

Planning Committee 2023

APPLICATION NUMBER		24/00240/FUL	
SITE ADDRESS:		Land West Of Starkholmes Road Matlock Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 1no. dwellinghouse with associated works	
CASE OFFICER	Chelsea Johnston	APPLICANT	Diocese of Derby
PARISH/TOWN	Matlock Town	AGENT	Caroline McIntyre, Spring Planning Ltd
WARD MEMBER(S)	Cllr Steve Flitter Cllr Joanne Linthwaite Cllr David Hughes	DETERMINATION TARGET	12/07/2024
REASON FOR DETERMINATION BY COMMITTEE	Number of objections received exceeds Delegated threshold.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether the development is acceptable in principle • Visual and landscape impact of the development, particularly in relation to the Derwent Valley Mills World Heritage Site and Matlock Bath Conservation Area • Impact on the character and appearance of the local area • Impact upon amenity • Impact upon highway safety • Impact upon trees and biodiversity

RECOMMENDATION
That the application be refused for the reasons set out in the report.

1. THE SITE AND SURROUNDINGS

- 1.1 The site is located along the western side of Starkholmes Road, opposite no. 215 Starkholmes Road, and is located outside the defined settlement boundary.
- 1.2 Starkholmes is a small residential settlement that extends north from the site along the steep hillside and is situated between Matlock (circa. 1km north) and Cromford (circa 2km southwest).
- 1.3 The site itself is rectangular in form, measuring approx. 0.06ha, and encapsulates the boundary of the former Starkholmes School which was demolished circa. 1965. The site now consists of several trees and overgrown vegetation with little remnants of tarmac of the old school yard to the northern section of the site. The original stone boundary walls, gates, railings and pedestrian access remain onsite.
- 1.4 The eastern boundary runs parallel with Starkholmes Road, with the western and southern boundary bound by pasture fields experiencing views over Matlock Bath and the Derwent Valley. The war memorial adjoins the northern boundary.
- 1.5 The site falls within the World Heritage buffer zone of the Derwent Valley Mills and is close to two Conservation Areas. The site lies to the south of the old Matlock Conservation Area, and the west boundary borders the Matlock Bath Conservation Area.
- 1.6 In terms of the surrounding landscape, the site is within the White Peak 'Limestone Slopes' landscape character area, which comprises small, nucleated limestone villages and dispersed farmsteads nestling within moderate to steeply sloping limestone slopes. Distinctive dry-stone walls enclose former open fields and semi-regular fields with a pastoral land-use.



[Photo 1: Existing pedestrian metal gate, railings and boundary wall along eastern boundary]



[Photo 2: Looking west from within the site across the valley towards Matlock Bath.]



[Photo 3: Looking east from within the site toward 215 Starkholmes Road]



[Photo 4: Looking north towards site from Starkholmes Road]

2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a dwelling, in the southern portion of the plot along with associated vehicular access, landscaping and all associated site works.
- 2.2 The proposed dwelling consists of two floors, a ground floor entered from street level and a lower ground floor set within the landscape, incorporating a split-level design. The ground floor comprises a kitchen and living room area and study. The lower ground floor comprises 4 bedrooms and associated bathrooms.
- 2.3 Two main accommodation blocks are proposed linked by glazed central section with a single pitch roof. The house would be constructed in a combination of stone and timber cladding finishes with an extensive green roof.
- 2.4 A new vehicular access is proposed off Starkholmes Road which requires a small section the stone wall to be removed. It is also proposed to reduce the height of the stonewall the entire length to 600mm in order to accommodate the required visibility splays. 3x parking spaces are proposed north of the dwelling.
- 2.5 New tree and shrub planting is proposed on the eastern, southern and western site boundaries.
- 2.6 The planning application is accompanied by the following information:
 - A suite of existing and proposed plans – James Boon Architects
 - Design and Access Statement – James Boon Architects
 - Climate Checklist – James Boon Architects
 - Landscape and Visual Appraisal – Weddles
 - Landscape Masterplan – 1475 – 008
 - Tree Survey – Weddles
 - Tree Protection Plan – 1475 – 006
 - Tree Constraints Plan – 1475 -006
 - Biodiversity Impact Assessment (including Biodiversity Metric 4.0) – Weddles
 - Preliminary Ecological Appraisal- Weddles
- 2.7 An amended proposed site plan (ref: 2014 08 11 Rev A) and amended proposed elevation 6 & 7 (ref: 2014 08 15 Rev A) was received by the LPA on 09.06.24 to address concerns raised by DDDC Tree and Landscape Officer and the Local Highway Authority.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S4 Development within the Countryside
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD4 Green Infrastructure
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
HC19 Accessibility and Transport
HC21 Car Parking Standards
PD9 Pollution Control and Unstable Land

