for this development, including use of rain water harvesting and permeable surfaces.

### Recommendations:

- Ensure that the residential development is entirely within flood zone 1.
- Set minimum finished floor level at greater of 201.73m AOD or 150mm above external ground level where the ground level is higher
- Flood zones 2 and 3 shall be returned to a green space

## 13/00796/OUT (Continued)

- A 5m wide access strip shall be left along the top of the bank of the watercourse for maintenance access.
- No filling or raising of ground levels within flood zone 3
- Design sustainable drainage system to suit ground conditions and ensure at least 30% reduction in surface water run-off from the site.

### RELEVANT HISTORY:

12/00399/OUT – Conversion of office building to dwelling house, demolition of garage and erection of 6 no. dwellings and associated access road (outline) – Refused

Planning permission was refused for the following reasons:

1. The applicant has failed to demonstrate that the continuation of the land and premises in a business use is no longer required or that the potential use of the site is incompatible with surrounding properties and land uses. As such the proposed redevelopment of the site for housing would result in the undesirable loss of an existing employment site contrary to Policy EDT4 of the Adopted Derbyshire Dales Local Plan and contrary to guidance contained within the National Planning Policy Framework (2012).
2. The proposed piecemeal redevelopment of only part of an existing employment site undermines the proper application of local plan policies to the overall employment site. Furthermore it will result in the awkward juxtaposition of residential development with a retained employment site requiring access through the residential site to gain access to the highway, to the likely detriment of residential amenity. The failure to plan properly for the whole site makes the development contrary to the aims of Policy SF1 of the Adopted Derbyshire Dales Local Plan (2005).

The subsequent appeal was dismissed; the main comments in the Inspectors decision are noted as follows:

#### Layout:

- The indicative layout submitted shows a sensible albeit uninspired layout.

#### Use of the site as a whole:

- Excluding the remainder of the site from any consideration of design or layout may prejudice the satisfactory redevelopment of the site as a whole.
- The access to the rear of the site may preclude development due to its unsatisfactory nature.
- The failure to include the whole depot site may undermine the ability to secure good design for the whole site and prejudice full and effective use of this previously developed site.

#### Commercial use:

- Should the land to the rear part of the site remain in use this use would be likely to harm residential amenity.
- The existing use of the site in this location adjacent to dwellings and a school is not ideal.
- It is in the interests of good planning and sustainable development to secure a mix of uses in an area. However, this is outweighed by the redevelopment of a potentially non-conforming use.

## 13/00796/OUT (Continued)

Housing supply:

- The housing shortfall did not hold any weight in this appeal due to other overriding factors.

Other applications:

0793/0478 Erection of Garage/Workshop (Approval Of Reserved Matters) – Granted

1290/1083 Coach Garage/Maintenance Building (Outline) - Granted

0388/0187 Offices – Granted

0984/0595 Culverting of brook to form vehicular route to rear of garage – Granted

0784/0473 Culverting of brook to form vehicular route to rear of garage - Refused

### **CONSULTATIONS:**

Town Council – No Comment

Local Highway Authority – Previous comments were made on application 12/00399/OUT at that time the Authority sought alterations to the internal layout of the site but was generally satisfied that the site could be re-developed for residential purposes at the scale proposed, utilising modified access arrangements. Re-development of the site for residential purposes remains acceptable on the basis that the existing business use completely ceases. A number of conditions and footnotes are recommended. The application is in Outline with an indicative layout shown, that layout is the same as the previous submission. Therefore the issues raised regarding the parking and manoeuvring of vehicles are still valid.

Those comments were as follows:

The parking provisions is proposed at 2 spaces per dwelling which is considered adequate bearing in mind the close proximity of the site to the school and the necessity for there to be no increase in on street parking in this location. Given, the number of spaces indicated on the submitted plan falls short of the 14 required it is not clear which, if any of the properties include integral garages. The manoeuvring space between the parking spaces is also restricted. Particularly between plots 1 and 5, on this basis the parking layout should be given further thought and a revised layout submitted. The internal layout is not to an adoptable standard nor is it considered that there would be any benefit to the highway authority in adopting the internal access road as a public maintainable highway. Therefore, the access road will remain private and as such the internal road should be constructed to the appropriate standard for a private drive.

DDDC Environmental Health Officer - As previous comments which were:

Due to the past use of the site of the proposed development (a coach operator's depot and garage) there is the potential for land contamination at the site. Should you be minded to grant planning permission, I would advise that a planning condition requiring a site investigation is attached to the permission. This is in order to protect the health of any future residents from hazards arising from potential contamination

## 13/00796/OUT (Continued)

of the site, which might be brought to light by development of the land. Please apply standard conditions SD12 and SD13.

