

APPLICATION NUMBER		23/01101/OUT	
SITE ADDRESS:		Red House Stables, Old Road, Darley Dale, Derbyshire. DE4 2ER	
DESCRIPTION OF DEVELOPMENT		Outline application for erection of 1no. dwellinghouse with associated garage and erection of stores and builders' workshop with associated demolition	
CASE OFFICER	G Huffen	APPLICANT	Mr Nicholas Russell
WARD/PARISH	Darley Dale	AGENT	Mr Peter Burns
WARD MEMBERS	Cllr D Burton Cllr M Franks Cllr R Shelley	DETERMINATION TARGET	13.09.2024 (Agreed Extension of Time Date)
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To fully assess the impact of the development.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Amenity • Highway Impact • Ecology

RECOMMENDATION
Permitted with Conditions – See section 8.0.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located off the southern side of Old Road, Darley Dale and is accessed via an unadopted access road owned by the District Council. The site (wholly) was last used for equestrian purposes in association with the former carriage museum to the front (northern) part of the site. The northern part of the site included parts of the carriage museum, which has subsequently been granted retrospective planning permission to be used for retail and storage of antique, salvage, recycled and vintage collectables. The southern part of the site (to which this application relates) has a number of stable/ agricultural style buildings used for the stabling of horses, general storage and as a carriage workshop.
- 1.2 The application site is located rurally with the services and facilities of Darley Dale being within an approximate 10/15-minute walk of the site. The site is located between two dwellings, with a railway line to the rear of the site.



2. DETAILS OF THE APPLICATION

- 2.1 Outline planning permission with all matters reserved is sought for the demolition of existing buildings onsite and the erection of 1 no. dwellinghouse with a garage and the erection of a building comprising of a builder's workshop and storage.
- 2.2 The indicative drawings proposed a two-storey dwelling with an attached double garage and a single storey workshop/ storage building attached to retained existing buildings, albeit their layout, scale, appearance and access are reserved matters. The dwelling is proposed to be located adjacent the south-east boundary of the site in place of the existing dutch barn and lean-to buildings. The workshop building will be located towards the western boundary and attached to the rear of existing retained buildings.
- 2.3 Indicative access points are shown on the Block Plan, which show two separate accesses, an 'in' and an 'out' both onto Old Road.
- 2.4 The applicant has also submitted a Preliminary Bat Roost Assessment and Further Bat Surveys, both undertaken by peakecology Ltd. The Further Bat Surveys make recommendations to ensure no adverse impact on protected species during construction work and discuss possible ecological enhancement.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S4	Development in the Countryside
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development

3.2 National Planning Policy Framework (2023)

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

23/00916/FUL	Change of use from museum and exhibition space to (class E) antique, salvage, recycled and vintage collectables shop	PERC	21/02/2024
1194/0700	RENEWAL OF PLANNING PERMISSION FOR RANCH HOUSE (WED/0984/0632)	A	12/12/1994

1190/1019	RENEWAL OF PERMISSION FOR CARRIAGE MUSEUM AND USE OF VAN BODY FOR FODDER STORAGE (WED0985/0714)	A	06/02/1991
1184/0737	IMPLEMENT SHED	A	29/11/1984
0985/0714	CHANGE OF USE FROM STORAGE TO CARRIAGE MUSEUM AND ERECTION OF VAN BODY FOR FODDER STORAGE	A	06/11/1985
0984/0632	RANCH HOUSE	A	08/11/1984
0395/0190	RENEWAL OF TEMPORARY PERMISSION FOR MOBILE HOME (WED/0293/0092)	A	07/06/1995
0293/0092	RENEWAL OF PLANNING PERMISSION FOR MOBILE HOME (WED/0191/0072)	A	06/04/1993
0198/0033	RETENTION OF MOBILE HOME (RENEWAL OF PLANNING PERMISSION WED/0395/0190)	A	15/04/1998
0191/0072	TEMPORARY SITING OF MOBILE HOME	A	17/04/1991
01/05/0339	Demolition of stables and erection of house and garage	R	05/07/2001
00/06/0426	Demolition of outbuildings and construction of dwelling and garage	W	31/07/2000
02/05/0397	Erection of bungalow (outline)	R	07/08/2002

5. CONSULTATION RESPONSES

Darley Dale Town Council

5.1 Initial Comments (20.11.2023):

- Councillors felt unable to submit a recommendation due to insufficient detail/ clarity in the application. Requested a site visit be undertaken to fully understand the application.

