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29 September 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 7 October 2014 at 6.00 pm in the COUNCIL CHAMBER, TOWN HALL, MATLOCK DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written in a cursive style.

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a 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 the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

2 September 2014.

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

To provide members of the public **WHO HAVE GIVEN PRIOR NOTICE** (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

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To note a report on appeals to the Planning Inspectorate.	

NOTE

For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

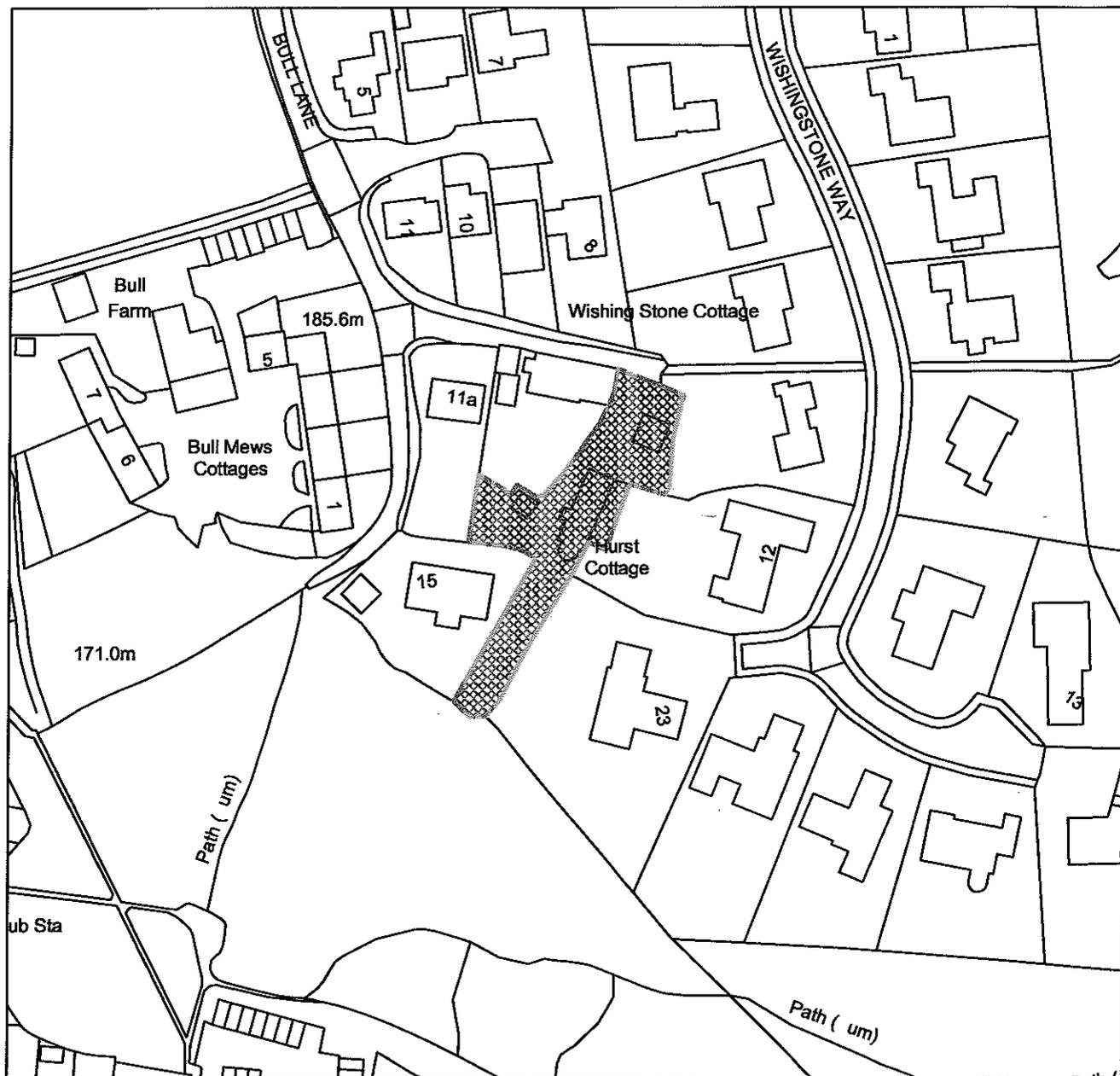
Members of the Committee

Councillors David Burton, Robert Cartwright, Mrs Ann Elliot, David Fearn, Neil Horton, Mike Longden, Jean Monks, Garry Purdy, Mike Ratcliffe, Lewis Rose OBE, Andrew

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

14/00360/FUL

Hurst Cottage, 14 Bull Lane, Matlock



Derbyshire Dales DC

1:1,250

Date: 25/09/2014

100019785

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

14/00360/FUL TWO-STOREY EXTENSION AT HURST COTTAGE, 14 BULL LANE, MATLOCK FOR MR. OWEN.

Town Council: Matlock
Application type: FUL

Date of Receipt: 27th May 2014
Case Officer: Mr. A. T. Ecclestone

THE SITE AND SURROUNDINGS:

The application property is an old, detached, stone-built house, situated in a residential area in north-eastern Matlock, just off Asker Lane. It has a conservatory on the gable end.

THE APPLICATION:

The proposal is to replace the single-storey conservatory with a two-storey, timber-framed extension. It will extend out by 4.24m and will have a contemporary appearance with large areas of glazing. It will have a slate roof to match the main house and the south-eastern wall will be rendered with no windows.

The applicants consider that this will make a fantastic addition to their home which they have been renovating over the past 10 months. The oak timbers have all been stripped to their original state and the proposed oak-frame extension offers the chance to enhance the beauty of the existing cottage. An oak-frame extension is their preference and there is an example of this in Ashover. They note that the objections from the neighbours do not provide grounds for refusal and that the nearest neighbour has supported the application. They also note that there is no objection to a two-storey extension and believe that the existing conservatory is not inkeeping with the character of the cottage. They would like to invite members of the Planning Committee to look inside their cottage so that they can see what is trying to be achieved in terms of extending the character and atmosphere of the cottage.

The applicant has responded to the grounds of objection from neighbours with the following points:

- None of the points raised constitute grounds for refusal. The proposal is a vast improvement on the existing conservatory which is not inkeeping with the style of the property and is in need of substantial repair.
- We do not accept that the extension will impose dramatically on adjacent properties as the garden is lower at that point. We have been sympathetic to the design and look of the extension – it is stepped down and within the boundaries of the existing gable-end.
- The majority of properties in the area are not bungalows, but a mixture of houses and cottages. Hurst Cottage is the oldest in the area and has been there for nearly 300 years.
- The comments about construction traffic up and down a public footpath are not relevant to the planning application. However, we would respectfully point out that we have already had 9 skips and we have been extremely respectful to our neighbours and to avoid any obstruction to the footpath, which is also the only access to our property.
- We do not believe that our extension will result in an unacceptable loss of privacy as the views will be down the valley and our own garden. The objector is already overlooked and they already overlook us.
- We would respectfully point out that loss of view and property value are not matters for consideration in respect of our Planning Application.
- The combination of stone, render and timber is an acceptable design. To build in stone would not match and would look odd. A contrast is more inkeeping with the look of the property, rather than an incorrect match in stone.
- We are checking with our solicitor about the ownership of the boundary wall, but perhaps the objector could provide evidence to back up her claim to the wall? Our Deeds appear to indicate that it is our boundary wall. We do not wish to cause any disruption or upset to our neighbour.

14/00360/FUL (Continued)

- The objector is mistaken and we do not wish to enter her land.
- There is no desire to be difficult or obstructive. However, we do feel that the application is sympathetic to the look and feel of the property. We have spent substantial time and money refurbishing the property over the last 8 months. The proposed extension would add more space, light and volume and would be entirely inkeeping with the look of the property which, although not in a Conservation Area, is one of the oldest properties in Matlock.

RELEVANT HISTORY:

None.

CONSULTATIONS:

Local Highway Authority:

No objection.

Town Council:

Not received.

REPRESENTATIONS:

3 letters of objection have been received which can be summarised as follows:

- The proposed extension will impact on my outlook and will block views to open hillsides. This could affect the value of my property.
- The rendered wall will look unsightly and not inkeeping with the rest of the cottage which is over 300 years old and built of stone. Should an extension be built at all, it should be inkeeping with the existing construction.
- Boundary dispute.
- The proposed extension will impose quite dramatically on the adjacent properties, particularly as the majority are bungalows.
- Construction work will involve substantial traffic along a public footpath.
- The proposed extension will lead to loss of privacy and will adversely affect our amenities and the enjoyment of our whole property.

In response to the applicant's rebuttal, a further objection was received which can be summarised as follows:

- The applicants have responded to my letter of objection. Their comparison of the relatively small, existing conservatory with a full scale, two-storey extension seems disproportionate. The applicant disputes the extent of the application, but when all is considered, it does extend out some 4.24m beyond the existing stone structure of the cottage.
- Although the proposed extension is based on a French design, often found in Normandy, this is not a property based in Normandy and was not built based on a French design. Previous extensions have continued the ethos of the 300 year old building and have blended in very well indeed. Any proposals should strive to maintain the existing character of the property in line with Derbyshire designs and not Normandy.
- Comment on the boundary dispute. The plan does not allow sufficient access for construction without the need to enter my property.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1 Development Within Settlement Framework Boundaries

SF5 Design And Appearance Of Development

H2 Extensions to Dwellings

Derbyshire Dales Local Plan Submission Draft May 2014
Development Management Policy 9 – Design and Appearance Of Development

National Planning Policy Framework (NPPF)
Chapter 7 – Requiring good design

ISSUES:

The main issues to assess are the impact that the proposed two-storey extension will have on the character and appearance of the house and also the impact that it will have on the amenity of neighbouring occupants.

The extension contrasts markedly with the character and appearance of the existing dwelling. The cottage has a robust appearance with a predominance of stone walling and relatively small window openings. Although the dwelling has been extended in the past with a conservatory which contrasts with this, the prevailing character remains that of a typical, vernacular cottage.

The extension is clearly designed to contrast with this, introducing timber framing and 2 glazed walls, but combining this with a pitched roof and rendered wall. This combination of design features has no local precedent and will jar with and be detrimental to the character and appearance of the existing cottage.

Although the cottage can be extended, the design and materials proposed combine in creating an incongruous and architecturally inappropriate addition.