3.2 The National Planning Policy Framework

3.3 National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Town Council

5.1 No objection to the proposed development

Local Highway Authority

5.2 Based on the proposed vehicle access arrangements and site layout drivers' visibility is restricted in both directions due to the high boundary wall that flanks the proposed new access on both sides of the site, particularly in the critical direction to the south where inter-visibility with oncoming northbound traffic is crucial.

Even though visibility splays are shown on the layout drawing they are incorrectly drawn on the plan and I would strongly recommend that the wall fronting the site is reduced in height to no higher than 600mm for its whole length relative to the adjacent highway/carriageway. Any shrub/tree planting adjacent the reduced height wall must be avoided and outside the visibility envelope.

In addition to the above the proposed layout drawing only shows 2no. car parking spaces and given the scheme proposal is for a 4-bedroom dwelling, it is necessary to cater for 3no. car parking spaces to accord with parking policy.

Following the submission of amended plans the Local Highway Authority have confirmed they have no objection to the proposed development.

DDDC Trees and Landscape Officer.

5.3 In terms of potential impact to significant trees the updated proposals appear to be less harmful than previous proposed site layout because development has been largely excluded from their root protection areas (I am assuming the dashed blue lines on Site Plan as Proposed the represent the trees root protection areas). However I do not have any details regarding potential ground level changes or underground services installations within the root protection areas which would be important and could be harmful to the trees.

Derbyshire Wildlife Trust

5.4 We have reviewed the Preliminary Ecological Appraisal (Weddles, February 2024) and the Biodiversity Impact Assessment (Weddles, February 2024). Sufficient information has been submitted regarding protected species, however the trading rules are not satisfied in the submitted BNG metric and therefore a true net gain cannot be claimed. See below for full comments.

Habitats and Species

5.5 There is some limited potential for amphibians and reptiles to use onsite habitats. Hedgehogs and badger could also utilise the site. The main constraint is considered to be

nesting birds in the existing scrub and trees. Precautionary methods of working could be secured via a condition for a Construction Environmental Management Plan (CEMP: Biodiversity), should permission be granted, to safeguard herptiles, badgers, breeding birds and other terrestrial mammals. Conditions to secure sensitive lighting and species enhancements should also be attached.

- 5.6 We advise that the recommendations for species enhancements in Section 6.1 are amended to swap out the sparrow terrace for more integral nest bricks, as these have a higher rate of uptake by a range of bird species. We also advise that only house martin nest cups are suitable for external walls (not swallow) and should only be installed if beneath an overhang/eaves. If such features are not present, alternative bird boxes should be chosen.

BNG

- 5.7 The application was received on 20th March 2024, prior to mandatory 10 % net gain for small sites (2nd April 2024). Nevertheless, a BNG assessment has been completed, which predicts a 45.74% net gain in habitat units.
- 5.8 We note that the trading rules are not satisfied due to the loss of medium distinctiveness habitats. A copy of the Excel metric has not been submitted and therefore we cannot see the exact details of the trading rules. A copy should be submitted for review.
- 5.9 We acknowledge that the proposed design incorporates native landscaping, including native scrub, trees, hedge and grassland, plus a green roof. We do query the appropriateness of the proposed calcareous grassland at the site and request justification of this element. Existing grassland was classed as 'other neutral' so it is unclear if calcareous will establish well or if there will be specialist treatment of substrate as part of the build.
- 5.10 Once the BNG elements have been agreed, we would be happy to suggest planning condition wording. It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Environmental Health

- 5.11 I have no objections to this application in principle. However, I would like to see plans for the foul waste once decided. I would also recommend that standard hours of operation are applied as a condition to this application as it is in close proximity to existing dwellings:

Restriction of hours of operation

No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at, received, or dispatched from the site except between the hours 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturday and at no time on Sundays, Bank or Public Holidays. in order to protect the amenity of the locality, especially for people living and/or working nearby.