Environment Agency – No comments received

### **REPRESENTATIONS:**

A letter has been received which notes agreement with the Design and Access statement, the design/scale of the planned development and the development of a brownfield edge of town site.

A letter has been received from the Matlock Civic Association which notes no objection to the principle of the proposal. However, consider that the proposal should take into account the development which is likely to receive approval on the adjoining site. Ideally this site could form a better vehicular access to the Quarry Lane development than direct from Chesterfield Road. If this cannot be achieved then a pedestrian access should be provided to enable a safer route to the school from the larger development. In addition materials and dwelling design and character should be uniform between the two sites.

### **POLICIES:**

Adopted Derbyshire Dales Local Plan (2005)

- SF1: Development Within Settlement Frameworks Boundaries
- H1: New Housing Development Within Settlement Framework Boundaries
- H10: Affordable Housing Within The Settlement Framework Of Market Towns
- EDT4: Other Existing Employment Land And Business Premises
- NBE8: Landscape Character
- NBE26: Landscape Design In Association With New Development
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

Pre Submission Draft Local Plan:

Strategic Policy 1 – Sustainable Development Principles

Strategic Policy 2 – Settlement Hierarchy

Development Management Policy 1 – Development Within Settlement Framework Boundaries

Development Management Policy 9 – Design And Appearance Of Development

Development Management Policy 11 – Existing Employment Land And Premises

Strategic Policy 8 – Strategic Housing Development

Development Management Policy 17 – Affordable Housing

Development Management Policy 22 – Access And Parking

National Planning Policy Framework:

Core Principles and Parts 6, 7, 10 and 11.

### **ISSUES:**

#### Principle

Planning permission for essentially the same development was refused in September 2012 and then dismissed on appeal. The Inspectors observations carry considerable weight in the assessment of any subsequent scheme and given the limited weight given to the emerging local plan, and lack of material change in circumstance, the primary consideration in assessing this application is the degree to which the applicant has now overcome the concerns raised by the Inspector in the appeal decision.

## 13/00796/OUT (Continued)

It should be noted that Development Management Policy 11 of the emerging local plan places more demanding requirements on the marketing of sites than local plan policy EDT4, however the relatively early stage of the emerging plan means that the Inspectors assessment under policy EDT4 should carry greater weight and he was satisfied that the site was a suitable one for redevelopment for housing under the terms of the Adopted Local Plan.

In assessing the scheme against the Inspectors decision it is worth reiterating that the main issues for concern raised by the Inspector were:

- The failure to include the whole depot site may undermine the ability to secure good design for the whole site and prejudice full and effective use of this previously developed site.
- Should the land to the rear part of the site remain in use this use would be likely to harm residential amenity.

In order to address these concerns the applicant's agent has stated that the applicant is willing to enter into a legal agreement to state that once development on the red edge site commences the existing employment use of the whole site including the blue edge will cease and the depot building be demolished.

On the submitted plan this blue edged area is shown to be an area of green space, the landscaping of which would be considered under the reserved matters application. After the employment use has ceased on the blue edged part of the site, this land would revert back to agricultural land, and therefore planning permission would be required for any other use on this land including garden. This area would also require landscaping both in terms of visual impact and surface water flooding. The landscaping of this part of the site would be considered under reserved matters. It is considered that the large conifer hedge around the site should be replaced with native species.

Furthermore the applicant has submitted a Flood Risk Assessment which supports the view that the lower part of the site in the blue edge is landscaped without any further development in order to alleviate flood risk.

Subject to the applicant entering into a legal undertaking regarding the use of the site it is considered that both elements of concern raised by the Inspector have been overcome.

### Scale

Scale is a matter for approval at this Outline application stage. The application details state the dwellings are to be two storey, three bedroom properties of approximately 120m<sup>2</sup> excluding garage. The dwellings will be two storeys in height with a maximum of eaves height of approximately 4.3m and a ridge height of approximately 6m. This scale of development is considered to be acceptable for this site in this edge of town location and an appropriate design solution for the dwellings can be achieved at this scale.

### Access

Access is also a matter for approval at this Outline application stage. The point of access is to be relocated towards the centre of the site frontage. The Highway Authority is satisfied with the proposed access subject to conditions and the commercial use of the site ceasing. The concerns raised by the Highway Authority regarding the internal road layout can be resolved at the reserved matters stage as the submitted layout is indicative only.

