

APPLICATION NUMBER		23/01229/FUL	
SITE ADDRESS:		Royal Bank of Scotland, 8 Snitterton Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of use of former bank to 4 no. apartments and extension to create a further 12 no. apartments with associated extensions and related demolition of listed and non-listed ancillary buildings.	
CASE OFFICER	Sarah Arbon	APPLICANT	Mrs Matilda Fraser
PARISH/TOWN	Matlock	AGENT	James Boon Architects
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	2nd April 2024 EOT 16th August 2024
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of development – Impact upon heritage assets – Ecology and Trees – Impact on residential amenity – Highway safety – Flood Risk – Developer Contributions and Affordable Housing

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to a further response from the EA and conditions detailed in section 8 and required by the EA.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 The (former) Royal Bank of Scotland (8-10 Snitterton Road, Matlock) is a grade II listed building (listed 1950) located prominently within the Matlock Bridge Conservation Area to the west of Matlock Bridge. The property was constructed in the late 18th century as an imposing detached townhouse. Some alterations appear to have been made in the early-mid part of the 19th century. In c. 1881 it became a bank at ground floor level with residential above. The principal block is designed in the Classical style, with pilasters, and is constructed from ashlar stonework with areas of coursed sandstone, sash and casement windows in plain stone architraves and central door with moulded stone door case. The hipped roof has been re-tiled with concrete slates. A new entrance was added to the southern side of the building in c.1912-3 which has Baroque Revival architecture with a heavy stone cornice and surmounted by 2 stone urns. Further flat roofed additions were made to the south-west and western sides of the building in the 20th century (including a new strong room on the western side of the main building in 1970-71). On the northern side of the original building a large two-storey extension, with 'archway', was added, most likely between 1937 and 1951. This is predominantly of ashlar/coursed stonework construction with stone detailing and sash windows of an unusual pattern. The roof is flat and part of the extension bridges a vehicular access way with its northern elevation is rendered. Attached to this northern extension is a single-storey flat roofed and timber clad terrapin building of c. 1961. To the rear of the building is a garage block of c.1951 with is not considered to be listed. To the frontage of the building is open ground and former garden with impressive stone walls. At the south-eastern corner is the Classical stone colonnade and the weeping beech tree covered by TPO 131 together with a group of trees in the north eastern corner.
- 1.2 With regard to the status of the main building group the entire group of buildings/structures (being all con-joined) as outlined above are protected by the grade II listing as the 1990 Act states that in the Act a 'listed building' means a "*building which is included in a list compiled, or approved, by the Secretary of State and, for the purposes of the Act, any object or structure fixed to the building shall be treated as part of the building*". In addition, any buildings/structures within the curtilage of the building (i.e. not physically attached/fixed to the building) which pre-date 1948, would also be protected by the grade II listing (i.e. the stone colonnade and boundary walls, for example). In this regard, the detached garage building to the rear (and built in 1951) would not be covered by the listing protection.
- 1.3 The Stone Cottage (12 Snitterton Road) is immediately to the west with its front elevation facing the rear car parking area adjacent to the garage block. The attached building has been converted into a holiday let. This property shares access with the site and has a small garden area to the north and west of the property with its rear elevation adjacent to the Snitterton Road footpath. Matlock Station abuts the site to the north with the pedestrian bridge over the railway line immediately adjacent to the northern boundary. The railway line and a bank of trees separate the site from the two storey stone town houses on Snitterton Road to the south west which are at a higher land level than the site. A variety of commercial buildings and a café are to the south over the road.

2.0 DETAILS OF THE APPLICATION

- 2.1 The proposals include alterations to the former bank in association with conversion to 4 no. apartments and demolition of parts of the listed building (including rear extensions to bank, the rear of the northern extension and the 1961 terrapin building) and the erection of a new, two-storey, block of 12 No. apartments/flats. Eight 1-bed apartments and eight 2-bed apartments are proposed. This is a revised scheme to overcome the reasons for refusal of the decision 20/01332/FUL which related to the loss of the northern extension, dominance and competing nature of the new build element, lack of affordable housing and

impact on the residential amenity of 12 Snitterton Road. The subsequent appeal was dismissed in May 2022.