In terms of its impact on the surrounding area, it is not considered to have an overbearing impact. The solid south-east elevation will ensure that there is no overlooking / loss of privacy to the neighbour to the east. In terms of its impact on the neighbour to the south-west, overlooking already exists from the conservatory. The impact of the proposed two-storey extension is not considered to be too dissimilar to the current situation and is considered to be within reasonable parameters. Although their front elevation will be visible, their private garden area around the back will remain unaffected by the proposal.

The letters of objection have been taken into consideration whilst processing this application. The alleged boundary dispute is a civil matter to be resolved between themselves and lies outside of the consideration of this planning application. Loss of view and property value are not planning matters and cannot therefore be taken into consideration whilst processing this planning application.

The proposal will conflict with Local Plan Policy SF1 – Development Within Settlement Framework Boundaries, because it will not preserve or enhance the character and appearance of the settlement, it is not well related to surrounding properties and land uses and it does not preserve or enhance the natural or built environment.

The proposal will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the design and materials do not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties or land uses.

The proposal will conflict with Local Plan Policy H2 – Extensions To Dwellings, because it would result in a detrimental impact on the character and appearance of the dwelling.

The proposal conflicts with Development Management Policy 9 – Design and Appearance Of Development because the design and materials do not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties or land uses without significant loss of amenity.

The proposal will also conflict with Chapter 7 of the NPPF where the Government attaches great importance to the design of the built environment. The proposal does not contribute positively to making the place better for people. It also fails to improve the character and quality of the area. Paragraph 64 also states that planning permission should be refused for poor designs that fail to take the opportunities available for improving the character and quality of an area and the way it functions.

OFFICER RECOMMENDATION:

Planning Permission be refused for the following reasons:

The design and materials of the proposed extension are such that it will read as an incongruous addition to this vernacular cottage, harmful to its character and appearance. As such, the proposal is in conflict with Policies SF1, SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 9 of the Derbyshire Dales Local Plan Submission Draft May 2014 and Chapter 7 of the NPPF.

Note to applicant:

This Decision Notice relates to the following documents:

Drawings numbered 1, P598-03-02, P598-02-02, P598-04, P598-07, P598-05, P598-06 and P598-08, received by the Council on 27th May 2014.

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

14/00483/FUL

50 Hurds Hollow, Matlock



Derbyshire Dales DC

1:1,250

Date: 25/09/2014

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

14/00483/FUL FIRST-FLOOR SIDE EXTENSION AT 50 HURDS HOLLOW, MATLOCK FOR MR. CLAXTON.

Town Council: Matlock
Application type: FUL

Date of receipt: 28th August 2014
Case Officer: Mr. A. T. Ecclestone

THE SITE AND SURROUNDINGS:

The application property is an old, detached, stone-built house, situated in a residential area to the north-west of Matlock town centre, close to All Saints C of E Junior School. It has a single-storey flat-roof side extension which is stepped back and contains a garage. It faces onto Hurds Hollow which is one of the main roads through the area with houses on either side and residential side roads leading from it.

THE APPLICATION:

The proposal is for a first-floor side extension above the currently flat-roof garage. It will be built to the same height as the main house with a hipped roof. It will have smooth rendered walls with exposed stone quoins.

RELEVANT HISTORY:

08/00060/FUL Erection of utility room, conservatory, replacement garage & alterations to access. Granted

CONSULTATIONS:

Local Highway Authority:
No objection.

Town Council:
No objection.

REPRESENTATIONS:

One representation received which can be summarised as follows:

- Will the original garage foundations / substructure be strong enough to withstand another storey on top of it? Concerned about the impact that any digging out would have, given the close proximity to our property.
- Concerned about loss of light caused by the extension. We gave great consideration to this when our house was extended. Our plot is double the size of their plot. Surely common sense should prevail!
- Due to the insufficient gap between the structure and the boundary wall, the property would aesthetically look too big for the size of the plot and portray the sense of being squashed in (quart into a pint pot scenario) rather than looking like a symmetrical and comfortable fit with leeway to the side.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1 Development Within Settlement Framework Boundaries
SF5 Design And Appearance Of Development
H2 Extensions to Dwellings

14/00483/FUL (Continued)

Derbyshire Dales Local Plan Submission Draft May 2014
Development Management Policy 9 – Design and Appearance Of Development

National Planning Policy Framework (NPPF)
Chapter 7 – Requiring good design

ISSUES:

The main issues to assess are the impact that the proposed first-floor extension will have on the character and appearance of the house and also the impact that it will have on the surrounding area.

This is a re-submission of a previous planning application that was withdrawn following design concerns. The extension is being extended off the footprint of the garage to the side. In this format, the extension is alien to the character and appearance of the principle elevation of the main house. The existing garage is considered to appear too wide and disproportionate, but it is mitigated by being subservient, set-back and single-storey. Adding a first-floor to it does not work visually. Despite it being stepped back, it is considered that the proposed extension will compete visually with the principle elevation and will appear as a disproportionate, incongruous addition.

It will detract from the character and appearance of the main house. In order for it to be acceptable as a two-storey addition to the original house, it needs to be significantly reduced in width, so that the main house remains the dominant feature with the extension reading as secondary and subordinate.

The neighbouring house to the south (number 48) will be affected to a degree with the extension being two-storeys high and so close to the boundary. The neighbouring house is also stepped back and at a lower level. Their objection has been taken into consideration whilst processing the application. Although it is noted that the proposed extension will have some impact, it is not considered that the oppressive impact to the neighbouring property is of such a magnitude that refusal on this ground is warranted.

The proposal will conflict with Local Plan Policy SF1 – Development Within Settlement Framework Boundaries, because it will not preserve or enhance the character and appearance of the settlement and it is not well related to surrounding properties and land uses.

The proposal will also conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the scale, massing and layout does not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties and land uses.

The proposal will conflict with Local Plan Policy H2 – Extensions To Dwellings, because it would result in a detrimental impact on the character and appearance of the dwelling and its surroundings.

14/00483/FUL (Continued)

The proposal will also conflict with Development Management Policy 9 of the Derbyshire Dales Local Plan Submission Draft May 2014 because the scale, massing and layout does not preserve or enhance the quality or local distinctiveness of its surroundings; it does not reinforce a sense of place and it is not well related to surrounding properties and land uses.

The proposal will also conflict with Chapter 7 of the NPPF where the Government attaches great importance to the design of the built environment. The proposal does not contribute positively to making the place better for people. It also fails to improve the character and quality of the area.

OFFICER RECOMMENDATION:

Planning Permission be refused for the following reasons:

The size and design of the proposed extension are such that it will appear as an incongruous addition to the existing building, at odds with and harmful to its character and appearance and owing to its prominent positioning, the visual amenity of the streetscene. As such, the proposal is in conflict with Policies SF1, SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 9 of the Derbyshire Dales Local Plan Submission Draft May 2014 and Chapter 7 of the NPPF.

Note to applicant:

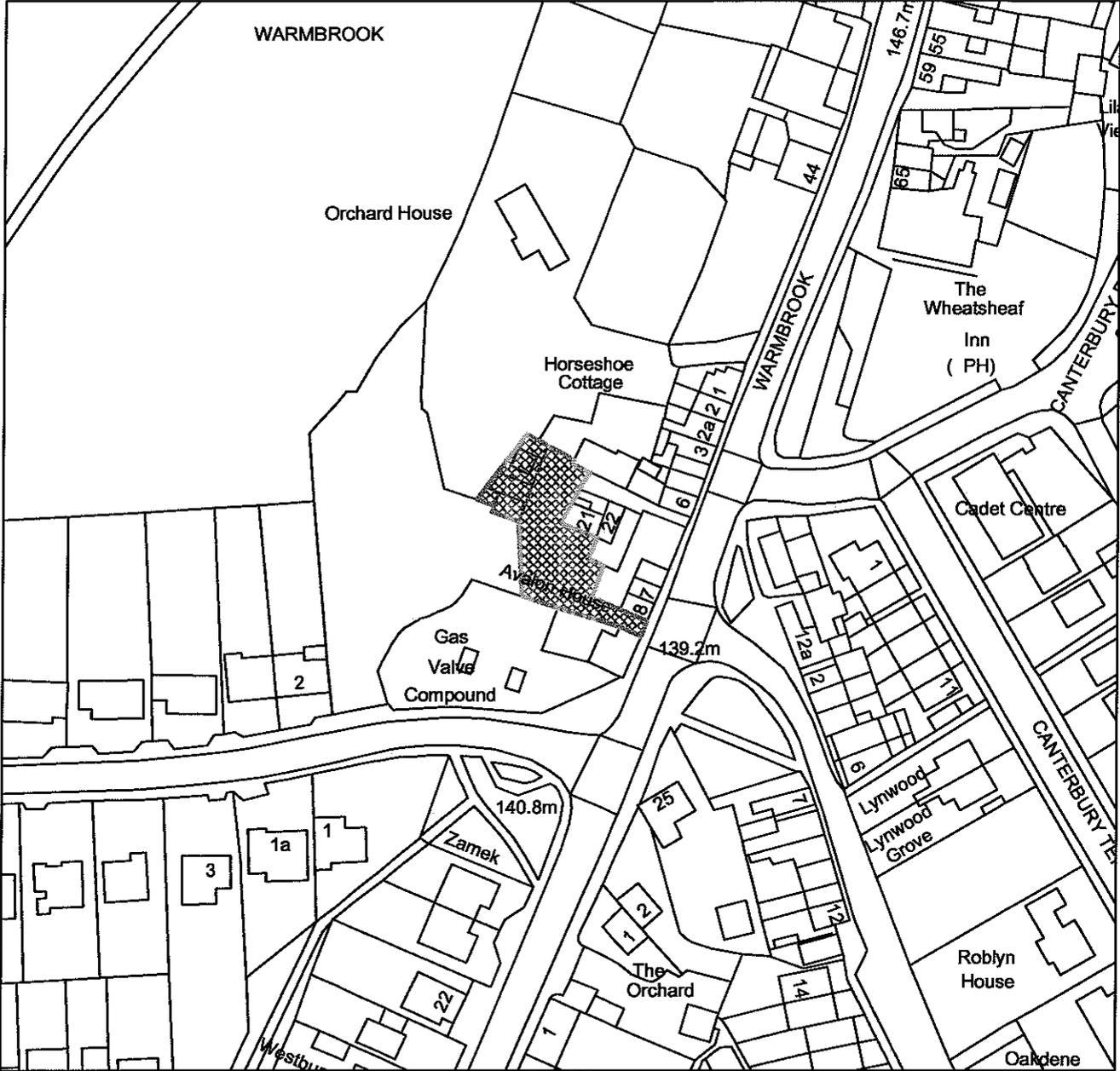
The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis, the requirement to engage in a positive and proactive manner was considered to be best served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

This Decision Notice relates to the following documents:

Drawings numbered L1, L2, 2014.109, 2014.110 and 2014.111, received by the Council on 28th July 2014.

