

APPLICATION NUMBER		22/00640/FUL	
SITE ADDRESS:		Stones Builders Merchants, Wood Street, Wirksworth, Derbyshire, DE4 4DW	
DESCRIPTION OF DEVELOPMENT		Enlargement of existing ground floor retail unit, change of use and conversion of storage building to Use Class E(g)(i) office and 7 no. apartments and demolition of workshop building and erection of replacement building comprising of 4no. apartments	
CASE OFFICER	Edward Vaudin	APPLICANT	Mr D & Mr A Stone
PARISH	Wirksworth	AGENT	Planning & Design Practice Ltd
WARD MEMBERS	Cllr. M. Ratcliffe Cllr. P. Slack Cllr. D. Greatorex	DETERMINATION TARGET	20 th September 2024
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Introduction – Background • Policy • Affordable housing provision and principal residence dwellings • Character and appearance • Climate change • Neighbours’ amenity • Highway matters

RECOMMENDATION
<p>At the 16th August 2022 Planning Committee, it was resolved that:</p> <p>Subject to the applicant entering into a Section 106 Agreement to provide for all dwellings on the site being principal residences, the provision of 3 dwellings as on-site affordable housing and a financial contribution towards part of an off-site affordable dwelling, planning permission be granted subject to conditions.</p> <p>It is now over two years since this decision was made by Planning Committee and no Section 106 Agreement has been progressed by the applicant. As entering into a Section 106 Agreement was deemed necessary to make the development acceptable in planning terms, the recommendation is:</p> <p>That authority be delegated to the Development Manager or Principal Planning Officer to refuse planning permission for the following reasons:</p>

- 1. The application fails to secure affordable housing via legal mechanism. The proposal therefore fails to comply with Policy HC4 of the adopted Derbyshire Dales District Local Plan.**
- 2. The application fails to secure via legal mechanism, that the new dwellings on site shall be principal residences. The proposal therefore fails to comply with Policy NP5 of the Wirksworth Neighbourhood Plan.**

The remainder of the report is unchanged and presented in italics.

1. THE SITE AND SURROUNDINGS

- 1.1 *The application site is a former cinema and associated L-shaped curtilage which has for many years been used as a builder's merchants. The buildings on the site include the large 1930's former cinema building which fronts onto St. John's Street. This is constructed with red brick frontage and a mix of stone, brick and render to the side and rear elevations. The building is currently used for storage and contained a hardware shop to the front, although this closed some two years ago as it is advised that this was not commercially viable.*
- 1.2 *There is also a workshop building which fronts onto Wood Street. This is a relatively modern building and constructed with reconstituted stone blocks and a prefabricated sheet roof.*
- 1.3 *The site is within an area of mixed development. It is opposite Waltham House and residential properties on St. John's Street. It is attached to the memorial hall to the north and has traditional dwellinghouses to the south which front also St. John's Street. It is bounded to the rear by residential development on Nether Gardens and faces a Church, commercial building and garages to the south of Wood Street*
- 1.4 *The site is within the Settlement Framework boundary for Wirksworth and the Wirksworth Conservation Area.*





2. DETAILS OF THE APPLICATION

2.1 *This is a full planning application for the conversion of the builder's storage building to a self-contained retail unit and eight apartments and the demolition of a workshop and erection of a replacement building for a further four apartments.*

2.2 *The alterations to the former cinema building include the following:*

- *subdivision of the building into six 2 bedroomed flats and two 1 bedroomed flats*
- *demolition of the extension to the south side of the building (close to the frontage) and provision of bin store*
- *facing the building with render and cut stone with the addition of four projecting timber bay windows to the south side elevation and two on the rear elevation*
- *provision of grey powder coated aluminium window frames*
- *insertion of two sections of solar panels, two patent glazed section and 30 rooflights on the roof*

2.3 *The details of the new building are as follows:*

- *mono-pitched building measuring some 7.2m deep by 17.5m wide with a maximum height of 6.1m*
- *proposed to provide four two bedroomed flats*
- *facing the building with render and cut stone with the four projecting timber bay windows to the east side elevation*
- *provision of grey powder coated aluminium window frames*