- 2.2 In relation to the principle bank building submitted drawing (09) 01 Rev. A indicates the proposed extent of demolition works to the listed building. The conversion would include the removal of some minor internal walls, the blocking of some internal openings and a new single-storey infill to the rear elevation of the building (forming a second bedroom to Flat 2 in lieu of a former, modern, vault). The significant and fine 18th century staircase is to be retained and repaired as is all existing decorative plasterwork to individual spaces and areas. The sash windows are to be repaired and retained (with secondary glazing). The concrete tiled roof covering (1960/70s) is to be removed and replaced with a more traditional and appropriate natural slate roof covering. A new internal staircase (from Flat 3) is to be formed to access the attic space. Three rooflights are proposed on the inner pitched roof of the rear southern wing.
- 2.3 The total number of apartments proposed is 16. Since the original submission of this application which involved only the retention of the façade of the northern extension, negotiations have been undertaken to retain the side and part of the rear elevation of the extension in accordance with the Inspector's decision where the northern extension was considered "*to make a positive contribution to the listed building and the wider area*".
- 2.4 The erection a new build element is proposed to be two-storeys in height, with parapeted flat roofs and stone cladding with 'contemporary' openings and features. This part of the proposed development would contain eight flats (7, 8, 9, 10, 13, 14, 15 and 16). Amendments to the new build element have been made to set it back further from the front elevation of the northern extension in order to avoid an inappropriate terracing effect and allow the main building and its northern extension to be the predominant elements of the site. The side elevation which would be viewed from the pedestrian footbridge has also been broken up by stepping the façade and intruding landscaped elements.
- 2.5 The amendments are summarised as:
- Increased extent of the existing northern extension retained.
 - Moved the new extension another 1m further back.
 - Reduced the step on the east elevation fronting Matlock, mirroring the step on the existing northern extension.
 - North Elevation – stepped facade along this elevation, providing an opportunity of increasing the landscaping in more planters.
- 2.6 The block plan indicates a total of 14 car parking spaces would be provided with 11 to the rear of the buildings and the 3 angled spaces retained to the front. The land to the east of No.12 Snitterton Road has been sold to the owners of the property with two car parking spaces shown. Electric vehicle charging points and solar panels on the new building's flat roof are proposed. All apartments exceed the National Described Space Standard requirements for 1 bed 1 person (39m²) and 2 bed 4 person (70m²) accommodation.
- 2.7 Proposed mitigation of the surface water is through various SUDs as below:
- Green roof
 - Planters watered by rainwater harvesting, with overflow into water attenuation, which will be used in a grey water system for toilets.
 - Remainder going to a soakaway, and a possible mains connection for an overflow.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S2: Settlement Hierarchy
 - S3: Development within Defined Settlement Boundaries
 - S7: Matlock / Wirksworth / Darley Dale Development Strategy
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - PD3: Biodiversity and the Natural Environment
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - PD9: Pollution Control and Unstable Land
 - HC1: Location of Housing Development
 - HC2: Housing Land Allocations
 - HC4: Affordable Housing
 - HC14: Open Space and Outdoor Recreation Facilities
 - HC19: Accessibility and Transport
2. Matlock Bridge Conservation Area Appraisal
3. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

20/01333/LBALT	Alterations to former bank in association with conversion to apartments and demolition of Listed Buildings (extensions to bank and terrapin building)	Refused	Dismissed at appeal
20/01333/FUL	Erection of 2no. apartment blocks comprising of 18no. apartments, change of use of former bank to 4no. apartments with associated extensions and related demolition of listed and non-listed ancillary buildings and extensions	Refused	Dismissed at appeal
19/00459/LBALT	Relocation and alteration of former ATM aperture	PER	10/06/2019
19/00458/FUL	External refurbishment including replacement of ATM with window, removal of associated lighting, cabling and conduit box and repair works	PER	10/06/2019
T/18/00151/TCA	Works to various trees within the Matlock Bridge Conservation Area	PERC	09/11/2018
18/01140/FUL	External alterations as part of decommissioning of branch	PERC	05/02/2019
18/01141/LBALT	Internal and external alterations as part of decommissioning of branch	PERC	05/02/2019

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 No objection.

Environment Agency

5.2 Object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. We therefore recommend that planning permission is refused.

The previous surrounding historical landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer. As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 180 and 189 of the National Planning Policy Framework.

The bedrock geology at the site is mapped by the BGS as the Eyam Limestone Formation designated as a Principal Aquifer. As there is no superficial geology mapped to provide further protection to the underlying aquifer, the groundwater has a High Vulnerability rating. Principal aquifers provide significant quantities of drinking water, and water for business needs. They may also support rivers, lakes, and wetlands. There are potentially contaminative land uses surrounding the site, including the Matlock Bus Station and the Cawdor Quarry historic landfill (High Risk) located within 50 m of the boundary. No risk assessment or site investigation has been provided to support the application.

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model, and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. To overcome our objection, the application should submit an appropriate preliminary risk assessment undertaken by a suitably qualified and competent person to identify and assess the risk to groundwater and other sensitive receptors. If the preliminary risk assessment shows there is a risk to controlled waters, the application will need to undertake a programme of site investigation to quantify the risk. Their records show there are no abstraction licences within 500 m of the site. The applicant should contact the Local Authority to confirm the presence of any un-licensed private drinking water supplies as this is not within our remit.

The updated drainage plan confirms foul drainage will be to sewer. We hold no objection to this. Surface water is proposed to be dealt with via various SuDS installations such as a green roof, water attenuation for use in a grey water system, and soakaway. No testing has been undertaken to ensure ground conditions are suitable for infiltration to ground. A preliminary risk assessment should be undertaken and should consider if infiltration to ground is suitable based upon the land contamination risk.

A further response maintaining their objection was received on the 26th July which states the following.

We require as a minimum that a Preliminary Risk Assessment (PRA) is produced up-front given the proximity to the landfill, potential for contamination, and that the development is on a Principal Aquifer. A PRA is required to understand the risk to controlled waters. Therefore, the objection should remain.

Derbyshire County Council (Highways)

- 5.3 There is a situation in terms of parking associated with the proposal that does not cater for allocated parking within the scheme and it is noted from the layout drawing that there is a minor shortfall of parking provision within the site when compared to parking policy. However, the Highway Authority (HA) considers the proposed development acceptable on sustainability grounds given its location within the town centre and the amenities on offer. The HA are therefore satisfied that the site is sustainably located, being within walking distance of amenities including public transport provision. In short adequate parking provision is proposed within the scheme relative to the location of the site as not all apartment owners/tenants of the proposal will be car owners with other means of travel available particularly walking. To conclude there are no objections to the proposed development from a traffic and highway safety point of view subject to conditions in relation to provision of cycle parking and a construction management plan.