Development Control Archaeologist

- 5.12 Thank you for consulting on this application. The proposed development area overlies the site of the former Starkholmes school recorded on the Derbyshire HER (MDR14888). The site also lies on the edge of the Matlock bath conservation area and also at the edge of the buffer zone of the World Heritage Site. I have no archaeological objections but you should consult your own Buildings and Conservation Officer.

Derwent Valley Mills World Heritage Site

- 5.13 The DVMWHS Coordination Team won't be sending in a response relating to this application. There do look to be issues with this application but these relate to impacts on the Conservation Area, so fall outside our remit.

DDDC Conservation Officer

Heritage assets:

- 5.14 The redline of the application site lies partly within the buffer zone of the Derwent Valley Mills World Heritage Site. The NPPF notes World Heritage Sites are 'assets of the highest significance'.
- 5.15 A buffer zone is an area surrounding the World Heritage Site that gives an added layer of protection to the Site. The buffer zone includes the immediate setting of the World Heritage Site, important views and other areas or attributes that are functionally important as a support to the Site and its protection.
- 5.16 The application site also lies to the immediate north-east of the boundary of the Matlock Bath Conservation Area, essentially within the setting of this Area.
- 5.17 Starkholmes Meadows is identified as a character zone (5) in the Matlock Bath Conservation Area Appraisal. The Appraisal states:

'In terms of its topography it lies in stark contrast to the drama that characterises the rest of the landscape. It comprises open, undulating pasture with dry-stone field boundary walls and occasional individual and groups of trees. It was originally included within the Conservation Area because of the open views that could be gained to it from other areas within and above Matlock Bath to the west and the fact that it provides genuine relief from the overwhelming sense of enclosure experienced within the rest of the valley.' (2006, p.51)

Observations:

For the reasons outlined above, this is an extremely sensitive site.

Having reviewed the proposed development, I object on the basis of its form and materials, none of which is sympathetic to the historic sensitivities and context of the site. The proposal will result in less than substantial harm to the heritage assets details above.

Conclusion:

I object to this planning application.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Thirteen letters of representation have been received to date and are summarised below.

Principle of Development

- The application site is outside the defined settlement boundary in the Council's 2017 Local Plan.
- The land to the north is the relatively attractive public open space of the memorial garden, and the site is 60m from the nearest dwelling on the west side of Starkholmes Road. Therefore, the proposed dwelling will be a substantial and sporadic intrusion into the countryside setting of the village.

- It will set a precedent for building on the west side of the road and spoiling the views across the valley in what is a conservation area.
- The application site is excluded from the NPPF definition of previously developed land as the remains of the permanent structure or fixed surface structure have blended into the landscape. The site has been overtaken by nature and as pointed out by the Planning Officer is now part of the open countryside.
- The applicant attempts to argue that the site should be treated as an exception because it asserts that Derbyshire Dales cannot meet its 5 year housing land supply. This is exceedingly 'thin' justification as this application will have a totally insignificant impact on land supply. Certainly not enough impact to justify a departure from the local plan policy. [this argument might be taken slightly more seriously if two affordable cottages had been proposed.].