2.4 *Vehicular access to the site is proposed off Wood Street and it is proposed to provide and 13 car parking spaces. A pedestrian and cycle access is also proposed off St. John's Street with a cycle store set to the south and rear end of the former cinema building. In terms of landscaping, it is proposed to retain or replace the existing stone wall along Wood Street and on the eastern boundary. Soft landscaping is proposed to be incorporated in the eastern parts of the site to soften the appearance of the car parking spaces but the applicants have advised that they would accept a condition on any planning permission in this respect.*

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 *Adopted Derbyshire Dales Local Plan (2017)*

- S1 *Sustainable Development Principles*
- S2 *Settlement Hierarchy*
- S3 *Development within Defined Settlement Boundaries*
- S7 *Matlock/Wirksworth/Darley Dale Development Area Strategy*
- S10 *Local Infrastructure Provision and Developer Contributions*
- 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*
- HC4 *Affordable Housing Provision*
- HC11 *Housing Mix and Type*
- HC14 *Open Space, Sports and Recreation Facilities*
- HC15 *Community Facilities and Services*
- HC19 *Accessibility and Transport*
- HC21 *Car Parking Standards*
- EC3 *Existing Employment Land and Premises*
- EC4 *Retention of Key Employment Sites*
- EC5 *Regenerating an Industrial Legacy*
- EC6 *Town and Local Centres*

3.2 *Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)*

- 3.3 *Derbyshire Dales District Council Developer Contributions Supplementary Planning Document (2020)*
- 3.4 *Wirksworth Neighbourhood Development Plan (2015-2028)*
 - NP1 *Setting and shape of the settlement*
 - NP2 *Quality and character of development in the settlement*
 - NP5 *Principal residential homes*
 - NP6 *Quality of residential development*
 - NP7 *Energy saving standards for new dwellings*
- 3.5 *Wirksworth Conservation Area Appraisal and Article 4 Direction*
- 3.6 *National Planning Policy Framework*
- 3.7 *National Planning Practice Guidance*

4. RELEVANT PLANNING HISTORY

- 4.1 *13/00906/FUL Enlargement of existing retail unit, change of use and conversion of storage building to Use Class B1 (Office) and 7 no. residential apartments, demolition of workshop building and erection of replacement building to accommodate 4 no. residential apartments and associated access/parking - Refused – Appeal Allowed*
- 4.2 *13/00217/CON Demolition of workshop building – Granted.*
- 4.3 *13/00216/FUL Change of use and conversion of storage building to self-contained retail unit and 8 no. residential apartments, demolition of workshop building and erection of replacement building to accommodate 4 no. residential apartments, associated access, car parking and landscaping – Refused*

5. CONSULTATION RESPONSES

Town Council

- 5.1 - *no comment*
- *Wirksworth Town Council has declared a Climate Emergency and therefore supports any development or change that seeks to reduce the carbon footprint.*

Lead Local Flood Authority (Derbyshire County Council)

- 5.2 - *as the above application is for a minor development, and due to the nature and scale of the development, have no comment to make*

Local Highway Authority (Derbyshire County Council)

- 5.3 - *see previous highway comments and recommended conditions*

NHS Derby and Derbyshire CCG

- 5.4 - *will not be making a request for this development as it falls under threshold.*

Environmental Health (Derbyshire Dales District Council)

- 5.5 - *no objections subject to retaining the conditions, specifically 9, 11 and 12 and submission of information regarding adequate insulation between the retail unit and apartments to prevent noise disturbance*
- *the retail unit hereby permitted shall not be open to customers outside the following times:*

Monday - Saturday 7.00am - 10pm
Sunday/ Bank Holidays 10am - 4pm

in order to protect the amenity of the locality, especially for people living and/or working nearby.

Historic England

- 5.6 - *suggest seeking the views of your specialist conservation and archaeological advisers.*

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.7 - *an application for the conversion and alteration of the existing (former cinema) building on the site, demolition of the later 20th century workshop buildings and their replacement with a new block of apartments and associated access and parking provision etc. was refused Planning Permission in 2013 (13/00906/FUL)*
- *the refusal of planning permission was appealed and the appeal was upheld and planning permission, with conditions, was granted in October 2014*
 - *no legal commencement to the approved development was made within the three year period (i.e. by October 2017) and the permission has, therefore, lapsed*
 - *current application is a re-submission of the approved 2013 scheme/design*
 - *whilst there were some conservation and design issues raised about the scheme in 2013 it gained Planning Permission (via appeal) in October 2014.*

Policy and Monitoring (Derbyshire County Council)