Derbyshire County Council (Education)

- 5.4 The proposed development falls within and directly relates to the normal area of St Giles Church of England Primary School. The proposed development of 16 dwellings (minus 8 one bedroomed dwellings) would not generate any additional primary pupils. The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 16 dwellings (minus 8 one bedroomed dwellings) would not generate any additional secondary pupils. Mitigation In line with the County Council's Developer Contributions Protocol, no contribution to education infrastructure is requested based on the current application.

Derbyshire County Council (Archaeology)

- 5.5 It is not considered that the works would have any archaeological impact.

Derbyshire County Council (Flood Team)

- 5.6 No consultation response has been received and shall be reported either through late representations or verbally at committee.

Derbyshire Wildlife Trust

- 5.7 They have reviewed the information submitted including the Preliminary Ecological Assessment (Arbor Vitae, December 2023). The report describes the buildings on site as having negligible potential for use by bats and no evidence of bats or nesting birds was noted during an inspection of the buildings. The proposed development footprint uses existing built area/hardstanding and the landscaping proposals (Proposed Landscape Plan, James Boon Architects Dec 2023) use largely native species although they recommend that the proposed laurel hedging be replaced by native species rich hedgerow. They would also recommend the installation of integral enhancement features on the new building including bat bricks and universal bird boxes in addition to those proposed on the retained trees. Conditions are recommended in terms of lighting, ecological enhancements and bird breeding.

Derbyshire Swift Conservation

- 5.8 The Preliminary Ecological Assessment (Arbor Vitae, Dec 2023) recommends as biodiversity enhancement for swifts "Two Woodcrete swift nest boxes should be affixed to buildings, the most suitable locations to be decided following discussion with the project ecologist" despite best-practice guidance stating that ecological enhancement for declining urban bird species should take the form of Swift bricks integrated into the façade at a ratio of 1 Swift brick per dwelling.

Historic England

- 5.9 No comments.

Design and Conservation Officer (Derbyshire Dales)

- 5.10 It is considered that the proposed conversion and alterations/extension to the main building would be acceptable and would not adversely affect or harm elements, features and spaces of significance to the listed building, or its general external character and appearance. Subject to setting back of the new build element from the front elevation of the northern extension and breaking up of the side wall this element would have a secondary and subservient presence in relation to the existing main building and the northern extension. It is considered that the proposal as amended would preserve the listed building and its setting and would preserve and enhance the Conservation Area.

Conservation Advisory Forum

- 5.11 The scheme was discussed in detail with reference to the submitted Statement and the previous Appeal Decision. They noted that the proposed development, as submitted, included for the retention of the later two-storey addition to the right hand side of the building but that only the front façade was to be retained (with new build behind). Whilst a majority view considered that the northern extension was an important part of the listed building and that it should be retained there was some concern expressed over this proposed 'facadism'. The Planning Inspector (in an Appeal of 2021), in reference to this northern section of the listed building considered that in its architectural design and form and integrity it, 'adds to the significance of the listed building and Conservation Area'. Furthermore, the Inspector considered that its 'demolition would, therefore, harm the special interest of the listed building and Conservation Area'. A majority view was that the retention of the stone façade etc. was an important part of the proposed development scheme and a necessary part and element of that development scheme and new build extension.

They discussed the proposed scheme for the (attached) new build extension (and rear of the northern extension) and the majority considered that in its general massing and scale that this was subservient to the host building and that the continuation of the flat roofed concept was appropriate and acceptable and contributed to this subservience allowing the host building to retain its architectural status and prominence. In that regard, it was considered that the proposed scheme in its concept and general design/form etc. would be an acceptable addition to the listed building and to this part of the Conservation Area.

It was considered that the modelling and detailing of the proposed elevations to the new build element did require some further articulation and refinement – in particular the north-east corner of the development, the straight north elevation, opening similarity and solid to void ratios – but considered this could be achieved. CAF expressed a concern over the proposed balconies and their detailing will need careful consideration. CAF remarked that the proposed infilling (and its potential impact on the principal elevation) of the current arched access would need careful design and detailing consideration. discussed the proposed works to the listed building itself were discussed and it was considered that, in general, the proposals were likely to be acceptable and not harmful to the overall significance of the asset.

Landscape and Tree Officer (Derbyshire Dales)

- 5.12 The submitted Arboricultural Impact Assessment report indicates that all significant trees on the site are subject to Derbyshire County Council Tree Preservation Order. It is recommended that DCC be consulted regarding proposed tree protection measures to ensure the amenity provided by these trees would be retained and that the protected trees would be successfully integrated into the proposed development for the long term. Assuming that these aims can be successfully achieved then the impact to the arboreal character and appearance of the conservation area would be minimal.

Trees (DCC)

- 5.13 The proposed development includes trees protected by DCC TPO 131, including a specimen weeping beech, which is a key feature of the local treescape. The Tree Survey and Report by Jonathan Oakes includes recommendations for the management of the trees prior to or during construction, and for a construction exclusion zone to be created around the trees and their RPAs. Therefore there is no objection to the proposed development subject to the developer following the recommendations of the Tree Survey, Arboricultural Impact Assessment and Method Statement, submitted.