14/00367/FUL

The Cockpit, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 25/09/2014

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

14/00367/FUL REUSE AND EXTENSION OF BUILDING TO FORM DWELLING AT THE COCKPIT, 15 WARMBROOK, WIRKSWORTH FOR MR A BOWLES

Town Council: Wirksworth
Application type: Full

Date of receipt: 28.05.14
Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:

The application relates to a derelict stone building with timber additions located within the small courtyard area known as The Cockpit. It would appear that the building was last used as a dwelling in the early 1950's and since that time has been used as domestic storage and garaging. The building is now vacant and in need of repair. The site is within the settlement framework boundary for Wirksworth close to the Town Centre and within the Conservation Area. There is a County TPO to the far rear of the site and a small area of woodland to the south of the site. Access to the courtyard is located directly between two houses that front onto Warmbrook, there are two cottages located to the east of the site also located within the courtyard.

THE APPLICATION:

Planning permission is sought to re-use and alter the premises to create a single dwelling with 2 bedrooms. Access to the site would be via the existing access into the courtyard and parking is intended to be provided within the courtyard area. The existing structure consists of; a one room two storey stone building with link timber structure with monopitch corrugated roof leading to a two storey three sided stone structure. There is a stone boundary wall surrounding the front, side and rear of the property. All of these structures will be re-used and altered to create the dwelling. Existing openings within the structures are to be re-used with no other extensions, the roof and timber link element will be re-created as a glazed part of the building.

The applicant agent has submitted a supporting statement with the application which is briefly summarised as follows:

- The existing building is a historic building of quality
- The property was last used as a residence 12 years ago with domestic rates paid up until this time.
- In recent years the building has been used as storage and garaging and has now fallen into disrepair.
- The Planning Authority see this as an application for a new dwelling, which may or may not be technically correct as it is difficult to ascertain its history and the definition of abandonment is not clear cut or definitive.
- The status of the building in planning terms has implications in how the access is viewed.
- The existing access does not meet the standards of the Highway Authority.
- The poor visibility means that it is only possible to leave the site with caution and at low speed, the roundabout means oncoming traffic cannot speed, therefore the access is more inconvenient than dangerous.
- If a pragmatic view is taken that the building is a neglected dwelling then then there would be no increase in the use of the access.
- Residential use is the only use which would justify the cost of repairs.
- The proposal retains the character of the building.
- The proposal would provide a much needed small dwelling in a sustainable locality.
- The access serves 9 dwellings and the last use was as a garage, the increase in use of the access is negligible.

14/00367/FUL (Continued)

- On an assumption of 2 vehicles per dwelling and one in the garage then this is 19 vehicles plus visitors. One further vehicle for the proposed dwelling would be 20 vehicles, therefore the difference is minimal.

RELEVANT HISTORY:

13/00858/FUL – Reuse and extension of building to form dwelling – Refused

Reasons for refusal were as follows:

1. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing severely substandard access to the B5023, where emerging visibility is severely restricted due to third party buildings on either side of the access, thereby leading to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway. As such the proposal is contrary to the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan.
2. The proposed development, if permitted, would lead to the intensification in the use of an existing severely substandard vehicular access to the B5023 where its limited width doesn't allow for two-way vehicle traffic, thereby increasing the risk of vehicle conflict on the access driveway which is likely to lead to vehicles reversing out of the access or waiting on the B5023 to give way to existing vehicles, leading to a potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining public highway. As such the proposal is contrary to the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan.

13/00625/FUL Reuse and extension of buildings to form dwelling - Withdrawn

CONSULTATIONS:

Town Council – No comments received

Local Highway Authority – As you are aware, there is considerable planning history relating to this site, most recently my e-mail to you dated 4 February 2014 in connection with planning application 13/00725. As your Authority has previously confirmed this building has no residential use which can be taken into account, then as far as the Highway Authority is concerned this proposal is essentially for a new dwelling which, in turn, is likely to increase the vehicular use of an existing severely substandard access to the B5023. Therefore, the Highway Authority recommends this current application is refused on the same grounds as before (as stated in my e-mail dated 4 February 2014).

The comments of the highway authority on the previous application were as follows:

The agent's e-mail refers to a block plan which indicates 9 properties with direct access to the parking area. This alone would not legally prove that 9 properties are served via this access.

However, even if this was true, your Authority has already confirmed that the building in question has no residential use. Your e-mail dated 31 May 2012 states: "The buildings in question are not allocated as anything in particular. It is understood that they have been used as residential outbuildings for general storage purposes.

14/00367/FUL (Continued)

Planning permission would be required for a change of use to residential accommodation.”

Regardless of how many dwellings the access currently serves, this application is for a completely new dwelling to be served via an existing severely substandard access to a busy ‘B’ class road which has seen 3 road traffic accidents within 100m of this access in the last 3 years.

Therefore, the Highway Authority recommends the application be refused on the following grounds:-

1. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing severely substandard access to the B5023, where emerging visibility is severely restricted due to third party buildings on either side of the access, thereby leading to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway
2. The proposed development, if permitted, would lead to the intensification in the use of an existing severely substandard vehicular access to the B5023 where its limited width doesn't allow for two-way vehicle traffic, thereby increasing the risk of vehicle conflict on the access driveway which is likely to lead to vehicles reversing out of the access or waiting on the B5023 to give way to existing vehicles, leading to a potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining public highway.

Natural England – No objection to impact upon Statutory Nature Conservation Sites. (The site being close to Dale Quarry, Baileycroft Quarry, Bage Mine, Colehill Quarries and Gang Mine Site of Special Scientific Interest.

No assessment has been made with regard to protected species, refer to standing advice. Consider opportunities for biodiversity enhancements.

Derbyshire Wildlife Trust – The ecology survey dated Sept 2013 as part of the previous application remains relevant and valid for this proposed. Therefore our comments remain unchanged.

The previous comments were: The surveys are appropriate but were carried out over a short period of time rather than spread across a survey season. The surveys have not shown any bats or bird nests within the building. Support the recommendations made in the survey and would recommend a condition is attached to any permission requiring a bat and bird enhancement strategy.

(Comments received on earlier application 13/00858/FUL)DCC Arboricultural Officer – The conversion is on the original footprint and access is via an existing road/drive in view of this there should not be any effect upon the existing TPO. The trees surrounding the building are not part of the TPO but are covered by the Conservation Area.

REPRESENTATIONS:

4 letters of objection have been received from neighbouring residents which raise the following concerns:

14/00367/FUL (Continued)

- The precedent referred to in the agent's statement refers to Horseshoe Cottage and is inaccurate. When no. 1 Warmbrook was purchased it included the driveway and garage to Horseshoe Cottage. When no. 1 Warmbrook was separated they no longer had use of the Cockpit area for access or parking, therefore not increasing the traffic.
- No objection to the principle of the proposal but to parking and highway safety.
- As the property has been used as a garage, one car parking space would be lost as a result of the proposal.
- The area only provides parking for 6 dwellings not 9 as specified by the agent as far as we are aware no one else has a right to park or access the land.
- The idea that the area can accommodate parking for 18 vehicles is preposterous.
- The building has not had continual residential use and was condemned in 1953. The building was last used as storage for a window cleaning business then as ancillary garage accommodation.
- There would be an increase in traffic using the access as a result of this application.
- The access is dangerous; this has not changed since the previous application.
- There are TPO trees adjacent to the site.
- A tree recently fell on the land adjacent to the site; this could easily have fallen on the building.
- The Cockpit regularly floods an assessment of flood risk is required.
- The building works proposed would cause disturbance.
- Pipework runs under the Cockpit and there have been leaks in recent years which Severn Trent Water believe is caused by the vibrations of vehicles running over the pipes, any additional vehicles would worsen this.
- Understand the need for affordable small homes but the Cockpit is already at saturation point.
- The building is a garage therefore the development of this would reduce the amount of parking whilst also creating further need for additional parking.
- When the Cockpit is full vehicles have to reverse onto the main road as there is no turning space available in the site.
- The mini island located close to the site was installed due to a child fatality some years ago as an attempt to reduce traffic speeds which has not worked.

One comment in support has been received which notes strong support for the refurbishment of the building the proposals are sympathetic to the character of the conservation area.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1:	Development Within Settlement Frameworks Boundaries
SF5:	Design And Appearance of Development
H1:	New Housing Development Within Settlement Framework Boundaries
H9:	Design And Appearance Of New Housing
NBE5:	Development Affecting Species Protected By Law Or Are Nationally Rare
NBE6:	Trees And Woodland
NBE21:	Development Affecting A Conservation Area
TR1:	Access Requirements And The Impact Of New Development
TR8:	Parking Requirements For New Development

14/00367/FUL (Continued)

Submitted Draft Local Plan

Development Management Policy 1 – Development Within Settlement Framework Boundaries

Development Management Policy 7 – Biodiversity and Geological Interests

Development Management Policy 8 – The Historic Environment

Development Management Policy 9 – Design And Appearance Of Development

Development Management Policy 22 – Access And Parking

National Planning Policy Framework and National Planning Policy Guidance

ISSUES:

The issues for consideration are the principle of the development, character and appearance of the development, issues of residential amenity, impact upon trees and protected species, flooding and highway safety.

Principle

The proposed use ceased around 60 years ago and there are no records of Council tax being paid on this property as a dwelling. Therefore the proposal has to be considered as the conversion of a building to residential use. The site is within the settlement framework boundary of Wirksworth and within easy walking distance of Town Centre amenities. This is a sustainable location where new residential development is acceptable in accordance with the Core Planning Principles of the National Planning Policy Framework.