Impact on Heritage / Designated Assets

- The outstanding public views over Matlock Bath and the Derwent Valley to the southwest and west will be adversely affected, particularly from the highway at the southern end of the eastern boundary wall.
- Perhaps most distressing is the effect the building will have on the war memorial and cast a shadow over the area at certain times of day. It deserves a more respectful use of the land as it neighbours onto it.
- This building would be right next to the War Memorial, a situation which was never envisaged by the village, I am sure, when the war memorial was located here. This area is for quiet contemplation and enjoyment of the view.
- The splendid views down towards Matlock Bath and the Derwent Valley would be very adversely affected. These views are valued by Starkholmes residents and visitors.
- The application site lies on the boundary of the Special Landscape Area and of the Matlock Bath Conservation Area. The called 'Starkholmes Meadows' in the Matlock Bath Conservation Area appraisal were included because of 'the open views that could be gained to it from other areas within and above Matlock Bath to the west, and the fact that it provides genuine relief from the overwhelming sense of enclosure'.
- If approved, the precedent for roadside ribbon development on the west side of Starkholmes Road, south of the War Memorial, would be to begin to erode this important view from Matlock Bath. In addition this modern domestic dwelling would be an incongruous intrusion in the view and the overall appearance of the Starkholmes hamlet, as viewed from across the valley.

Design and Materials

- The attractive traditional form of surrounding development is predominantly based on horizontal and vertical lines of construction, whereas the proposed overtly modernist design of the dwelling will be additionally obtrusive in the landscape due to its angular and discordant shape. The substantial proposed use of timber cladding is also an untraditional building material for the locality.
- The style of the house is not in keeping with other local buildings, and is not appropriate for a conservation area. Despite its 'green' credentials (wood structure), the building does not sit well in the landscape and appears to be inappropriately tall, unlike the rest of the village. It would set a very ugly precedent.
- Striking, well designed, new development can have a proper place in good urban design. The architects have made good efforts in producing, a commendable and ingenious design. However individual designs rarely stand alone, they have a context and should be designed within their surrounding visual context. [urban form, morphology and materials etc]. My concern is that in their efforts to produce an outstanding design have over-designed what should be a very simple and reserved piece of architecture perhaps in an effort to overcome the policy objections. It is perfectly possible to design a good

modern house using traditional forms and materials rather than ignoring them as is the case with the proposed design.

- The immediate and pre-dominant and consistent character around the site is demonstrated by humble domestic buildings; cottages built in stone masonry with areas of wall dominating areas of windows; domestic constructions with short roof spans; ridge lines parallel to contours [rather than at right angles to the slope]. The proposal with the ridge line at right angles to the slope presents a very strong gable feature [elevation 5], with the ridges running at right angles to the contours. In my opinion this would present an over-dominant and imposing gable in this sensitive landscape, especially when viewed from both near and across the Bath Fields/WHS.
- The upper floor materials are problematical. Every single building in the close vicinity is made of natural stone with pierced openings. The proposed wooden cladding to the upper level introduces an alien and incongruous material for no good reason. This would have a detrimental impact on the consistent urban form in the immediate locality.
- This application in no way complies with Local Plan policies re design, which requires new development to be in keeping with the surrounding area. It is true that within Starkholmes limited new build has been accommodated of modern and attractive design, but these were plots within the existing built up area which still incorporated local materials and used the hillside contours to ameliorate their impact. This application has none of these features; in this prominent and isolated position its angular design and inappropriate materials would be a discordant feature in the landscape and setting of the hamlet.

Highways and Pedestrian Safety

- The vision splays dictate the removal of an approximately 15m length of the stone wall fronting the highway.
- Building a house here will reduce the already very limited parking space along Starkholmes Road. At the moment, vehicles are usually parked up the hill and at the bus stop for Matlock opposite the White Lion. People waiting for a bus have to stand right out into the road so that the bus driver will see them, so already the parking situation is not safe or satisfactory, especially as many cars go too fast for the conditions.
- The layout will also greatly reduce on street parking for Starkholmes residence. There are many houses without parking that rely on this wider segment of road to park on. Reducing it will force residents to park nearer the white lion where there have been several incidents in the past and the road is narrower.
- The parking is diabolical as it is, causing daily issues & road rage. We foresee a 4 bed property being built there would only add to this major problem! Access to this property will take away residents parking spaces & cause more chaos.
- I would like to object to this application on the grounds of safety to the local community. As a resident of starkholmes road who uses the footpath daily, this application would increase the danger to pedestrians.
- The road is already dangerous, due to the quantity of traffic and the speed it travels. It is a local rat run, and has 2 schools on it. There have been a number of cars writteen off, exactly where the proposed site is. The foot path will be compromised by access to a driveway, and the car parking situation along this piece of road will worsen, due to a dropped kerb. All of these factors will make the road even more dangerous for those of us who walk.
- the vehicular access requirement for a new house at the proposed location would reduce the already limited length of road available for car parking for existing residents of adjacent cottages who have no other safe parking space available.