Environmental Health (Derbyshire Dales)

- 5.14 Comments on the previous application, were that there were no objections to the development, however, a report assessing air quality as a nearby passive diffusion tube for Nitrogen oxides has an uncorrected annual average of 39.56ug/m³ is recommended via condition. The national Air Quality objective annual mean should be below 40ug/m³. This area is traditionally a commercial area, however this development introduces residential receptors at ground level in this area. Conditions in respect of electric vehicle charging points, submission of a noise mitigation scheme, hours of construction and bin storage are recommended.

Strategic Housing (Derbyshire Dales)

- 5.15 The Director of Housing noted previously the scheme should make an affordable housing contribution in line with planning policy HC4, given the location and total number of units.

Georgian Group

- 5.16 The Group has no objection to the reuse of this site for multiple apartments. We do however have considerable concerns about the intensity of the proposed redevelopment scheme, and in particular over the impact of the proposed large northern eastern extension on the setting of the listed building. The new building would spring from the northern end of the retained façade of the c1950 wing and the two combined would result in a range which would more than double the length of the original eighteenth century dwelling. The resultant development would therefore considerably erode its setting and detract from views of the listed building's principal façade when viewed from the west. The original eighteenth century building would effectively become part of a terrace rather than as an elegant, detached villa.

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Whilst the architect has clearly striven to design an addition which would be visually subservient, the brief requires an intensive development to be squeezed into a relatively compact and extremely sensitive site. The result is a development which would detract both from the setting of the listed building, and from the character of the conservation area within which it is located. The replacement building will neither preserve nor enhance the character of the conservation area. NPPF 197.c directs local authorities that when considering the merits of proposals, they should take account of 'the desirability of new development making a positive contribution to local character and distinctiveness.' NPPF 206 directs that Local planning authorities should look for opportunities for new

development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

The Group must regretfully therefore recommend that the applicant withdraws these proposals until such time as a scheme less harmful to both the setting of the listed building and conservation area can be formulated. If the applicant is unwilling to do so, then consent should be refused for this development.

NHS Derby and Derbyshire Integrated Care Board

5.17 The development falls under their threshold for requesting a contribution.

Chesterfield Royal Hospital

5.18 Section 106 impact on health to be considered.

Initial modelling suggests that the impact of this development is up to £11K

Network Rail

5.19 No objection in principle subject to conditions relating to construction methodology, drainage, parking, landscaping, lighting and noise mitigation. Conditions that meet the tests under planning legalisation shall be attached, however, others recommended shall be informatives.

Cllr Martin Burfoot

5.20 I am generally in favour of the current plans for this building and proposed new buildings on the site and trust that any outstanding works to the significant mature trees around the perimeter of the site will be considered carefully and carried out prior to any building works, in order to avoid later disturbance. I also request that the detailed advice concerning tree protection etc from Rod Whiteman of Derbyshire County Council will be taken fully into account by way of specific conditions.

I look forward to seeing the proposed landscaping scheme implemented in due course. This will serve to enhance one of the key historic buildings and sites in the town centre. Finally, I sympathise with the owner of 12 Snitterton Road and his difficult position as regards his business, as well as general disturbance during construction works, but welcome his generous support for the current proposals. I hope suitable conditions will be proposed to protect his interests, as far as possible. I agree with his view about allocation of parking spaces, provided additional visitor spaces are available and are clearly signed and marked, otherwise visitors will be tempted to park nearby on Snitterton Road.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 3 representations have been received. A summary of the representations is outlined below:

- Adequate parking provision during construction and once completed is required to avoid massive disruption to residents and visitors of the area.
- There are concerns from the owner of Bank House in relation to his holiday cottage in terms of health and safety of visitors during construction.
- The entrance is far too narrow for construction vehicles and may cause damage to 12 Snitterton Road.
- 12 Snitterton Road has concerns with regard drainage and structural integrity when piling.
- The plans will enhance the area and garage will be demolished.
- The proposed car parking spaces should be allocated.
- The existing car parking use is an issue as has been rubbish and damage to the vacant building.

- The proposal is an evolution of the building and residential use is appropriate.
- Insufficient parking has been provided.

Matlock Civic Association

The proposed additional flat-roofed frontage will further reduce the presence of the classical hipped -roof late 18th C Listed building, which will have only 37 % of the overall front elevation to Derwent Way.

The best interests of the Listed Building and the Conservation Area would be to allow the demolition of the 1950's extension and then ensure that the design of a new free-standing building reflects the 18th C building in a subservient manner.

MCA respect the efforts which the architect has taken to engage with us in the planning process and are deeply disappointed that the Council's stance at pre-application stage has forced him and his client to pursue a proposal which is unacceptable to MCA.

The retention of the façade of the 1950's extension together with further additional flat-roof will result in the overall main north -east flat roof frontage being substantially longer than the front, north eastern, elevation of the 18th Century Listed Building. Consequently, the flat -roofed elements will be substantially out of character with the elegant pitched-roofed form of the late 18th Century main building (Bank House). The front elevation raised parapet will present a discordant aspect when the side and front elevations are viewed together.