Character and Appearance

The existing building whilst in need of significant repair and renovation is considered to be worthy of retention. The proposed renovation and alteration is sympathetic to the original buildings and would, subject to details, enhance the character and appearance of the existing building and thereby the wider Conservation Area. The proposal is therefore considered to be acceptable in accordance with Policies SF5 and NBE21 of the Adopted Derbyshire Dales Local Plan.

Amenity

Concern has been raised previously by a neighbouring resident regarding loss of amenity in relation to the large glazed element proposed to the front elevation of the building. There may be some potential for overlooking from this element which could easily be resolved through an appropriate design solution. Therefore loss of amenity is not such a cause for concern that refusal is warranted in this regard. Given the highway concerns a redesign of this element has not been sought through the determination of this application.

Trees

The proximity of trees to the application site has been raised as a concern by local residents. The trees immediately adjacent to the site are not covered by the nearby Tree Preservation Order but have some level of protection by being within the Conservation Area. The proposed works are on the footprint of the existing building and the proposed access is via an existing road/drive. In view of this the proposal is unlikely to have any impact upon the protected trees.

The applicant's agent has confirmed that there is no intention to remove any trees. It would appear from an on-site assessment that there would be the loss of some trees as a result of this proposal given the proximity of the trees to the existing building and the likelihood that they would overhang a proposed partially glazed roof. Whilst the loss of some trees is likely to be supported given the quality of the trees and the lack of management of the

14/00367/FUL (Continued)

woodland area, no information has been submitted regarding this issue. The works required to the adjacent trees are considered to be generally acceptable given that the group of trees would remain largely intact with no adverse impact upon visual amenity.

Protected Species

A protected species survey has been submitted, the findings of which are generally accepted by Derbyshire Wildlife Trust who have recommended that a condition be added to any permission requiring a bat and bird enhancement strategy be submitted. Subject to such a condition the proposal is considered to be acceptable in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Flooding

Concern has been raised by local residents regarding the flooding of the Cockpit which lies below the level of the highway and floods in severe weather conditions. The applicant's agent has not submitted any supporting information as to how this matter would be dealt with. It is not considered that the conversion of the building itself would worsen the flooding situation as no further extensions are proposed. As the property is susceptible from flooding appropriate measures to deal with this could be submitted as a pre-condition if all other matters were considered to be acceptable.

Highway Safety

There is significant concern regarding the safety of the access to the site which is a narrow access with severely restricted visibility. There has been some disagreement as to how many properties use the access at present and the amount of parking there is available at the site. It would appear that only 6 properties have a right of access to the Cockpit courtyard. Despite the number of properties using the access, the highway authority are of the view that any additional development is unacceptable as it would utilise the existing substandard access. The severe inadequacies of this access and consequent threat to highway safety on the B5023 are considered to outweigh the benefits that may accrue from residential re use of this building and on that basis refusal is recommended.

OFFICER RECOMMENDATION

To refuse planning permission for the following reasons:

1. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing severely substandard access to the B5023, where emerging visibility is severely restricted due to third party buildings on either side of the access, thereby leading to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway. As such the proposal is contrary to the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan.
2. The proposed development, if permitted, would lead to the intensification in the use of an existing severely substandard vehicular access to the B5023 where its limited width doesn't allow for two-way vehicle traffic, thereby increasing the risk of vehicle conflict on the access driveway which is likely to lead to vehicles reversing out of the access or waiting on the B5023 to give way to existing vehicles, leading to a potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining public highway. As such the proposal is contrary to the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan.

14/00367/FUL (Continued)

NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Location plan no. 691.04 received 15.07.14

Block plan no. 691.03 received 15.07.14

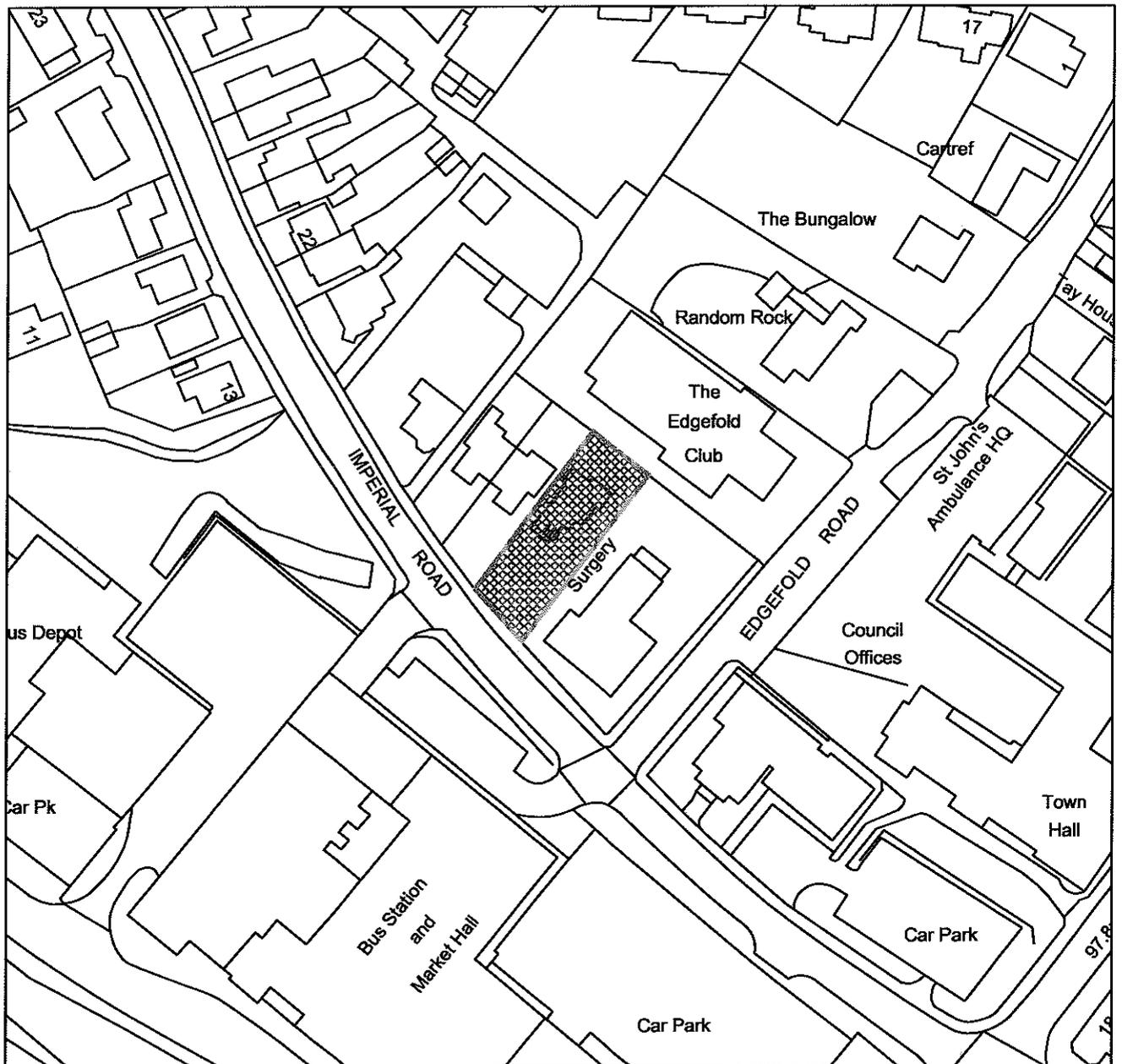
Survey plans no. J1056.GEO received 15.07.14

Proposed plan no. 691.02 Rev D received 15.07.14

Design and Access Statement received 15.07.14

14/00493/FUL

10 Imperial Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 25/09/2014

100019785

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

14/00493/FUL CHANGE OF USE OF DWELLINGHOUSE TO OFFICE (USE CLASS B1) AND ERECTION OF DETACHED GARAGE AT 10 IMPERIAL ROAD, MATLOCK FOR AMBER PASS LTD.

Town Council: Matlock
Application type: Full

Date of receipt: 28.07.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The dwellinghouse is a 4 bedroomed detached property set to the north east of Imperial Road. To the north west there are residential properties, to the south east is a doctor's surgery and to the north is The Edgefold Club. To the south east, across Imperial Road, is the public car park which also serves the Co-operative supermarket.

The property is within the Settlement Framework boundary for Matlock

THE APPLICATION:

Full planning permission is sought to change the use of the dwellinghouse to an office (Use Class B1). This would include the following:

Ground Floor - two offices, filing room, kitchen, utility, shower room, wc, hall and lobbies

First Floor - three offices and a bathroom

No external alterations are proposed to the building other than the repairs and renovations currently being undertaken.

Planning permission is also sought for the erection of a detached garage. This is proposed to be located towards the rear, north east corner, of the site. It is proposed to measure 5.1m deep by 3.05m wide and 3.355m to its apex (eaves height 2.35m). The garage would be constructed with facing brick and slates to match the existing dwellinghouse, with an 'up and over' garage door.

It is proposed to provide parking for six vehicles, one of which would be a disabled persons parking space. In terms of landscaping, the existing shrubbery at the front of the property is proposed to be thinned and maintained to screen the parking area. The existing boundary hedge with 12 Imperial Road would be retained. It is proposed to re-fence the boundary with the Surgery. To the front of the building, it is proposed to erect a retaining wall alongside the car park; the brickwork is proposed to match that of the rear of the dwellinghouse. No further details have been submitted of landscaping.

The applicant has advised a Travel Plan will be submitted at the request of the Local Planning Authority. The applicant has also advised that the premises would be operated in accordance with normal working hours. The applicant has also advised that they do not intend any advertisements other than a discrete name board which would not require Express Advertisement Consent.