Ground Instability

- This is the site of the former Starkholmes School and MCA has received information to the effect that the school had to be demolished due to ground instability. This raises the

question of whether it is appropriate to undertake extensive ground works on this site in a location close to a public highway risking the collapse of a road.

- New building here could affect the stability of Starkholmes Road, which has been a problem for a long time. Closure of Starkholmes Road because of landslip will further add to congestion on the A6.
- As a geologist with over 53 years professional experience, my opinion is that the site is unsuitable for building a new residential property. I have not done a detailed study of the site, but I am astonished that it has not been considered necessary to do so in the context of this planning application. This part of Starkholmes is underlain by a soft shale that overlies the limestone of High Tor and Matlock Bath, and the shale itself is covered by varying depths of relatively unconsolidated periglacial deposits. The likely instability of the site must be a primary consideration.
- The site is within an active landslip area as indicated on the British Geological Survey geological map. Slow movement ('creep') on this landslip has increased in recent years, resulting in imminent compulsory demolition of the nearest neighbouring house on the west side of Starkholmes Road, as well as frequent breaks in electrical cables and other services below Starkholmes Road in the vicinity, and an increase in structural cracks affecting several nearby houses, mostly on the west side of Starkholmes Road, as well as being a probable contributory factor in collapse of the southern boundary wall of my own property in 2017. Addition of any significant load on the proposed site, such as construction of a new house, whether underpinned or not, is likely to accelerate the slippage. This could well impact the stability of the road itself, which has been subject to subsidence at different locations, between the Riber Road junction and the Woodseats Farm entrance.

Impact on Trees

- The substantial loss of trees required to enable the development.
- The proposed development could affect the roots of at least one of the beech trees there. These are beautiful mature trees and are a great asset to the village, especially as the row of attractive chestnut trees that were opposite have been pollarded in a very ugly way by a property developer. We need to protect and value trees in a time of global heating.

Alternative Use

- There has been an alternative suggestion that this land should be used as a community asset (a garden or childrens' playground), especially as we have lost the allotments. At the moment this land is a fairly attractive little wooded area. This could be an idea that the owners, the Church, might want to consider.
- It is a shame that the Church should seek to profit from this site to the detriment of the village. It is hoped that a more community based solution could be found for this site.

7.0 OFFICER APPRAISAL

Principle of Development

- 7.1 The development site is situated in a highly sensitive location.
- 7.2 The site and the area to the west is included within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. The buffer zone includes the immediate setting of the World Heritage Site. This means important views and other areas or attributes that are functionally important as a support to the Site and its protection.
- 7.3 The application site is visible as rising upland which forms part of the setting of the World Heritage Site and is appreciated from the nearby footpath along Starkholmes Road.

- 7.4 The application site also lies to the immediate north-east of the boundary of the Matlock Bath Conservation Area, essentially within the setting of this Area.
- 7.5 As set out by the Matlock Bath Conservation Area Appraisal the site is identified as Starkholmes Meadows character zone (5) which states *“It was originally included within the Conservation Area because of the open views that could be gained to it from other areas within and above Matlock Bath to the west and the fact that it provides genuine relief from the overwhelming sense of enclosure experienced within the rest of the valley”*.
- 7.6 Public views over Matlock Bath and the Derwent Valley, both designated heritage assets, to the southwest and west will be adversely affected, particularly from the highway at the southern end of the eastern boundary wall.