## 13/00796/OUT (Continued)

### Layout

Although a detailed layout has been submitted this is indicative only and is subject to a Reserved Matters application. Whilst the Inspector noted that the layout is uninspired it was considered to be generally acceptable. It is considered that the number of dwellings proposed is acceptable and can be adequately accommodated on this site potentially in an altered layout which would be considered at that later application stage.

### Flood risk

It is considered that in accordance with the submitted Flood Risk Assessment the development of the upper part of the site is acceptable and will not lead to unacceptable potential for flooding. The lower part of the site outlined in the blue edge is considered to be at risk of flooding where any development is likely to lead to flooding. The removal of the hard surfacing and the soft landscaping of this lower part of the site will help to alleviate any flooding within the locality by assisting with the disposal of surface water through porous landscaping. It is considered that the recommendations made within the submitted Flood Risk Assessment should be followed in terms of any development of the site.

### Footpath Link

It has been suggested that a footpath link be created between this site and the Bentley Brook site where planning permission is pending for the erection of 65 dwellings. Whilst a link would be beneficial it is not considered to be necessary to pursue this matter as part of this application as the application for the 65 dwellings is likely to include a link to existing footpath Matlock FP no. 33 which would emerge onto Upper Lumsdale at a point opposite the entrance to Highfields School.

### Conclusion

It is considered that the proposed development is acceptable subject to conditions in accordance with Policies SF1, H1 and TR1 of the Adopted Derbyshire Dales Local Plan, Strategic Policy 1, Development Management Policy 1 and Development Management Policy 22 of the Pre Submission Draft Local Plan and guidance contained within the Core Principles of the National Planning Policy Framework.

### **OFFICER RECOMMENDATION:**

On completion of a legal agreement to secure the cessation of the employment use of the rear part of the site planning permission be granted subject to the following conditions: -

1. Condition ST01a: Time Limit on Outline
2. Condition ST03a: Submission of Reserved Matters (delete a and d)
3. Before any other operations are commenced (excluding demolition / site clearance), space shall be provided within the site curtilage for the 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.
4. No development shall take place, including any works of demolition, until a construction management plan has been submitted to and been approved in writing

## 13/00796/OUT (Continued)

by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- i routes for construction traffic,
- ii hours of operation / deliveries (to avoid peak school periods),
- iii method of prevention of debris being carried onto highway,
- iv pedestrian and cyclist protection,
- v proposed temporary traffic restrictions.

5. Before any other operations are commenced a new access to serve the development site shall be created to Lumsdale as a splayed vehicle dropped crossing point, centrally located within the available site frontage and at least 5.5m wide, all in accordance with detailed designs previously submitted to and agreed in writing with the Local Planning Authority. The access shall be provided with a parallel sightline across the entire controlled site frontage to Lumsdale with no obstructions to visibility over 1m high (relative to the nearside carriageway channel level), being permitted within 2.4m of the carriageway edge and maintained as such for the life of the development.
6. The access, the subject of condition number 5 above, shall not be taken into use until 2m x 2m x 45° pedestrian inter-visibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
7. Within 28 days of the new permanent access being taken into use the existing vehicular access to Lumsdale 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.
8. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway has been laid out in accordance with the application drawings to conform to the County Council's 6C's residential design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads. The street being fully completed with final surfacing within 6 months of occupation of the 5th dwelling or other such timescale agreed in writing, in advance, with the Local Planning Authority
9. The premises, the subject of the application, shall not be occupied until space has been provided within the application site for the parking and manoeuvring of residents and visitors vehicles (including secure covered cycle parking), in detailed designs previously submitted to and approved in writing by the Local Planning Authority. The approved details being laid out, surfaced and maintained throughout the life of the development free from any impediment to their designated use.
10. The premises, the subject of the application, shall not be occupied until service vehicle turning space has been provided within the application site in accordance with details previously submitted to and approved in writing by the LPA. The approved details being laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

## 13/00796/OUT (Continued)

11. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
12. The proposed access drive to Lumsdale shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.
13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

### **A. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

- i.a survey of the extent, scale and nature of contamination;
- ii.an assessment of the potential risks to:-
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments.
- iii.an appraisal of remedial options and proposal of the preferred option(s)  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **B. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

14. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections A and C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition B has been complied with in relation to that contamination.

**A. Implementation and Validation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that development required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**B. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section A.