- 5.8 - *analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 1 infant and 1 junior pupils arising from the proposed development and the secondary school would have sufficient capacity to accommodate the 3 secondary pupils arising from the proposed development - the County Council therefore requests no financial contributions towards education.*
- *Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development - however, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.*
 - *where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity - the County Council is currently reviewing its approach to assessing the impact of housing development on waste services.*

6 REPRESENTATIONS RECEIVED

- 6.1 *One representation has been received from neighbouring residents. A summary of the representation is outlined below:*

- *request confirmation of the proposed times of construction and that these are a condition of any reserved matters planning approval*
- *as the nearest neighbour (no 41) to this proposed development, feel strongly that work should end at 5pm on weekdays and that no work should be conducted at weekends.*
- *would like reassurance that any windows on the proposed development will be angled sufficiently to prevent residents being able to look into our property*
- *would like clarification on where the storage of the bins and recycling is.*

- 6.2 *A representation has been received on behalf of the Trustees of Wellspring Church which is summarised as follows:*

- *consider that any development of the overall site which is acceptable to your Committee will be a further step in improving the appearance of the southern part of Wirksworth*
- *as the people responsible for a neighbouring non-residential property, we have no concerns about the proposal*
- *since nearby residents of St John Street have complained about being overlooked by our new annexe, Councillors may wish to be reassured that the architects of the proposed apartments have taken the proximity of our extended building and new entrance into account.*
- *are pleased to see the inclusion of 12 parking spaces within the proposed development - no doubt the Highways Department will advise on the possibility of increased vehicle movements along Wood Street*
- *would point out that there are road safety issues connected with the flow of traffic there, particularly at the start and finish of the school day at Anthony Gell School.*

7 OFFICER APPRAISAL

Introduction - Background

- 7.1 *In 2013, planning permission for the re-development of the site (ref: 13/00216/FUL) was refused for the following reasons:*
1. *Insufficient information has been submitted to demonstrate that the continuation of the land and premises in a business use is no longer required or that the potential use of the site is incompatible with surrounding properties and land uses. As such, the proposed redevelopment of the site for residential use would result in the undesirable loss of an existing employment site contrary to Policy EDT4 of the Adopted Derbyshire Dales Local Plan and Strategic Policy 4 and Development Management Policy 9 of the emerging Derbyshire Dales Local Plan, and is contrary to guidance contained within the National Planning Policy Framework (2012).*
 2. *The development, by reason of the design and materials proposed for the conversion of the former cinema building, and the design and materials proposed for the replacement building, will detract from the character and appearance of the Wirksworth Conservation Area and as such the proposal is contrary to Policies SF1, SF5, H1, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005).*
 3. *Insufficient information has been submitted to enable a full consideration of the potential impact of the development on the amenity of the residential properties at 41 to 47 St. John Street as a result of the redevelopment of the site for residential use. As such, the proposal is contrary to Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).*
 4. *The development, by reason of the realignment of the vehicle access onto Wood Street, would result in substandard driver visibility in a south easterly direction, leading to an unacceptable increase in potential danger to users of the public highway and as such the proposal is contrary to Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).*
 5. *Insufficient information has been submitted with regard to the feasibility of providing a lift within the building to be converted. Failure to provide such a facility without justification would disadvantage elderly persons or persons with mobility difficulties, and as such the proposals fail to meet with the requirements of Policies SF8 and H14 of the adopted Local Plan.*

7.2 Further to this decision, a further planning application (ref: 13/00906/FUL) was submitted and recommended for approval by Officers. However, this was refused by the Planning Committee for the following reason:

1. The proposed development, by reason of its design and appearance, fails to adequately respond to the context of the site within the Wirksworth Conservation Area and, in this respect, fails to preserve or enhance the character and appearance of the Wirksworth Conservation Area. As such, the proposal is contrary to Policies SF1, SF5, H1, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policies 1, 8 and 9 of the Pre-submission Draft Local Plan (2013). In addition, the proposal is considered contrary to the core planning principle of seeking to secure high quality design, as contained in paragraph 17 of the government guidance in the National Planning Policy Framework and to the guidance contained within paragraphs 56, 57, 60, 61, 64, 66, 126, 131 and 137 of the National Planning Policy Framework.