RELEVANT HISTORY:

13/00443/FUL Change of use of premises from residential dwelling (Use Class C3) to children's day nursery (Use Class D1) – Refused – Appeal Dismissed
07/01022/FUL Single storey rear extension - Granted

14/00493/FUL (Continued)

CONSULTATIONS:

Town Council – No comments received

Local Highway Authority – No objection subject to a condition on parking space provision

Director of Community Services (Environmental Health) – Comment:

- have studied the decision made by the Planning Inspector regarding the previous planning application for a children's day nursery and concerns over the level of activity of people coming and going and the impact of noise generated by its use as children's nursery, specifically noise from the playground.
- the number of people who would work at an Office would be limited due to the size of the building
- would have a limiting effect on the impact to nearby residents
- given the activities taking place in the building, do not believe that these are likely to cause nuisance to other properties
- recommend restrictions on operating hours, as well as any deliveries to the premises

REPRESENTATIONS:

A total of seven letters of representation from neighbours. The comments can be summarised as follows:

- Imperial Road has been a residential street since the early 1900's - anything which undermines this would be to the detriment of both the character and appearance of the area
- commercial property inappropriate in residential road
- risk of setting precedent for other commercial development in residential street
- can see such unattractive development on Bank Road and Lime Grove Walk
- lack of family housing for larger families in the area already - property ideally suited for its present use
- Council have accepted a need for additional residential development
- invaluable family housing stock lost as a consequence on Bank Road
- plenty of vacant properties in the Town which would be more appropriate for Office use
- appearance and character of the area in front of this attractive property would be fundamentally altered by the concreting over for the 5 car parking spaces
- would look nothing like a residence
- concern as to how unattractive this whole frontage would become
- additional cars would raise the risk of potential accidents
- further street parking would be necessary to accommodate visitors
- increase in existing nuisance parking
- few houses in Matlock that have level access to the town and tragic that could be taken out of the housing stock
- applicant has commenced works (appears mainly repair) - hope the applicant hasn't been given the provisional green light from the Council already
- previous owner received public money from the Council to provide disabled access and facilities to the property
- loss of property value
- Council representatives have a duty to serve and represent constituents/public and therefore hope common sense will prevail and this application is rejected

14/00493/FUL (Continued)

Matlock Civic Association – Object:

- opposed to loss of a dwelling in the area
- future office could be catered for within the Bakewell Road development area

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Framework Boundaries
 - SF5 Design And Appearance of Development
 - EDT5 Industrial and Business Development within Settlement Frameworks
 - EDT6 Conversion and re-use of Buildings for Industrial and Business Development within Settlement Frameworks
 - NBE26 Landscape Design In Association With New Development
 - TR1 Access Requirements and the Impact of New Development
 - TR8 Parking Requirements for New Development
2. Submitted Draft Local Plan (2014)
 - Development Management Policy 1 – Development within Settlement Framework Boundaries
 - Development Management Policy 9 – Design and Appearance of Development
 - Development Management Policy 10 – Land for New Employment Development
 - Development Management Policy 14 – Development within Town and Local Centres
 - Development Management Policy 22 – Access and Parking
3. National Planning Policy Framework

ISSUES:

1. Introduction - Policy

The key issues for consideration are considered to be the impact of the proposed change of use on the amenity of neighbours, the impact that the change of use of the building may have on the character and appearance of the area and matters of highway safety. In this respect, the Policies detailed below are considered relevant.

The site lies within the Settlement Framework Boundary of Matlock. Policy SF1 in the Adopted Local Plan (2005) 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 the public transport network and does not result in the loss of important local services and facilities.

Policy SF5 seeks to ensure that the design and appearance of the development is acceptable. This is reflected in Policies EDT5 and EDT6 which advise that planning permission will be granted for the conversion of existing buildings to business use where this is in keeping with the surroundings and does not have a detrimental impact upon the character and appearance of the building. Policy NBE26 also seeks to secure appropriate landscaping for a development site where necessary.

Policy TR1 states that development requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. Policy TR8 requires the provision of adequate parking facilities in association with development.

14/00493/FUL (Continued)

2. Design and Appearance

There are no significant external alterations proposed to the building other than the current renovations. The applicant has advised that this would not be significant and any further requirement for signage would be controlled through the Advertisement Regulations.

The applicant has submitted a site layout plan but this provides little information with regards to surface treatments. There seems to be rather extensive hardstanding proposed with an access sloping to the highway. In this respect, it is considered reasonable to require details of the surfacing materials and drainage. It is also considered reasonable to require a landscaping scheme be submitted to ensure a satisfactory appearance to the property.

Given the above, it is considered that the proposal complies, in principle, with Policies SF1, SF5, EDT5 and EDT6 of the adopted Local Plan, subject to other environmental constraints being adequately adhered to.

3. Amenity Issues

The principal concern is the impact that the change of use could have on local residents. The District Council's Environmental Health Section has assessed the decision made by the Planning Inspector regarding the previous planning application for a children's day nursery. However, the proposal is now for a Use Class B1 office use on the site. Such a use does not allow for members of the public to call unannounced and any visits would be expected to be by appointment. The number of people who would work at the office would also be limited due to the size of the building.

The use of the premises as an office is considered to have a limited impact on the amenity of nearby residents. There may be some noise and disturbance from arrivals and departures. However, it has to be recognised that Imperial Road already experiences a reasonable degree of traffic. In this context, it is considered that the traffic generation, and the comings and goings related to the proposed office, would not cause such a significant loss of amenity to the local residents to the extent that refusal of the application could be justified.

Nevertheless, it is considered reasonable to restrict the hours of operation, as well as any deliveries to the premises, to avoid disturbance in the early morning, evening and during weekends and holiday times. In this respect, it is considered reasonable to restrict the hours of operation to the following times:

Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 to 13:00 hours
No work or deliveries on Sundays and Bank Holidays

Given the above, it is considered that the proposals are in broad compliance with Policies SF1, EDT5 and EDT6 of the adopted Local Plan in relation to safeguarding residential amenity.

4. Highway Issues

The Local Highway Authority has advised of no objection to the proposal given the provision of off-street parking spaces and given that the premises is in a town centre location. Given the above, it is considered that the proposals comply with Policies TR1 and TR8 of the adopted Local Plan.

14/00493/FUL (Continued)

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

Reasons:

1. Reason ST02a
2. To safeguard the amenity of nearby residents to comply with Policies SF1, SF5, EDT5 and EDT6 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
3. To ensure the provision of adequate off-street parking facilities to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
- 4-5. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, EDT5, EDT6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

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

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 enabled an assessment of the impact of the proposals on the surrounding area to be made.

This decision notice relates to the following documents:

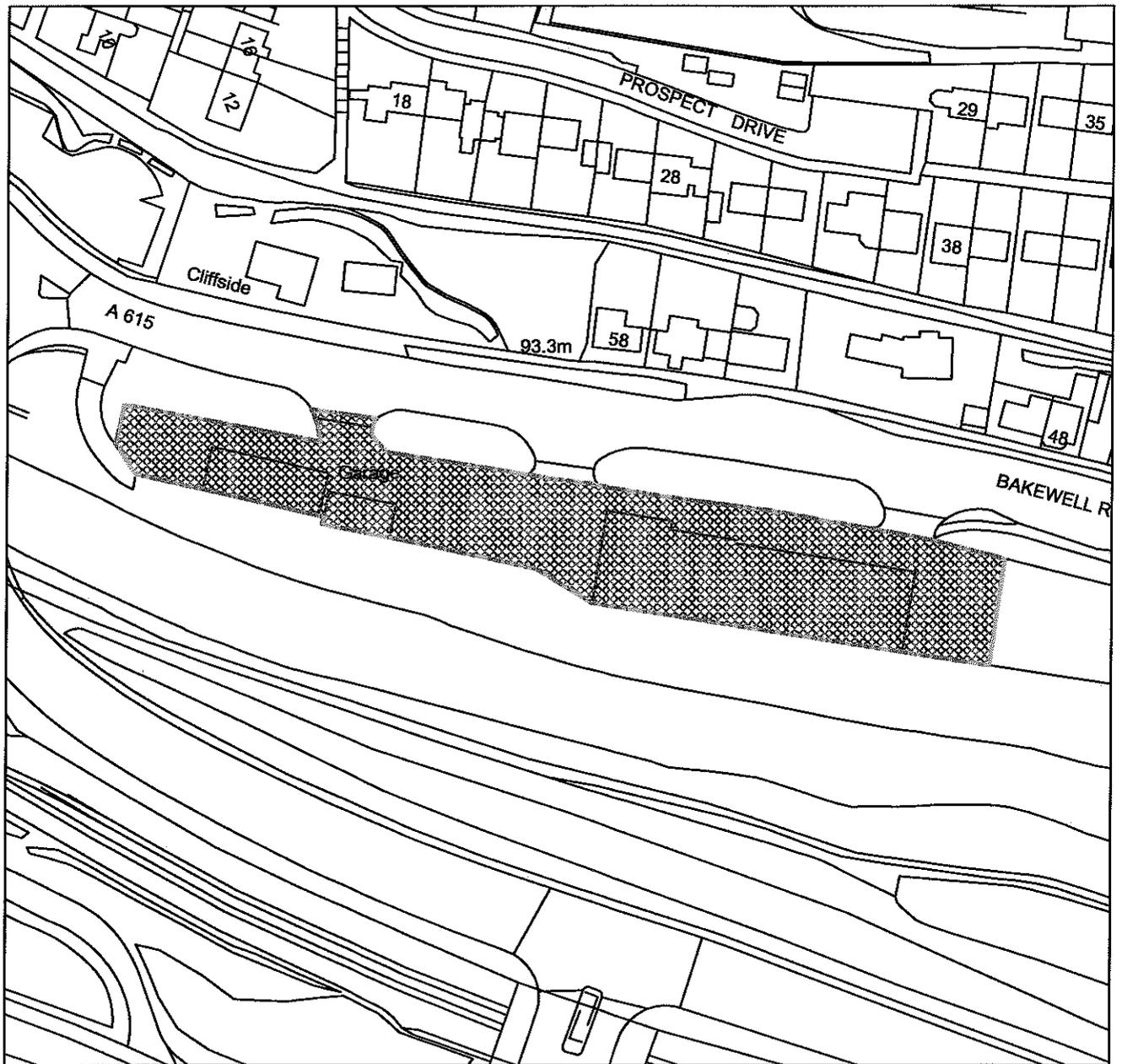
Site Location Plan received on 28th July 2014

Drawing Nos. N6227-01^A, 03^C and 04 received on 28th July 2014

Design and Access Statement and Planning Statement received on 28th July 2014.