**C. Importation of soil to site**

In the event it is proposed to import soil onto site in connection with the development or remediation the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the Local Planning Authority for consideration prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reasons:

1. Reason ST01a
2. Reason ST03a

3-12. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and Development Management Policy 22 of the Pre Submission Draft Local Plan.

13-14. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Part 11 of the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the use of the 'green space' area identified on the site plan.

## 13/00796/OUT (Continued)

2. 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 or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. 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.
3. This decision notice relates to the following documents:  
Indicative layout received 20.11.13  
Flood Risk Assessment dated November 2013 received 20.11.13  
Supporting design and access statement received 20.11.13  
Location plan received 20.11.13
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact the County Council on 01629 580000.
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 adoptable 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 Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.
8. 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 soak-aways for highway purposes is generally not sanctioned.

## 13/00796/OUT (Continued)

9. Car parking provision should be made on the basis of 2 No spaces per unit for 2-3 bedroom dwellings and 3 No spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 4.8m with adequate space behind each space for manoeuvring.

NOT CONFIDENTIAL - For public release

CENTRAL PLANNING COMMITTEE – 4th MARCH, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for February 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	CONDITIONAL CONSENT

**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
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 To maintain the tree To increase light through the canopy To promote the health of	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	<p>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>	NO OBJECTIONS
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 &amp; 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
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
CROMFORD	<p>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</p>	PENDING DECISION
LUMSDALE	<p>NATDALE, UPPER LUMSDALE,            MATLOCK</p>	NO OBJECTIONS

<b>CONS. AREA</b>	<b>ADDRESS/PROPOSED WORKS</b>	<b>DECISION/COMMENT</b>
	FELLING OF 17 LAWSON CYPRESSES Reasons: Produce excessive shading Obscure views of natural woodland Screening of erstwhile HGV yard no longer required	
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
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	NO OBJECTIONS
MATLOCK BANK	43 WELLINGTON STREET, MATLOCK FELLING OF PINE Reasons: Risk of limb failure in high winds Not safe to leave without companion trees	NO OBJECTIONS
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	PENDING DECISION

<b>CONS. AREA</b>	<b>ADDRESS/PROPOSED WORKS</b>	<b>DECISION/COMMENT</b>
	and buildings below Maintenance programme	
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	NO OBJECTIONS
MATLOCK BANK	CONSTANTIA HOUSE, CAVENDISH ROAD REDUCTION IN HEIGHT OF TWO CONIFERS Reasons: Fear of falling on house	NO OBJECTIONS
LUMSDALE	CORNER CROFT, 59 ASKER LANE, MATLOCK REDUCTION IN HEIGHT OF HOLLY TREE Reasons: To improve light to neighbouring property	NO OBJECTIONS
OLD MATLOCK	42 MATLOCK GREEN, MATLOCK PRUNING OF FLOWERING CHERRY Reasons: Not given	PENDING DECISION
BOLEHILL	9 NAN GELLS HILL, BOLEHILL FELLING OF WALNUT Reasons: Dead FELLING OF HORSE CHESTNUT Reasons: Bark wounds Deep cavity in trunk	PENDING DECISION
BONSALL	67 HIGH STREET, BONSALL PRUNING OF CHERRY Reasons: To clear the drive To balance the tree FELLING OF SPRUCE Reasons: Inappropriate location Heavily pollarded in the past Not very large Will outgrow location	PENDING DECISION
MATLOCK BANK	COUNTY HALL, SMEDLEY STREET, MATLOCK FELLING & PRUNING OF TREES Reasons: Damaging building Leaning over car park area Damaging greenhouse roof	PENDING DECISION
BONSALL	LAND TO THE NORTH OF 2 HOLLOW BROOK, CLATTERWAY, BONSALL FELLING OF ASH TREE Reasons: Growing away from canopy line Danger of failing	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	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	growing in loose rock bed	

**OFFICER RECOMMENDATION:** That the report be noted.

CENTRAL PLANNING COMMITTEE – 4th MARCH, 2014

COUNTY COUNCIL TREE APPLICATIONS

Progress report for February 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
88	NORTH LODGE, WHITWORTH ROAD, DARLEY DALE PRUNING & FELLING OF TREES Reasons: To facilitate inspection for Ustulina To maintain as a hedge Poor specimens suppressed by larger Sycamore To improve light	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
12/00732/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
13/00417/FUL	The Three Stags, Darley Dale	WR	Appeal being processed
T/13/00112/TPO	9 Hackney Road, Hackney	IH	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

PI – Public Inquiry

HH – Householder

**OFFICER RECOMMENDATION:**

That the report be noted.