The Inspector's report dated 10 December 2020, arising from the appeal against the refusal of application reference 20/01332/FUL considered the existing flat-roofed extension to have some merit. The Inspector's decision letter states that the extension was constructed sometime between 1937 and 1951, whereas the Listing date is 1950. The crucial point is that, whatever the date of the flat-roofed extension, there is no reference in the listing details to the 1950's flat roof extension to the right of the front elevation of the 18th Century Bank House. Consequently, it is considered that the District Council and the Inspector should have paid very little, or no, regard to any perceived merits of the 1950's extension to the north west of the 18th C building. Substantial regard should be paid, however, to the citation relating to the 18C building. Consequently, it is considered that little weight should be given to the appeal decision insofar as it relates to the flat-roofed 1950's building. It follows that the 1950's extension is not significant enough to warrant retention under Local Plan Policy PD2

The need for planning proposals to have regard to a Sense of Place is now a fundamental planning requirement enshrined in Local and National policy. Matlock's predominant use of pitched roofs in its buildings defines how it sits in its wider landscape and its townscape. There are very few flat-roofed buildings in the Matlock Bridge Conservation Area and the few which do exist are not prominently sited, unlike the application site is in a prominent location in the town centre. The Inspector's decision letter does not mention this crucial point in her assessment of the site context. The proposal is contrary to Policy PD1, because it does not contribute positively to an area's character, history and identity,

Only 11 parking places are proposed for 16 dwellings, which is way below the Council's parking standards. A parking shortfall of this nature will exacerbate the shortage of on street parking for residents, businesses, and customers in the town centre. It would be so much more sensible to use the space which would be provided by demolishing the 1950's extension to provide 4 extra car parking spaces.

The north western edge of the proposed new build will encroach into the Tree Protection Area of an important tree at the mutual boundary between the application site and the land surrounding the railway station

In the appeal decision referred to above the Inspector stated that:

2.The Council's second reason for refusal related to the lack of provision of affordable housing within the scheme, and the lack of contributions towards education and public open space. Following an exchange between the main parties of viability information, the appellants, whilst not accepting the Council's assessment, indicated that they would in principle accept the contributions as required by policy.

3. In any event, no such agreements have been drawn up, and so there would be no mechanism to secure these contributions, were I to allow the appeal. That being the case, I have not considered the second reason for refusal further. Such a concession should be granted in only very special circumstances and not when a proposal is fundamentally flawed in so many respects.

The applicants in this case have not supported their application by any reasons why affordable housing should be omitted from this proposal.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to the assessment of this application:

- Principle of development
- Impact upon heritage assets
- Ecology and Trees
- Impact on residential amenity
- Highway safety
- Flood Risk
- Affordable Housing and Developer Contributions

Principle of development

- 7.1 The site is allocated for housing in Policy HC2 (u) and is within the settlement boundary of Matlock. Matlock is identified in the Local Plan as one of the three main market towns within the district which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres and shall continue to provide significant levels of jobs and homes. The housing allocation HC2 (u) has a site area of 0.35 hectares and was allocated for 24 dwellings. Policy S7 specifically seeks to promote the sustainable growth of Matlock / Wirksworth and Darley Dale. The policy goes on to state that this will be achieved by protecting and enhancing the historic environment and supporting the allocation of sustainable, suitable and deliverable housing sites sufficient to meet the requirements of the Plan area including the delivery of appropriate levels of housing development of new housing on sustainable sites. The principle of residential development within a town centre is considered acceptable, however, in this case the harm to the heritage assets has to be assessed and weighted against the public benefits.

Impact upon Heritage Assets

- 7.2 Within settlement boundaries Policy S3 allows development that:- is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate. Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

- 7.3 Policy PD2 which seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.
- 7.4 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated.

Conversion of Bank House

- 7.5 During its life as a bank the interior and to a lesser degree the exterior of the building has been altered and changed over time. However, the proposed plans for the main building (drawing (08) 13 Rev. B), indicate that more modern elements and changes would be removed and very little of significance to the listed building would be lost as part of the conversion and alteration to 4 No. apartments.
- 7.6 It is considered that the proposed conversion and alterations/extension to the main building are acceptable and would not adversely affect or harm elements, features and spaces of significance to the listed building, or its general external character and appearance in accordance with Policies PD1 and PD2.

Northern Extension

- 7.7 The Planning Inspectorate's Appeal Decision (in which the appeal was dismissed) on a previous, refused, scheme (20/01332/FUL) which included the full demolition of the northern extension stated, in reference to the northern extension, that "*its design and details deliberately echo those of the main house. It is certainly a quirky addition which speaks to the architectural aesthetic of its time. It also embodies a physical record of the historic evolution of the building from private dwelling to its later commercial use. On both these counts, it makes a positive contribution to the listed building and the wider area*". The Inspector concluded that "*I have found that the northern extension adds to the significance of the listed building and the Conservation Area. Its demolition would, therefore, harm the special interest of the listed building and the Conservation Area*".
- 7.8 The heritage significance, value and interest placed on this northern extension, by the Planning Inspector is, therefore, clearly stated. As part of the originally submitted scheme it was proposed to demolish the rear and side of this northern extension leaving only the north-eastern façade of the building. The contribution and significance afforded to the northern extension is important and in this regard so is its authenticity and integrity. That authenticity and integrity is encapsulated in its design and association with the main building and in the northern extension as a holistic building entity and form (in its mass and in having stone faced elevations to both east and west). Historic England's conservation principles states that authenticity can relate to 'design or function, as well as fabric' and that integrity can apply to a 'design concept', the character of a place and its functionality'. It concludes, therefore, that loss or alteration etc. can, therefore, diminish significance. Therefore, the harm is limited to a small element of the northern extension not being retained.