14/00526/ADV

Land at Bakewell Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 25/09/2014

100019785

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

**14/00526/ADV ILLUMINATED AND NON-ILLUMINATED FREESTANDING SIGNAGE
AT LAND AT BAKEWELL ROAD, MATLOCK FOR MCDONALD'S
RESTAURANT**

Town Council: Matlock
Application type: Advertisement

Date of receipt: 11.08.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site lies to the west of Matlock town centre and is bounded by Bakewell Road to the north and the River Derwent and A6 to the south. The site is level and roughly rectangular with a frontage of some 170m and a depth between 14 and 22m. This includes three single storey buildings and part of the car park/storage area to Twiggs. Planning permission has recently been granted for the demolition of these buildings and for the provision of a McDonald's restaurant and a bulk wine retail unit on the site in their place.

The site is separated from Bakewell Road by a wide highway verge containing several trees and can be accessed via three entrance points. The rear boundary of the site is well treed and separated from the River Derwent by flood defences.

The site is within a commercial area with some residential properties within the vicinity of the site. The site is also within the settlement framework boundary of Matlock.

THE APPLICATION:

Express advertisement consent is sought for signage within the curtilage of the proposed McDonald's restaurant/food takeaway, which has recently been granted planning permission (ref: 14/00249/FUL). The proposals are for the following:

- 1 no. gateway sign ' Drive Thru' to front elevation
- 4 no. Totem.3 signs - single sided and non-rotating with options for three to be internally illuminated
- 2 no. signs with canopies with speaker point and colour monitor display for drive thru
- 1 no. 'Hero Board' - timber effect aluminium panel with rotating, internally illuminated display panel
- 2 no. Totem.4 signs - rotating two bay, triple sided units with internal illumination
- 1 no. side by side directional sign 'Any Lane, Any Time' directional sign set on steel pole
- 1 no. 'Welcome' directional sign
- 1 no. 'See You Soon' directional sign
- 1 no. post mounted 'McDonald's' perforated aluminium banner sign.

All the above signs would be a varied mix of khaki, timber, yellow, white and grey reflecting the corporate colours for signage. There are also 12 direction and parking signs as follows:

- 2 no. 'Accessible Parking Bay' signs
- 2 no. 'Parker Order Bay' signs
- 2 no. 'No Entry' signs
- 3 no. 'Give Way' signs
- 1 no. look right sign
- 1 no. look left sign
- 1 no. pedestrian crossing sign.

14/0526/ADV (Continued)

RELEVANT HISTORY:

14/00528/ADV	Internally illuminated pole sign – to be determined.
14/00309/ADV	Internally illuminated pole sign – Withdrawn
14/00308/ADV	Internally illuminated and non-illuminated signage – Granted.
14/00307/ADV	Illuminated and Non-Illuminated Freestanding Signage - Withdrawn
14/00249/FUL	Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking - Granted.

CONSULTATIONS:

Town Council – Object:

- propose building and signage as in an out of town retail park or next to an airport
- cumulative effect of signage will make an excessive visual intrusion into Bakewell Road
- quantity of signage should be reduced
- size of signs on the roof of the building should be reduced
- will have no difficulty recognising it with smaller signs
- period of luminance should be regulated so not on when restaurant is not open

Local Highway Authority – Comment:

- no objection in principle
- a pedestrian sign still located within highway limits – footway markings may be more appropriate – condition required
- condition on luminance and prevention of glare.

REPRESENTATIONS:

One letter of representation objecting to the proposal. The comments can be summarised as follows:

- objections in principle to McDonalds development on site

POLICIES:

1. National Planning Policy Framework.
2. National Planning Policy Guidance.

ISSUES:

1. The principal issues for consideration are the impact that the signage and its quantity will have on the character and appearance of the site and the surrounding area and the lighting requirement for the signs and the impact that this would have on residential amenity and highway safety.
2. The directional and safety signage is acceptable and considered to be the minimum necessary to allow safe access and egress. However, there is a requirement by the Local Highway Authority to relocate/remove one of the signs detailed on highway land. This can be addressed through a condition which could involve markings on the footway rather than standing signage.
3. There is a significant amount of advertisement signage proposed around the building. Other than the approved signage on the building, the extent of signage proposed at the front is six freestanding signs. These include the gateway sign, a welcome sign, a goodbye sign and two illuminated totem signs. Whilst there are concerns raised with respect to the two totem signs on the frontage, it is considered that these are not overbearing in the streetscene, and also serve break up the extent of linear form of the building.

14/0526/ADV (Continued)

4. However, the applicant also proposes a post mounted aluminium sign on the frontage which is perforated to read 'McDonalds'. This is a substantial sign and is proposed to measure 4.8m wide by 1.1m high and set on a stand some 900mm in height. The purpose of the sign is to attach banners to provide promotional information. Given the size of this sign, and given the extent of signage proposed along the frontage, it is considered that this would create substantial visual clutter to the streetscene. As such, it is recommended that this sign not be granted as part of any consent, given its scale and appearance with banners, in order to reduce such an impact of frontage signage.
5. The other signs relate largely to the drive-thru area. These would be set in a recessed location, to the east side of the building, and would only be really apparent when looking directly at the site in front of the drive thru waiting. The building itself would screen much of the signage on the approach into the town.
6. The illuminated signage will have some impact on the amenity of the area and particularly the residents opposite the site on Bakewell Road. However, it is considered that any commercial use of the site would be likely to introduce a level of lighting on or within the buildings, as could have been the case with the previous showroom and petrol filling station. In addition, the area is illuminated by street lighting. In this respect, it is considered that the proposal could not be reasonably refused.
7. Given the above, it is recommended that express advertisement consent be granted, except for the banner sign and the pedestrian access advertisement sign detailed within the highway land, with conditions on revised details for the signage/lining at the pedestrian access to the site, luminance of signage and the standard conditions.

OFFICER RECOMMENDATION:

Express Advertisement Consent be granted subject to the following conditions:

Standard Conditions 1-6

7. The luminance levels of any illuminated sign hereby approved shall not exceed 600 cd/m² with all light sources being static and shielded to prevent distraction/glare to adjoining highway users.
8. Notwithstanding the details on the approved drawings, before the signage is provided on site, revised details for the signage/lining at the pedestrian access to the site from Bakewell Road, shall be submitted to and approved in writing by the Local Planning Authority. The revised proposals shall provide appropriate surface markings at the internal crossing point in lieu of signage indicated on the approved drawings (5524_8078_0008 rev C). The approved details shall be implemented prior to the premises being taken into use and maintained as such thereafter.
9. Notwithstanding the details on the approved drawings, this decision does not grant consent for the banner sign (Sign Type 22).

Reasons:

Standard Reasons 1-6

7. To protect the safety of users of the adjoining public highway and the amenity of local residents to comply with government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance.

14/0526/ADV (Continued)

8. To ensure the provision of appropriate signage pertaining to pedestrian and highway safety.
9. The sign is for the purpose of siting banners and, given the size of this sign and the extent of additional signage proposed along the frontage, it is considered that the provision of the sign would lead to the cumulative creation of substantial visual clutter of signage in the streetscene, to the detriment of the character and appearance of the area, and would therefore be contrary to guidance contained in the National Planning Policy Framework and National Planning Policy Guidance.

NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable in principle provided the banner sign was removed from consideration. The applicant had previously advised that the banner sign to be a requisite of the development. In this respect, as there was no prospect of resolving the fundamental problems with the banner sign through negotiation, the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 11th August 2014

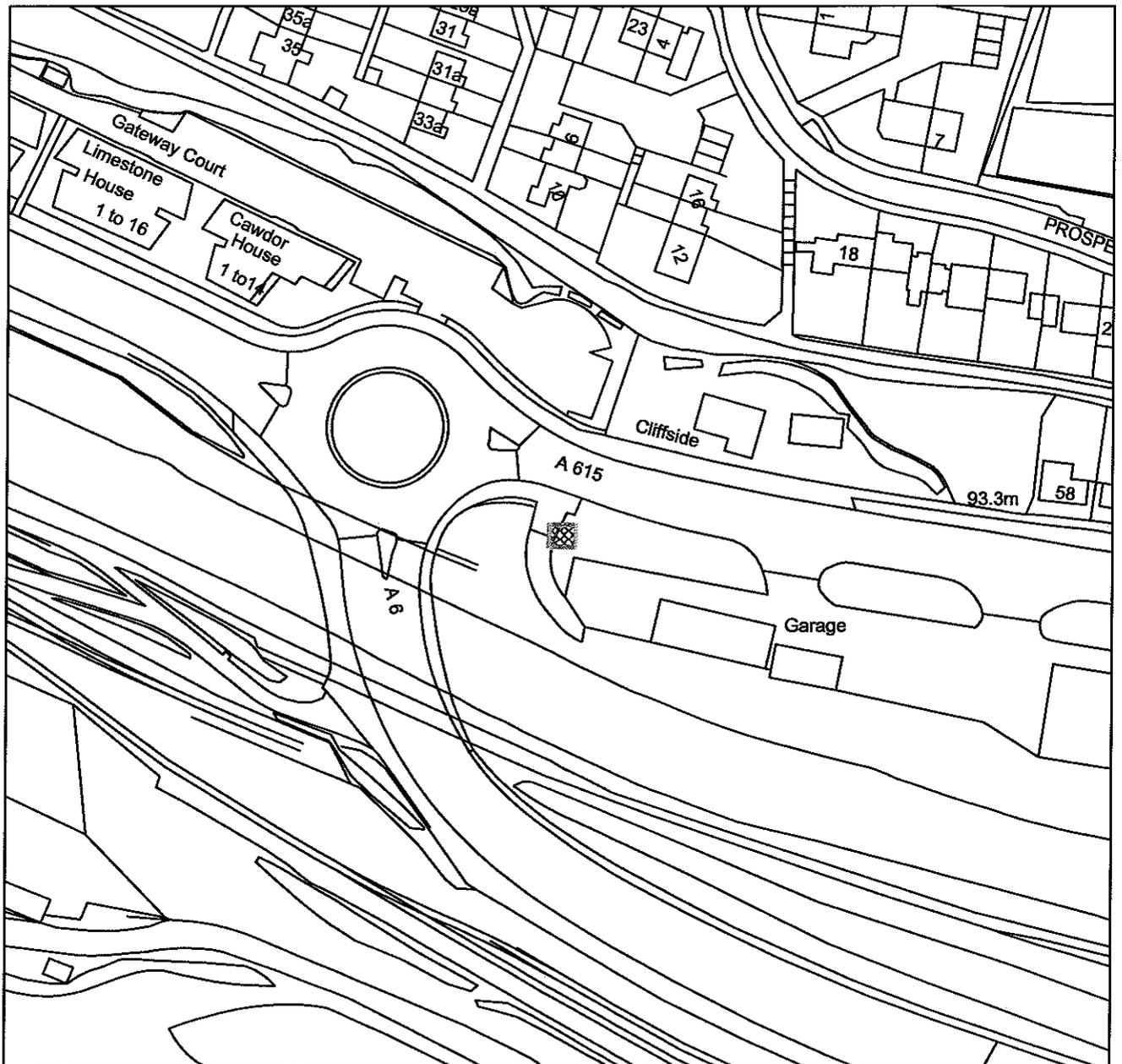
Block Plan 1:500 received on 11th August 2014