7.3 An Appeal was lodged and this was allowed subject to conditions. The Planning Inspector concluded that:

When taken as a whole, I therefore conclude that the proposal would enhance the character and appearance of the Wirksworth Conservation Area. The proposal would comply with Policies SF1, SF5, H1, H9 and NBE21 of the Derbyshire Dales Local Plan (November 2005) which together seek to ensure that new proposed residential development in a Conservation Area makes full use of, and enhances the built environment, is related to surrounding properties and land uses, is in scale and character and respects the character and appearance of the setting of a settlement and preserves or enhance the character or appearance of the Conservation Area. In this regard I have not considered explicitly the policies referred to in the decision notice of the Council's Pre-Submission Draft Local Plan as I note that the Plan has not yet been subject to examination and that the Council specifically state that the Draft Plan is not introduced to this appeal.

7.4 Given the above, the principal matters for consideration are whether there has been any planning policy changes that may otherwise materially and reasonably justify a recommendation that differs from that of the Planning Inspector in 2014.

Policy

7.5 Since the previous decision, the current Adopted Derbyshire Dales Local Plan (2017) has been adopted. It is not considered that many of the policies differ from previous Local Plan policies having regard to character and appearance, impact in the Conservation Area, impact on amenity, highway matters, etc. However, there are some new policies/alterations to policies which need to be taken into consideration.

7.6 Policy HC4 is relevant and differs in its requirements to policy H10 in the previous Local Plan. This requires that affordable housing provision is made where there are 11 or more dwellings created whereas the previous policy set the threshold at 15 dwellings. Guidance is also provided in the District Council's Developer Contributions Supplementary Planning Document. To this end, the applicant has recognised this policy change and advises that three dwellings would be proposed as affordable housing, with an off-site financial contribution being made towards the remaining part of a dwelling. This therefore amounts to 3 dwellings on site and an off-site financial contribution of £13,392.

- 7.7 *More recent guidance has also been published by Government in regard to the requirement to provide First Homes as a proportion of affordable housing units (a minimum of 25% of all affordable housing units).*
- 7.7 *Policy PD7 (Climate Change) has also been introduced into the current Adopted Local Plan (2017) and subsequently guidance has also been provided in the District Council's Climate Change Supplementary Planning Document.*
- 7.8 *Since the previous permission was granted, the Wirksworth Neighbourhood Development Plan (2015-2028) has been adopted. Policy NP1 (Setting and shape of the settlement) advises that planning permission will be granted for development which involves the growth of the settlement, but normally only if it is in line with the vision for Wirksworth and strengthens and improves on the defining landscape and settlement qualities identified in the Character Guidance.*
- 7.9 *Policy NP2 (Quality and character of development within the settlement) also states that planning permission will be granted where development take its lead from the characteristics of Wirksworth recognised in the Character Guidance, contribute to the quality of development in Wirksworth, should respect the local character and historic and natural assets of the surrounding area, reinforce local distinctiveness and a strong sense of place as identified in the Character Guidance; and should take every opportunity to achieve ecological sustainability and a carbon neutral development, including the use of energy efficiency measures and low-carbon energy generation*
- 7.10 *Policy NP4 (size of new homes and space standards) states that Residential developments of three dwellings or more should include a high proportion of family homes and at least 65% of the dwellings should have three bedrooms or more and be dwellings of a size equal to or greater than the Greater London standards. In addition, it is advised that planning applications for residential developments of three dwellings or more should include the information about each dwelling in the application, to include the number of bedrooms, the number of people the dwelling is designed to house/number of bed-spaces (bunk type beds cannot be included), the gross internal area (measured using the RICS Code of Measuring Practice) and the net internal area (measured using the RICS Code of Measuring Practice). The conflicts to some extent with Policy HC11 (Housing Mix and Type) of the Adopted Local Plan (2017) which advises that the housing mix should be principally 2 and 3 bedroomed properties (90% open market and 80% affordable dwellings).*
- 7.12 *Policy NP5 (Principal residence homes) states that planning permission for new dwellings will be subject to a restriction to ensure their occupation only as principal residence homes. There are a number of cases where new houses, particularly houses designed with some respect to the local distinctiveness of Wirksworth, have been bought as second homes. It is advised that a policy is necessary, if only to stabilise the current balance of principal and intermittently occupied homes, even though it may apply only to new developments*
- 7.13 *Policy NP6 (Quality of residential development states that planning permission will normally only be granted for residential development if it scores 12 greens under the criteria in Building for Life 1. Policy NP7 (Energy-saving standards for new dwellings) advises that all new dwellings should achieve CSH L6. These aims are more broadly reflected upon with Policy PD7 of the Adopted Local Plan (2017) which has introduced aims to mitigate the carbon footprint of development which was not such a requirement in the previous Local Plan but, nevertheless, must therefore be given full regard.*