- 7.9 The extent of the existing northern extension to be retained has been increased with the side and two storey rear element kept. However, the existing rear archway would not be retained as it would not be seen from outside the site, either from the pedestrian bridge to the north or from Snitterton Road to the South. The east elevation would be a record of the archway. The northern extension that positively contributes to the evolution of the building is retained in the main. To conclude, it is considered that the proposal, as amended, would preserve the listed building and its setting and would preserve and enhance the Conservation Area.
- 7.10 The garage block to the rear was built in 1951 and is not, therefore, deemed a curtilage-listed building. It has no special architectural or historic value and its demolition is considered to be acceptable. The Terrapin building being physically linked/attached to the main buildings is, technically, a curtilage-listed structure. However, it has no special architectural or historic value to the building group or context and its demolition is considered to be acceptable.

New Build Element

- 7.11 In response to the Conservation Officer's concerns with regard terracing the new extension has been moved another 1m further back being mindful of the impact on the residential amenity of No. 12 Snitterton Road. The step on the east elevation fronting Matlock has been reduced, mirroring the step on the existing northern extension, creating more opportunity for landscaping to the front. On the north elevation a stepped facade along this elevation is proposed, the design has been carried from the west elevation, creating architectural rhythm as required by the Conservation Officer. This stepping also provides opportunity to strengthen the design principle of increasing the landscaping in more planters.
- 7.12 With regard to the general scale of the new build addition it is considered that this has a secondary and subservient presence in relation to the existing main building and the northern extension. It is also considered that the use of parapeted flat roofing to the new building element, at a slightly lower level than the northern extension, presents an acceptable continuation of the design concept for the roof treatment of the northern extension and re-interprets this for a 21st century addition. With regard to the principal elevation of the new build element (east facing elevation), its plan-form comprises a 1m set back to part of the elevation then a forward projecting section forming the north-eastern end/corner which allows the main building and its northern extension to be the predominant elements of the site. The north elevation of the new build element, which faces the curtilage-listed stone boundary wall has been broken up to contain some architectural breaks/rhythm. The proposed west elevation is staggered, bay by bay, which is considered acceptable for the rear elevation of the new build element. In conclusion, it is considered that the proposed works and alterations to the main building are likely to be acceptable, subject to detailing, materials etc.
- 7.13 The NPPF refers to the potential harm that developments may have on the significance of designated heritage assets. It is considered that the less than substantial harm identified should be weighed against the public benefits of the proposal as stated in NPPF paragraph 209. With regard to the proposed works to the northern extension and the new build element the 1990 Act places a general duty on local planning authorities that when considering whether to grant planning permission for development which affects a listed building, or its setting, the authority shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The Act also requires an authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. It is considered that the retention of the majority of the northern extension and the scale and design of the new build element would preserve the listed building and its setting. The Act also requires an authority

to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. It is considered that the proposed works, would preserve and enhance the Conservation Area.

7.14 The conversion of the listed Bank House would renovate a prominent heritage asset bringing it back into use involving the provision of 16 dwellings in a sustainable location where the Council are unable demonstrate a 5 year supply together with improvements to the landscaping surrounding the prominent listed buildings which carries substantial weight in the planning balance. The conversion and construction of a new building would also generate construction employment. The harm identified is less than substantial harm in NPPF terms.

7.15 NPPF paragraph 193 states that:-

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Paragraph 194 states: “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

7.16 The harm identified in terms of the partial demolition of the rear archway section of the northern extension has been sufficiently justified with limited weight attributed to the harm on the significance of the listed building and Conservation Area. Furthermore, a number of later additions and buildings that detract from the listed building, its setting, and its contribution to the Conservation Area would be removed. It is on this basis, that the limited less than substantial harm is outweighed by the significant public benefits to be derived.

Impact on residential amenity

7.17 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The nearest dwelling is No. 12 Snitterton Road adjacent to the site in the south western corner sharing the access and with its own provision of 2 car parking spaces to the front. Having undertaken an assessment in relation to proposed windows in the existing and proposed buildings and the orientation in relation to this neighbouring property, it is not considered that impacts on residential amenity would be significant and on this basis the proposal is considered to be to Policy PD1. A construction hours condition shall protect the amenity of this property during the construction period.

Ecology and Trees

7.18 In terms of ecology the Wildlife Trust are satisfied with the information submitted with the application concluding that the proposal is unlikely to have any significant impacts on biodiversity including protected species in accordance with Policy PD3. In relation to trees, a TPO covers the weeping Beech tree and the group of trees in the north eastern part of the site. The DDC TPO Officer considers the Tree Survey and Report by Jonathan Oakes to be sufficient as it includes recommendations for the management of the trees prior to or during construction, and for a construction exclusion zone to be created around the trees and their RPAs.

Highway safety

7.19 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site is located within the town centre of Matlock and is thus assessable by a choice means of transport and a number of public car parks in close proximity to the site. Adequate parking has been provided taking into account the sustainable location accessible by a choice means of transport.

Flood Risk

7.20 Policy PD8: Flood Risk Management & Water Quality sets out that new development shall incorporate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs. This submission includes a drainage plan and a statement within the climate change checklist in relation to surface water drainage. The LLFA has not responded to consultation or re-consultation and as such their comments are likely to be reported verbally at committee.

7.21 The EA objection is on the basis that a Preliminary Risk Assessment (PRA) is required prior to determination given the proximity to the landfill, potential for contamination, and that the development is on a Principal Aquifer. A PRA is required to understand the risk to controlled waters. The requirement for this information was questioned by the applicant on the basis that in the previous application 20/01332/FUL for a more intensive scheme the EA raised no objection and made no request for this information. However, as the need for the assessment has been clarified the agent has commissioned the survey. This clarification has taken considerable time to be provided and as such it is considered reasonable to bring the application before committee with delegated powers given in order for determination after this issue has been resolved to the satisfaction of the EA with their objection removed and any recommended conditions added.