Drawing No. 5524_8078_0008 Rev. C 11th August 2014

Images of signage types received on 11th August 2014

14/00528/ADV

Land at Bakewell Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 25/09/2014

100019785

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*Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
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**14/00528/ADV ILLUMINATED AND NON-ILLUMINATED FREESTANDING SIGNAGE
AT LAND AT BAKEWELL ROAD, MATLOCK FOR MCDONALD'S
RESTAURANT**

Town Council: Matlock
Application type: Advertisement

Date of receipt: 11.08.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site lies to the west of Matlock town centre and is bounded by Bakewell Road to the north and the River Derwent and A6 to the south. The site is level and roughly rectangular with a frontage of some 170m and a depth between 14 and 22m. This includes three single storey buildings and part of the car park/storage area to Twiggs. Planning permission has recently been granted for the demolition of these buildings and for the provision of a McDonald's restaurant and a bulk wine retail unit on the site in their place.

The site is separated from Bakewell Road by a wide highway verge containing several trees and can be accessed via three entrance points. The rear boundary of the site is screened with vegetation and separated from the River Derwent by flood defences.

The site is within a commercial area with some residential properties within the vicinity of the site. The site is also within the settlement framework boundary of Matlock.

THE APPLICATION:

Express advertisement consent is sought for the erection of a pole sign. This is proposed to be sited on land to the west of this commercial site to draw attention to the proposed and approved McDonalds restaurant from the approaches to the town along the A6 and on A615 Bakewell Road.

It is proposed that the pole would be 7m high, with a 3m high sign set atop (total height of 10m). The sign is proposed to comprise the McDonalds 'Arches' in the form of an 'M'. The sign would be double sided and internally lit. The 'Arches' would be yellow set on a red plinth with 'McDonalds' in white on the plinth. Below the sign it is proposed to have two single sided illuminated signs, set back to back on the pole. These would be some 2.4m wide by 0.6m high with 'McDrive' or 'Drive-Thru' written in white on a red background. The luminance of the signs would be limited to 600cd/m².

The applicant has submitted an Impact Statement with the application. This advises that the sign has been carefully considered in order to direct customers to the restaurant but also to allow integration with the restaurant building and the wider site context. It is advised that it is imperative that the sign can be viewed from both roads to ensure the ongoing viability of the site. In other dual frontage locations, the applicant seeks to introduce two totems but, given the sensitivity of the site, seek consent for one pole sign on the western corner of the site.

The applicant advises that the pole sign is 'critical' to the success of the business as it assists passing customers in the area to locate the restaurant and 'absolutely critical' to McDonalds completing the restaurant and its long term success.

14/0528/ADV (Continued)

RELEVANT HISTORY:

- 14/00526/ADV Illuminated and Non-Illuminated Freestanding Signage – to be determined.
- 14/00309/ADV Internally illuminated pole sign – Withdrawn
- 14/00308/ADV Internally illuminated and non-illuminated signage – Granted.
- 14/00307/ADV Illuminated and Non-Illuminated Freestanding Signage - Withdrawn
- 14/00249/FUL Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking - Granted.

CONSULTATIONS:

Town Council – Object:

- excessive in size
- would make it by far the most intrusive thing to greet visitors to the town
- not in keeping with the character of the town or the direction in which people of the town would wish to see it develop
- having looked at other McDonalds signs, not convinced photographs show the intrusion that the sign would make
- a smaller sign may be acceptable

Local Highway Authority – No objections subject to condition that the sign is maintained in safe condition, the luminance level and the light sources being shielded and static

REPRESENTATIONS:

Matlock Civic Association – Object:

- consider sign an unnecessary and unfortunate feature at this entrance to the town

POLICIES:

1. National Planning Policy Framework.
2. National Planning Policy Guidance.

ISSUES:

1. The principal issues for consideration are the impact that the sign will have on the character and appearance of the site and the surrounding area and the lighting requirement for the sign and the impact that this would have on residential amenity.
2. National Planning Policy Guidance advises that consideration should be given to the amenity of signage. This states:

‘in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic.... features.’

Any assessment of this signage is logically done in the context of the wider environment of Matlock.

14/0528/ADV (Continued)

3. Matlock is a market town where there is no proliferation of signage, as may be found in more urban areas. The signage within the town largely forms an integral part of the businesses premises within which it is positioned, and these premises are not dominated by such strident, and in this respect, relatively isolated signage. This would be emphasised further with the sign being illuminated at night being set away from the restaurant.
4. It is appreciated that the site is a commercial site. However, this is also set in the context of an equally prominent residential area on the north side of the A6 and A615. In this regard, such a prominent sign, set in relative isolation from the restaurant, would be to the detriment of the character and appearance of the residential area and the amenity of residents by extending the sense of the commercial area.
5. As such, by reason of its size and siting, the pole sign would be a prominent feature causing substantial harm to visual amenity on the approach to the town of Matlock along the A6/A615 Bakewell Road. It is considered that a more appropriate solution would be to provide a reasonable sized sign on the frontage of the proposed car park, where it is contained within the development and relates moreso to the restaurant, rather than acting as essentially an advanced warning sign.
6. Given the above, it is recommended that express advertisement consent be refused.

OFFICER RECOMMENDATION:

Express Advertisement Consent be refused for the following reason:

1. The pole sign, by reason of its size and siting, would be a prominent structure causing substantial harm to visual amenity on the approach to the town of Matlock along the A6/A615 Bakewell Road. As such, it is considered that the proposal is contrary to guidance contained in the National Planning Policy Framework and the National Planning Policy Guidance.

NOTES TO APPLICANT:

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

Site Location Plan 1:1250 received on 11th August 2014

Drawing Nos. 5524_8078_0102 Rev. A and SSP-11(7) received on 11th August 2014

Image of signage type received on 11th August 2014

Impact Statement received on 11th August 2014

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
13/00417/FUL	The Three Stags, Darley Dale	WR	Appeal being processed
T/13/00112/TPO	9 Hackney Road, Hackney	IH	Dismissed – copy of decision attached
13/00569/FUL	27 Greenhill, Wirksworth	WR	Appeal being processed
14/00018/FUL	Littlemoor Wood Farm, Littlemoor Lane, Riber	WR	Allowed – copy of decision attached
13/00687/CLPUD	Rear of 11A Little Bolehill, Bolehill	WR	Appeal being processed
042.13 ENF/13/00083	24 Chapel Hill, Cromford	WR	Appeal being processed
14/00379/PDA	Site at Barns 1 and 2 Home Farm, Whitelea Lane, Tansley and Barn 3 Home Farm, Whitelea Lane, Tansley	WR	Appeal being processed
042.13 ENF/13/00083	24 Chapel Hill, Cromford	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Hearing held on 29 July 2014

Site visit made on the same day.

by **Stephen Brown MA(Cantab) DipArch RIBA**

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

Decision date: 18 August 2014

DERBYSHIRE DALES D.C.	
PLANNING & HOUSING SERVICES	
19 AUG 2014	
OFFICER	
REF	

Appeal Ref: APP/TPO/P1043/3687 9 Hackney Road, Matlock DE4 2PW

- The appeal is made under Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake works to a tree protected by a Tree Preservation Order.
- The appeal is by Tessa Whittaker against the decision of Derbyshire Dales District Council.
- The application Ref. T/13/00112/TPO dated 20 September 2013, was refused by notice dated 4 December 2013.
- The work proposed is to fell silver birch identified as T1 in the Tree Preservation Order.
- The relevant Tree Preservation Order (TPO) is the Trees at Rockfield, Hackney Road, Matlock, Tree Preservation Order 1995 - Tree Preservation Order no. 108, dated 27 April 1995, and confirmed on 10 August 1995.

Decision

1. The appeal is dismissed.

The main issues

2. From my inspection of the appeal site and its surroundings, and from all that I have heard and read I consider the main issues in this appeal to be:
 - The effect of the proposed works on public amenity in terms of the character and appearance of the appeal site and the area in its vicinity; and,
 - Whether the proposed works would be justified by the perceived nuisance caused by the protected tree.

Reasons

3. The appeal property is a relatively modern detached two-storey house standing at a lower level than the road, and on its south-western side. At the back the garden slopes steeply down in several terraces. The silver birch tree identified as T1 in the Order stands about 6-7 metres away from the southern corner of the house, and is a slightly greater distance from the nearest corner of the adjacent house, no. 7.
4. The appellant is concerned that the tree has grown to an extent that it is disturbing paving and steps in the garden, may be damaging the nearby drain, and possibly the foundations of the house as well. The tree has grown too large for its location, close to two houses. Furthermore, in recent high winds there was concern that it might cause harm to people and/or damage to property.