The Planning Balance

- 7.7 The Council is unable to demonstrate a 5-year housing land supply at this time. In these circumstances, Paragraph 11 of the NPPF states that the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance (including designated heritage assets) provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.8 The development would result in a significant visual change to the site and the development would project out into the designated countryside which make a positive contribution to the Derwent Valley Mills World Heritage Site and Matlock Bath Conservation Area.
- 7.9 The agent states that the site is previously developed land as it is the site of the former school. However, given the appearance of the site and the passage of time that has passed since the school was demolished we are consider the land has reverted to a greenfield and can no longer be deemed a brownfield site.
- 7.10 It is acknowledged that the Council are unable to demonstrate the supply of housing sites as required by the Framework with paragraph 11 engaged which states that there is a presumption in favour of sustainable development unless, amongst other things, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 7.11 It is acknowledged that the design concept indicates that the proposed dwelling would achieve a high level of energy performance and incorporate a range of sustainability measures. Whilst mindful of the above, given the small scale of the development, the economic, social, and environmental benefits would be limited.
- 7.12 Substantial weight is attached to the benefits of increasing the supply of housing in meeting local need and the development would be energy efficient. However, the development would result in significant harm to the local landscape’s intrinsic character and distinctiveness, particularly views to and from the designated heritage assets of the Derwent Valley Mills World Heritage Site and Matlock Bath Conservation Area.
- 7.13 In this case, the adverse impacts of granting planning permission would, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposed scheme would not therefore be sustainable development for which the presumption in favour applies.

The effect of the proposal on the character and identity of the settlement and the local landscape

- 7.14 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.15 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. In addition, Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.16 The site is located within Starkholmes which is an area of Matlock defined by its architectural and historic development as well as use of natural materials particularly stone. The proposed development does not contribute positively to the local distinctiveness or character of the area. The introduction of timber cladding is not in keeping with the surrounding area which is dominated by cottages in stone masonry and domestic constructions with short roof spans. Introduction of such design and materials would be incongruous and would have a detrimental impact on the consistent urban form in the immediate locality.
- 7.17 The proposed development would therefore not be in accordance with policy PD1 of Adopted Derbyshire Dales Local Plan (2017)

Highway Safety

- 7.18 It is noted that concerns have been raised by Local Residents regarding the highway safety implications of the proposed development.
- 7.19 The proposed access would be taken off Starkholmes Road close to the existing on street parking spaces. The initial comments received from the Local Highways Authority raised concern with the proposed access due to the limited visibility splay available. Following the submission of updated plans which now show the boundary wall reduced to 600mm the Local Highways Authority have confirmed they have no objection to the development. There is deemed to be appropriate emerging visibility from the new access for a road of this speed.
- 7.20 The proposed development includes 3 vehicular parking spaces which is considered to be in accordance with policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.21 Subject to conditions as set out in the consultations response received from the Local Highway Authority, the proposed development is not considered to result in any adverse highway safety impacts and would provide sufficient vehicular parking. The development would be in accordance with policies S3, PD1, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Residential Amenity

- 7.22 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

- 7.23 The closest dwelling (no 215) is circa 16m from the proposed dwelling and is separated by Starkholmes Road. Given the separation distance and proposed landscaping, the proposed development will not cause unacceptable harm to the closest dwelling.
- 7.24 The development would be accessed via new access off Starkholmes Road which would be acceptable in principle. Additional vehicle traffic would not harm the amenity of occupants of existing properties along Starkholmes. There may be additional vehicle traffic and disturbance during construction, however this would be for a limited period and would not constitute a reason for refusal of planning permission subject to appropriate working hours as requested by Environmental Health Officers.
- 7.25 The development is considered to maintain a satisfactory relationship with surrounding developments and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Climate Change