Developer Contributions and Affordable Housing

7.22 Policy S10: Local Infrastructure Provision and Developer sets out that the release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. New development should only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe.

7.23 The County Council Education Authority has assessed the capacity for the development on local schools and considered there would be sufficient capacity St Giles Church of England Primary School and Highfield School and therefore requests no financial contributions.

7.24 Policy HC4: affordable housing requires all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 m² should provide at least 30% of net dwellings proposed as affordable housing. No affordable housing contribution has been offered for this 16 apartment scheme where Policy HC4 has a requirement of 30% with a potential split of 80% social and affordable rented accommodation with a balance of intermediate or starter homes discount. In this case the allocation was for 24 dwellings, however, when considering the planning applications for the site it has become clear that that number was too high and did not fully take into account the constraint of the setting of the listing building and character and appearance of the Conservation Area. This scheme is significantly lower (an 8 dwelling reduction) as it retains the northern extension. The scheme that proposed 24 dwellings was dismissed at appeal.

- 7.25 Policy HC14 has a requirement for new residential development of 11 dwellings or more to provide or contribute towards public open space facilities as set out in the Table 6 of this policy. This requirement is to improve the quantity, quality and value of play, sports and other amenity greenspace provision in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018). The Council's Supplementary Planning Document (SPD) on Developer Contributions seeks a requirement of open space for 16 dwellings that would equate to 214.28m² (Parks and Gardens), 170.10m² (Play space) and 59.10m² (Allotments). Due to the constraints of the site these contributions would be off site contributions of £3,214.20 (Parks and Gardens), £3,742.2 (Play space) and £1,300.2 (Allotments). In order to comply with Policy S10 a S106 would be required to secure these contributions.
- 7.26 Viability figures were provided within the Design, Access and Heritage Assessment and Impact Report Rev A dated December 2023 (pages 37-38) and these simply update the figures used in the Viability Assessment undertaken on behalf of the Council in respect of the appeal for the refused scheme. These updated figures have been assessed as at the 24th June 2024 on behalf of the Council by the Consultant who completed the work for the appeal and the findings are summarised below.
- 7.27 The figures given by the agent were assessed against the UK House Price Index and apartments sold within 3 miles of Snitterton Road which gave an average value per square metres for the new build apartments and the conversion apartments. In terms of build costs, median BCIS rates are used with external costs equivalent to 6.23% of the BCIS rates. Broadly profit margins are in the region of 15% to 20% and in this assessment 17.5% profit on revenue is a target profit for a viable scheme. A benchmark land value is £438,000 is adopted in this assessment. With nil planning policies / nil affordable housing applied this produces a residual land value of £276,188. As this is below the benchmark land value of £438,000 this fails to reach the viability threshold, even before any planning policies are applied. Furthermore, even if the Viability Consultant ran the model on the basis of a 15% developer profit (i.e. the lowest suggested in the viability guidance), the residual land value would only increase to around £390,000. This would still be below the benchmark land value of £438,000 and therefore still unviable. The assessment concludes that having run their appraisal modelling they agree with the applicant's conclusion that the scheme is unable to support any planning policy contributions. Therefore, sufficient evidence has been provided that the scheme would not be viable if 30% affordable dwellings and off site contributions for public open space are sought as required by Policies HC4 and HC14.
- 7.28 In terms of climate change, the proposal involves the provision of green roofs, solar panels, construction using Structural Insulated Panels (SIPS), permeable driveway, greywater recycling, planters on balconies, adoption of Passivhaus principles, electric charging points and natural shading which is welcomed and accords with the requirements of Policy PD7.

Conclusion

- 7.29 The delivery of housing on this allocated site will contribute towards the Council meeting its objectively assessed housing needs and bring with it associated social and economic benefits, whilst the site is constrained by trees and designated heritage assets which receive a high level of protection in national planning guidance in the Council's Development Plan Policies, it is considered that the proposal has a less than substantial level of harm which can be weighted against the considerable public benefits. The main benefit of this scheme is to bring a prominent vacant listed building back into use and the resultant improvements to its setting by way of landscaping and maintenance of the grounds.

7.30 The Council cannot demonstrate a five-year land supply. The latest housing land supply report produced by the Council for 2022/2023 demonstrates that as of the 1st April 2023 the Council does not have a five year supply, with provision of only 3.49 years. However, this figure was recently reviewed as part of a Public Inquiry and the figure is now 4.01 years. Whilst this is a relatively modest shortfall and the site is allocated for housing development in the development plan under Policy HC2(u), there is a requirement under Paragraph 11 d) in the National Planning Policy Framework (2019) to approve development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance (including designated heritage assets) provides a clear reason for refusing the development proposed. The Policies in the Development Plan which seek to conserve heritage assets in a manner appropriate to their significance align closely with guidance contained in the National Planning Policy Framework and remain the primary basis for assessing the scheme.

7.31 The benefits in this case comprise the provision of housing within a Tier 1 settlement in the Adopted Derbyshire Dales Local Plan and the delivery of a housing allocation in the Adopted Derbyshire Dales Local Plan to meet the districts objectively assessed housing needs.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to a further response from the EA and conditions detailed in section 8 and any required by the EA.