5. I saw that the tree is probably about 15-16 metres tall, with the trunk branching into two main stems about 8 metres above the ground, and generally in good health. Lower branches have quite recently been pruned. There are no dead branches of any significance.
6. Seen from Hackney Road - and at a higher level, from Farley Hill - the silver birch is a conspicuous and handsome tree standing between the two houses, providing an attractive visual contrast with the neighbouring buildings, and to some extent integrating them into this generally wooded area. To my mind the form and size of the tree, as well as its position make it an important element in the landscape, and of considerable public amenity value. Its loss would cause significant harm to the appearance of the area.
7. I appreciate that other silver birches may have been felled nearby. However, none of those had been subject of a TPO. I also saw that this is a generally wooded area containing several other examples of silver birches in the vicinity. That may be so, but unlike the tree in this case they have not been identified as of particular public amenity value.
8. I conclude on the first main issue that the loss of the silver birch would cause significant harm to public amenity in terms of the character and appearance of the appeal site and the area in its vicinity.
9. Turning to the second main issue, no evidence was adduced of any movement in the structure of the house itself. Furthermore, there had been no investigation of the drain that runs through the inspection chamber that lies about 2.5 metres from the trunk of the tree. The Council had advised the appellant to obtain professional advice from a structural engineer or building surveyor, but none had been sought. Given the lack of investigation, and of any technical evidence, or visible physical evidence I cannot accept that fears of damage to these structures justify felling the tree.
10. I saw that stone steps leading down into the garden, and paving near the silver birch show signs of displacement and cracking. Paving slabs have lifted in close proximity to the tree, and this is probably a result of root action. This is quite likely to occur at such a short distance from a tree, and would normally be remedied as a maintenance item. However, the steps and paving generally have been there for many years, and given the gradient on which they are constructed, and the probability that they are on the relatively slight foundations normally suitable for landscape works, it is more likely that the deformation is largely the result of downhill movement. The degree of movement and cracking is not great. Although tree roots may be contributory, in my opinion - and in the absence of any technical evidence - this is a matter that would not be effectively dealt with by removal of the tree.
11. The tree has clearly been subjected to high winds throughout its life, probably most recently in the last winter. As noted above, it is in good health, with no dead or dying wood of any significance. There is nothing before me to indicate it is of particular danger to people, or to either of the houses. I cannot accept that fears of falling branches, or even the entire tree falling, are sufficient to justify its loss. Although a replacement tree is proposed, this would take many years to mature, and could not be justified without good reason to fell the existing tree.

12. The appellant has raised objections to the making of the Order itself. However, it is clear that it was made and confirmed in a proper manner, and is not now open to question.
13. I note that the Council record in their refusal notice that they have considered the possibility that the silver birch tree is causing shading of the garden or house, and that a further application might be considered for light thinning of the canopy. This option remains open to the appellant, and I consider some degree of thinning could considerably reduce any overshadowing.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tessa Whittaker	The appellant.
Andrew Whittaker	The appellant's husband.

FOR THE LOCAL PLANNING AUTHORITY:

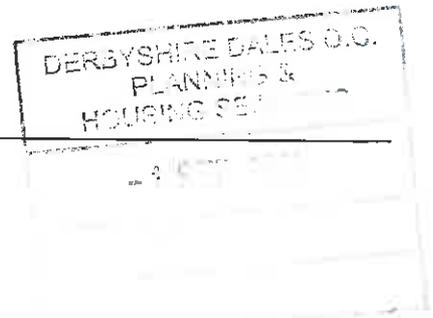
John Bradbury	Development Manager Derbyshire Dales District Council.
Sylvia Gray	Arboricultural Officer Derbyshire Dales District Council.

INTERESTED PERSONS:

Brian Spencer	Neighbour.
Clive Young (on site visit)	Neighbour.

DOCUMENTS

- 1 Attendance list.
- 2 The Council's letter of notification of the appeal, dated 21 February 2014.



Appeal Decision

Site visit made on 8 August 2014

by **Gary Deane BSc (Hons) DipTP MRTPI**

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

Decision date: 1 September 2014

Appeal Ref: APP/P1045/A/14/2219964

Littlemoor Wood Farm, Littlemoor Lane, Riber, Matlock DE4 5JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Richard Beaumont against the decision of Derbyshire Dales District Council.
- The application Ref 14/00018/FUL, dated 10 January 2014, was refused by notice dated 7 May 2014.
- The development proposed is described on the application forms as the erection of an extension and alterations to the house and surrounding landscaping at Littlemoor Wood Farm including part demolition of the unsightly and unsuitable additions added since the construction of the original house.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an extension and alterations to the house and surrounding landscaping including part demolition of the unsightly and unsuitable additions added since the construction of the original house at Littlemoor Wood Farm, Littlemoor Lane, Riber, Matlock DE4 5JS in accordance with the terms of the application Ref 14/00018/FUL, dated 10 January 2014, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. Planning Practice Guidance came into force and various previous national planning guidance documents were cancelled on 6 March 2014. I have considered the content of the planning guidance, but in light of the facts in this case it does not alter my conclusions.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

4. The appeal property is a detached largely 2-storey dwelling of traditional design and of mainly stone and slate construction. It forms part of a small group of buildings that occupy an isolated position within the countryside. The attractive gently undulating landscape of which the site forms part derives its

strong rural character primarily from swathes of open land, stonewall field boundaries, intermittent woodland and clusters of buildings.

5. The proposal is to introduce extensions at the rear and sides of the house following demolition and removal of the existing flat roof rear additions, which contribute little positively to the visual character of the property. The existing rear gable projection would be removed, replaced and extended, from which new additions would project on each side: a 2-storey pitched roof extension to the north and a single storey flat roof extension to the south. A new access would spur from the existing long driveway to a new vehicle parking area at the side of the extended property.
6. The development sought has been refined in the light of the Council's refusal of planning permission for a larger scheme that was recently dismissed at appeal¹. In particular, the northern extension has been reduced in scale and footprint with a traditional style chimneystack placed onto the main building.
7. By any reasonable measure, the proposal would be a sizable addition to the existing house. The appeal scheme would substantially increase the scale and mass of the property, lengthen its north and south elevations and significantly enlarge its footprint. The essential shape of the original house would be altered. Even so, the proposal would take advantage of the sloping ground and its resultant 'T' shape with side projections on each side would visually 'break down' the scale and mass of the finished building. The different heights of the new projections would do likewise.
8. When approaching the completed dwelling from along the driveway, the considerable length of the enlarged property would be evident. The long and largely uninterrupted ridgeline of the new north elevation would accentuate its scale. Nevertheless, the modest length of the proposed north extension, coupled with its set back from the existing front building line and noticeably lower ridge and eaves levels would defer to the original house. With the use of matching stone and slate, a traditional stone chimneystack, a new lower gable and the removal of the existing flat roof rear addition, the architectural composition and form of the main house would, if anything, be restored. The contrasting style and size of windows and use of timber doors and cladding in the new north and east facing elevations would offer a smooth visual transition between the original property and the new additions when seen from in front of the building and along the driveway. Consequently, the proposal would not overwhelm nor unduly dominate the frontage of the dwelling, as was previously the case.
9. With extensive glazing, large full length openings and lime render to the new south and west elevations and the introduction of an external terrace, the visual balance between the new built form and the existing property would be firmly tipped towards the former when seen from the far side of the building and from the rear. The modest scale and traditional style of the main house would clearly give way to the modern, clean, rectilinear design of the extension with tall glazed units, from ground level to the ridge, in the south elevation marking the transition. In my opinion, the bold, imaginative design to the long

¹ Ref APP/P1045/A/13/2199712 dated 22 October 2013

south elevation and the single storey projection with its green sedum roof would visually 'play down' the considerable scale of the building. Furthermore, a large frameless feature window in the new west façade would create a focal point and added appeal to the rear of the building, which in my view is undistinguished at present.

10. That the appeal scheme would result in a substantially larger property with lengthy new side elevations and a significantly enlarged footprint is in no doubt. Unlike the existing dwelling, with its unsympathetic additions that are indicative of a piecemeal approach to extending the property, the submitted design would transform the house into a single homogenous entity by effectively assimilating the new additions, with their unapologetic modern style with the traditional house. The completed building would make its own strong visual statement through a skillful blend of traditional and modern materials and a striking pattern of fenestration that would complement rather than compete with the main house. The extended property would stand confidently and comfortably on the lower part of the hillside, generally away from public view, with no deleterious effect on the prevailing rural character and qualities of the local area. As such, I consider that the objections raised in relation to the previous scheme have been satisfactorily overcome.
11. Overall, I conclude that the proposed development would be in keeping with the character and appearance of the host building and the local area. Accordingly, the proposal does not materially conflict with Policies SF5, H2 and NBE8 of the Derbyshire Dales Local Plan (LP). These policies aim to ensure that new development achieves a high standard of design that reflects local distinctiveness and does not result in a detrimental effect on the character and appearance of the dwelling, its surroundings and the landscape. LP Policy SF4 similarly requires development to preserve or enhance the character and appearance of the countryside with which the proposal would also accord.
12. Policies 6 and 9 of the Council's Pre-Submission Draft Derbyshire Dales Local Plan echo these objectives, with which the appeal scheme would also adhere. As this document does not form part of the development plan and its policies could change before adoption, I attach limited weight to it.
13. The proposal would also comply with the policies and principles of the National Planning Policy Framework, which aim to ensure that development achieves a high standard of design; recognises the intrinsic character and beauty of the countryside; and conserves and enhances the natural environment.

Conclusion

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Conditions

15. While the appellant has asked to be consulted on the conditions to be imposed, I have taken into account the representations made on the Council's suggestions, as I am required to do. For the avoidance of doubt and in the interests of proper planning, it is necessary to impose a condition to ensure that the development is carried out in accordance with the approved plans.

16. Given the size of the new extensions, it is important that the finished building should have a unified appearance and identity with respect to the external materials used. The age of the building indicates that this can be most effectively achieved if samples are submitted for approval before work starts. Therefore, I share the Council's opinion that it is necessary to impose a condition to this effect to ensure that the appearance of the dwelling is satisfactory. For the same reason, a condition is required in addition to those suggested by the Council to require details of hard and soft landscaping.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs B1_E_E_G200_01 REV B, B1_E_N_G200_01 REV B, B1_P_RF_G200_01 REV B, B1_E_S_G200_01 REV B, B1_S_AA_G200_01 REV B, B1_S_BB_G200_01 REV B, B1_S_CC_G200_01 REV A, B1_S_DD_G200_01, B1_E_W_G200_01 REV B, B1_P_01_G200_01 REV B, B1_P_00_G200_01 REV B, P_RF_G100_01 REV B, XP_RF_G100_01, XP_RF_G100_02, B1_P_00_JA12_01, B1_P_01_JA12_01, B1_P_RF_JA12_01, B1_E_N_JA12_01, B1_E_S_JA12_01, B1_E_W_JA12_01, B1_E_E_JA12_01 and B1_S_AA_JA12_01.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, refuse or other storage units, signs, lighting etc); and proposed and existing functional services above and below ground (eg drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc). The works shall be carried out as approved and in accordance with the programme agreed in writing with the local planning authority.