- 7.26 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will seek to mitigate global warming, adapt to climate change and respect our environmental limits. The District Council also have an Adopted Climate Change SPD which provides guidance on the implementation of policy PD7 structured around the following objectives:
- Securing enhanced green infrastructure
 - Managing drainage, flood risk and conserving water
 - Using less energy, increasing energy efficiency and promoting renewable energy
 - Reducing the need to travel and promoting sustainable transport
 - Improving building design and layout to meet the objectives
- 7.27 The application is submitted alongside a Climate Change Checklist which provides an overview of the sustainability measures that have been incorporated into the proposed development. The submitted statement sets out that the development will be carried out with a detailed landscaping plan which incorporates the planting of new trees and enhancements to the green infrastructure including an extensive green roof.
- 7.28 Additional sustainability measures include:
- timber construction to provide excellent thermal efficiency and air tightness;
 - inclusion of timber 'fins' allows for shading to windows, whilst the south facing glazing maximises solar gain;
 - Grey water system to minimize water consumption;
 - Heat source pump; and
 - Electric vehicle charging points
- 7.29 In order to secure such measures, specific details of the materials or measures outlined above would be required by condition. Similarly, it is also considered to be necessary to secure the EV charging points by condition.

Impact on trees and biodiversity

- 7.30 The development area does not form part of any internationally or nationally designated site and the site is identified as other neutral grassland.
- 7.31 Policy PD3 seeks to protect, manage and where possible enhance biodiversity by ensuring that development will not result in harm. Development will not be permitted which directly or indirectly results in significant harm to biodiversity interest unless it can be demonstrated

that there is no appropriate alternative site available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided. Policy PD3 also encourages development to include measures to contribute to biodiversity to ensure that there is a net overall gain to biodiversity.

- 7.32 The application was submitted with a Preliminary Ecological Assessment (February 2024), Biodiversity Impact Assessment (February 2024) and Small Sites Metric Calculation Tool (February 2024), all which have been prepared by Weddles.
- 7.33 Derbyshire Wildlife Trust are satisfied that the proposed development will not result in harm to protected species however some concerns were raised in relation to BNG due to the trading rules not being satisfied within the assessment. The DWT requested a copy of the excel metric in order to review the exact details of the trading rules. A copy has since been submitted and DWT have been reconsulted however a response is still outstanding. An update will be provided to member in either the late representations or verbally at the Planning Committee.
- 7.34 In relation to trees, the only potentially significant harmful impact to trees on and close to the site from the proposed development would be development within the root protection area of the large mature off-site beech tree, identified as T1 on the submitted Tree Constraints Plan. The DDDC Tree Officer had initial concerns over the proposed layout and requested all development to be removed from its root protection area in order to prevent any potential harm to the rooting system of the tree or compaction / contamination of the soil within its root protection area.
- 7.35 An amended site plan has been received and following re-consultation the DDDC Tree Officer confirmed that the updated proposals appear to be less harmful as the development has been largely excluded from their root protection areas. There is still some concern regarding potential ground level changes or underground services installations within the root protection areas which would be important and could be harmful to the trees, however it is anticipated that this could be resolved via a suitably worded condition.
- 7.36 In terms of potential impact to significant trees the updated proposals (I am assuming the dashed blue lines on Site Plan as Proposed the represent the trees root protection areas). The development therefore demonstrates that, subject to planning conditions, it can be accommodated on the site without harm to protected species or their habitat and that it would achieve biodiversity net gain in accordance with policy PD3.

Ground Conditions

- 7.37 Policy PD9 requires the Council to ensure that sites are suitable for their intended use taking account of ground conditions and land instability. A number of residents have raised concern regarding the ground instability of the site and surrounding area and question whether it is appropriate to undertake extensive ground works at the site. No ground condition survey has been submitted with the planning application and it is not necessary to request such an assessment due to the lack of principle at this location.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposal would result in an unwarranted and incongruous form of development that would fail to preserve or enhance the character and appearance of its edge of settlement location. It is considered that whilst the level of harm would not be substantial that this harm is not outweighed by public benefits to be derived from the provision of a single dwelling to seek to address the District Council's inability

to demonstrate a five year housing land supply going forward. The dwellinghouse is also unwarranted as a new build holiday let and, as such, the proposals are contrary to the aims of Policies S1, S4, PD1, PD2, and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and government guidance contained in the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

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

This permission relates solely to the application.