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed elevations 1 & 2 south east (08) 15 Rev A

Proposed elevations 3 & 4 north east (08) 16 Rev A

Proposed elevation 5 north west and proposed elevation 6 south west (08) 17 Rev A

Proposed ground and first floor plans (08) 13 Rev C

Proposed Landscaping (08) 20 Rev C

Proposed attic and roof plan (08) 14 Rev C

Proposed roof / site plan (08) 11 Rev C

Proposed drainage strategy (08) 19 Rev B

Significance Plans (08) 09

Location and block plan as existing (08)01 Rev B

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

3. No individual apartment in the development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

4. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).
 - Locations for loading/unloading and storage of plant, waste and construction materials.
 - Arrangements for turning vehicles.
 - Arrangements to receive abnormal loads or unusually large vehicles.
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the le

5. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

6. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan

shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes, in line with British Standard 42021:2022.
- external and integrated bat features.
- insect bricks / towers.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason: In order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to building works commencing above foundation level, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason:

To protect the amenities of future residents from road and train noise in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

9. Construction hours shall be restricted to the hours of 8am to 6pm Mondays to Friday, 8am to 1pm on Saturdays and no working at all on Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

10. Prior to building works commencing above foundation level, an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved measures / recommendations shall thereafter be fully implemented prior to first occupation.

Reason: In the interests of the amenities of future residents in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to occupation of any of the apartments details of the storage of refuse, including details of location, size, means of enclosure and materials and a timetable for the completion of the works has been submitted to and approved in writing by the Local Planning Authority. Refuse storage shall be subsequently provided and maintained in accordance with the approved details thereafter.

Reason: In the interests of maintaining public health and safety and residential amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. The proposed development shall be carried out in accordance with the recommendations within the Tree Survey, Arboricultural Impact Assessment and Method Statement dated 14th March 2024 by Jonathan Oakes.

Reason:-

To ensure the health of the protected retained trees in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017)

13. The development hereby approved shall be carried out in accordance with the outline schedule of works to the existing building dated 15th December 2023, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For avoidance of doubt.

14. Prior to building works commencing above foundation level the specification of the solar panels and green roofs shall be submitted and approved in writing by the Local Planning Authority and installed in accordance with these details.

Reason: To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

15. Full constructional details of all new external window and door joinery and/or metal framed windows and doors (including finish colour) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

16. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the building(s). The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

17. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of those materials and type of pointing (mortar mix and method of application) to be used shall be erected on site for inspection before works commence on the construction of the exterior walls of the new building. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

18. No meter boxes and/or soil vent waste pipes or any other grilles/pipes/vents etc. shall be fixed to the exterior of the building without the prior written approval of the Local Planning Authority.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

19. Details of all new or replacement, flues, extract ducts, vents, grilles and meter shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

20. Full details of all gutters, downpipes and all other associated external pipework shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the new building. The details should include large-scale details/sections of the eaves (with its brick corbel detail), and the rise and fall brackets. These items shall then be provided in accordance with the approved details and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

21. Full construction details shall be submitted for the following prior to installation:-

Infill under the covered archway

Parapet details

Metal balustrade

The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

22. No means of enclosure shall be erected until the design, location, and materials to be used on all boundary walls/fences/screen walls etc. have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments so approved shall then be completed prior to occupation of any of the apartments and shall thereafter be retained in perpetuity.

Reason:

To preserve the amenities of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

23. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-

- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- b) grass seed mixes and sowing rates;
- c) pedestrian access and circulation areas;
- d) hard surfacing materials;
- e) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- f) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

This decision notice relates to the following plans and documents:

Location and block plan as existing (08)01 Rev B
Proposed elevations 1 & 2 south east (08) 15 Rev A
Proposed elevations 3 & 4 north east (08) 16 Rev A
Proposed elevation 5 north west and proposed elevation 6 south west (08) 17 Rev A
Proposed ground and first floor plans (08) 13 Rev C
Proposed Landscaping (08) 20 Rev C
Proposed attic and roof plan (08) 14 Rev C
Proposed roof / site plan (08) 11 Rev C
Proposed drainage strategy (08) 19 Rev B
Significance Plans (08) 09

Site plan as existing (08) 02
Ground floor and first floor plans as existing (08) 03
Attic and roof plans as existing (08) 04
Site sections as existing (08) 05
Elevations as existing (08) 06
Elevations as existing (08) 07
Garage building and existing plan and elevations (08) 08

Tree Survey by Jonathan Oakes Tree Care dated 14th March 2024
Outline schedule of works to the existing building 15/12/2023
Design, Access and Heritage Assessment and Impact Report Rev A and Addendum May 2024
Climate Change Checklist
Preliminary Ecological Assessment Rev A December 2023

Network Rail have recommended the following conditions, however, they do not meet the planning condition tests as they are covered by different legislation. Therefore the applicant is to note their requirements:-

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority for the period of construction.

Reason: To ensure that the development can be undertaken safely and without impact to operational railway safety.

Drainage

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. **Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.**

Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Vehicle Incursion Measures

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing/wall. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorn (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail.

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Condition

Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Reason for above conditions:

The safety, operational needs and integrity of the railway.

All surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site. Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site.

Please contact Asset Protection (assetprotectioneastern@networkrail.co.uk) for further

information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land.

Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset

Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Asset Protection Eastern

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Land Information

For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email property-services@networkrail.co.uk.