Affordable Housing Provision and Principal Residence Dwellings

- 7.14 *Affordable housing provision and principal residence dwellings were not policy requirements of the previously approved development given planning policy at that time.*

However, the applicant recognises that affordable housing will need to be provided and that this will be in the form of 3 dwellings on site and a financial contribution of 0.3 of a dwelling to off-site provision. This will need to be secured through a Section 106 agreement. In addition, policy NP5 of the Neighbourhood Plan requires that all dwellings be, and be retained as, principal residences; this can be also be secured as part of the Section 106 agreement required to address affordable housing provision.

Character and Appearance

- 7.15 The development is essentially the same as previously approved under planning permission 13/00906/FUL. To this end, it is considered that there have been no policy changes to such an extent that would now require a redesign of the approved scheme.

Climate Change

- 7.16 Whilst not a requirement in granting the previous planning permission, the applicant nevertheless proposed measures to address climate change with the previous planning application which have been repeated with this current application. It is proposed to again include a number of solar panels on the south facing slope of the building to be converted. Other measures were considered inappropriate given the site being within the Conservation Area and the proximity of neighbouring properties.
- 7.17 The applicant advises that, where possible, and certainly with the new build, it is proposed to build in in energy efficiencies through high levels of insulation, low energy technologies, water recycling and the use of low carbon materials. Other measures would include double glazing, drying space to reduce the need for dryers and efficient energy systems, water efficient taps, showers and toilets. The development would therefore accord with Building for Life criteria as advocated in policy NP6 of the Neighbourhood Plan.
- 7.18 Surface water drainage is proposed to soakaways as sustainable drainage. With regard to waste, it is advised that the applicant will enter into early discussions as to how refuse/recycling collection from the site could be best achieved; the applicants have detailed a shared bin store to the north side of the proposed new building. During construction, it is advised that measures can be adopted to ensure no significant adverse impacts such as construction hours which can be subject to a condition of any planning permission.
- 7.19 Given the above, it is considered that the applicant has sought to address the objectives of the District and Town Council's in being policy compliant with the aims of addressing climate change.

Neighbours' Amenity

- 7.20 The proposals are the same as those previously approved on Appeal with planning permission 13/00906/FUL. To this end, the Planning Inspector was of the view that the development could be accommodated without having significant impact on the amenity of neighbouring residents. The District Council's Environmental Health Section has requested conditions be attached on the hours of operation of the retail unit. However, such conditions were not deemed necessary with the previous grant of planning permission and it is considered that planning policy has not altered to an extent that would justify such a condition.

Highway Matters

7.21 *The proposals are the same as the previous scheme where the Local Highway Authority raised no objection. It has been advised that again there is no objection subject to the proposals subject to conditions attached to the previous grant of planning permission.*

Conclusion

7.22 *The principle of the development has been previously approved by a Planning Inspector subject to certain conditions. The main issues for consideration are those changes in planning policy that may otherwise be material considerations which did not exist previously. To this end, the Neighbourhood Plan has policies to restrict new dwellings to being principal dwellinghouse and there is a requirement to seek to address climate change in terms of standard of dwelling construction. The latter is also reflected in policy PD7 of the Adopted Local Plan and supplementary planning guidance which the applicant has taken on board.*

7.23 *The other material difference is the trigger for the provision of affordable housing has changed from site of 15 dwellings to 11 dwellings. This has been recognised by the applicant and affordable housing is proposed in accordance with policy HC4 of the Adopted Local Plan (2017). Given the above, it is recommended that planning permission be granted subject to the applicant entering into a Section 106 agreement with respect to affordable housing provision and the provision of the dwellings as principal homes and subject to conditions the Planning Inspector required on the previous planning permission.*

8 RECOMMENDATION

That subject to the applicant entering into a Section 106 Agreement to provide for all dwellings on the site being principal residences, the provision of 3 dwellings as on-site affordable housing and a financial contribution towards part of an off-site dwelling, planning permission be granted subject to the following conditions:

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 approved plans: 3675-001, 002, 007, 008, 009, 010, 011, 012, 013, 014, 0015 and 016, and except in so far as may otherwise be required by other conditions to which this permission is subject.*

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

3. *No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including new roofs, have been submitted to and approved in writing by the local planning authority. Samples shall include details of the colour(s) of the render to be used in the proposed buildings. Development shall be carried out in accordance with the approved details.*

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 4. No development shall take place until a 2 metre square sample panel of the materials submitted in accordance with Condition 3, including samples of type of pointing (mortar mix and method of application) has been erected on site for inspection and approval. Development shall be carried out in accordance with the approved details.*

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 5. No development shall take place until full details of the proposed windows and doors have been submitted to and approved in writing by the local planning authority. Details submitted shall include details of colour, material, design, pattern, positioning and recess within the walls of all proposed windows, doors and rooflights, and construction details of the windows and doors (fully dimensioned vertical and horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1). Development shall be carried out in accordance with the approved details.*

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing and proposed trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include all plant species, planting sizes and densities, number of each species to be planted and their protection, means of enclosure and hard surfacing materials. Development shall be carried out in accordance with the approved details.*

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All hard landscaping shall be carried before the first occupation*

of the development in accordance with the details approved under Condition 6.

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.*

Reason:

To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 9. Demolition or construction works shall not take place outside 0800 hours to 2000 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.*

Reason:

To protect the amenity of the occupiers of neighbouring residential properties to comply with policies S1, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

- 10. Prior to the first occupation of the buildings hereby permitted, a scheme detailing measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

Reason:

To ensure the potential for crime at the application site is minimised to comply with policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2033).

- 11. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.*

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation

of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason:

To safeguard against the impacts of possible pollutants on the site to comply with policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

12. *No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:*
- the parking of vehicles of site operatives and visitors*
 - loading and unloading of plant and materials*
 - site accommodation*
 - storage of plant and materials used in constructing the development.*

Reason:

In the interests of highway safety and amenity to comply with policies S1, S3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

13. *Subsequent to the implementation of the development, a pedestrian visibility splay measured at a 45 degree angle from a point 2m along the back edge of the footway either side of the entrance into the site and 2m deep into the site shall be kept clear of any object greater than 0.6m in height relative to the adjoining carriageway level.*

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

14. *No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of alterations to any existing vehicular access to St John's Street made redundant by the proposal. Details shall include a physical barrier approved in connection with Condition 8 to the access and for the existing vehicle crossover to be reinstated with full height kerbs and appropriate construction, as footway (or verge). Vehicular access to the development shall only be taken from Wood Street. Development shall be carried out in accordance with the approved details.*

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

15. *No dwelling shall be occupied until the proposed new access between each respective plot and the existing public highway space has been laid out within the site in accordance with drawing nos. 3758-007 and 015 at least 4.1m wide, constructed to base level and drained In accordance with the County Council's specification for private development roads. The access shall be fully surfaced and completed within 6 months of occupation of the 10th dwelling unless otherwise agreed in writing with the Local Planning Authority.*

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

- 16. There shall be no gates or other barriers at the vehicle access point within 6m of the nearside highway boundary and any gates shall open inwards only. No pedestrian gates, or any part of their opening arc shall be permitted to open out over the public highway.*

Reason:

In the interests of highway safety and amenity to comply with policies S1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

- 17. No dwelling shall be occupied until space has been provided within the site in accordance with drawing No. 3758-007 for the parking and manoeuvring of residents, service and delivery vehicles (including the secure covered cycle parking) laid out, surfaced and maintained throughout the life of the development free from impediment for its designated use.*

Reason:

To ensure the provision of adequate off street parking provision in the interests of highway safety and amenity to comply with policies S1, S3 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

- 18. Before the first occupation of the Wood Street building hereby permitted the windows on the western elevation of the Wood Street building shall be fitted with obscured glass and shall be permanently retained in that condition.*

Reason:

To safeguard the amenity of the occupiers of neighbouring dwellings to comply with policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

- 1. It is requested that the developer work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.*
- 2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.*
- 3. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive*

and proactive manner to resolve any problems with the application and consent was granted without negotiation.

4. *This decision notice relates to the following documents:*

Drawing Nos. 818-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014 and 015 received on 16th June 2022

Planning and Heritage Statement received on 16th June 2022.