Further comments following re-consultation (17.01.2024):

- Councillors again request that a site visit be conducted, and the applications be considered together to better understand the overall development and potential impact on neighbours/ the streetscape.

Local Highway Authority (Derbyshire County Council)

5.2 Comments (20.11.2023):

- Acknowledge that the outline application is all matters reserved.
- Advise that given the existing use of the site it is not considered that the proposal will result in any significant increase in use to have any detrimental impact on existing highway conditions.

- The workshop should be for the personal use of the applicant only.
- Parking and manoeuvring detail should be demonstrated at reserved matters stage.

Councillor David Burton

5.3 Comment (03.11.2023):

- Requested the application to be taken to Planning Committee and for a site visit to be undertaken.

Derbyshire Wildlife Trust

5.4 Initial Comments (05.01.2024):

- Requested that a Preliminary Bat Roost Assessment be undertaken.

Further comments following re-consultation with Preliminary Bat Roost Assessment (28.02.2024):

- Based on the findings of the Assessment supported the recommendation for three nocturnal bat surveys on the existing barn and at least one nocturnal survey for the two stables and outbuilding to be undertaken, prior to determination, in line with best practice guidance and based on the level of bat roost potential identified.

Further comments following re-consultation with the Further Bat Surveys (31.07.2024):

- Received and reviewed the Further Bat Surveys Report (dated July 2024). Confirmed that no further surveys or licensing is required, however it would be best practice to demolish building 'B1' outside the peak bat activity season, when bats are not using the building for feeding, (i.e. demolish between October to March inclusive) to mitigate disturbance as much as possible.
- It is advised that a precautionary informative in relation to bats be included on any approval. Conditions securing a lighting strategy, no vegetation clearance or building demolition to 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) and biodiversity enhancements on site are recommended.

County Archaeologist (Derbyshire County Council)

5.5 Comments (05.01.2024):

- The proposed development area lies adjacent to the Ambergate to Rowsley stretch of the former Midland Railway Branch recorded on the Derbyshire HER (MDR11472) to the south. The line of the Wirksworth Moor to Longstone Turnpike Road also recorded on the Derbyshire HER, lies to the north (MDR11633). The areas in question have already seen such building works and as such they are confident that there will be no below ground archaeological impact and as such there is no objection.

Trees and Landscape Officer (Derbyshire Dale District Council)

5.6 Comments (07.11.2023):

- No objections to the proposals.

6. REPRESENTATIONS RECEIVED

6.1 Representations from neighbouring residents at Copper Beech have been received. A summary of the objections is outlined below:

- The development will encroach into the countryside, in an area not allocated for housing development.
- Loss of amenity.
- Visual intrusion.
- Overlooking.
- Loss of privacy.
- Overbearing effect.
- Light pollution.
- Non-compliance with National and Local Policies.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 The site is located off the southern side of Old Road, Darley Dale. Darley Dale is identified by Policy S2 of the Adopted Derbyshire Dales Local Plan as a Tier 2 settlement; however the application lies outside of the boundary of Darley Dale and is deemed by Policy S2 to be open countryside. The principle of the development should therefore be assessed against Policy S4.
- 7.2 Policy S4 outlines the following limited forms of residential development would be permitted in countryside locations: housing in fourth and fifth tier villages in accordance with Local Plan Policy S2, a single replacement dwelling in accordance with Local Plan Policy HC7, affordable housing in accordance with Local Plan Policy HC4, extensions to existing dwellings in accordance with Local Plan Policy HC10, a Gypsy and Traveller site in accordance with Local Plan Policy HC6, housing to meet the essential requirements of agriculture, forestry or other rural based enterprise in accordance with Local Plan Policy HC13, conversion and re-use of buildings in accordance with Local Plan Policy HC8 and development on non-allocated sites on the edge of defined settlement development boundaries of first, second and third tier settlements (Policy S2) in circumstances where there is no 5 year supply subject to consideration against other policies in the Local Plan and the provisions of the NPPF.
- 7.3 Policy S4 does not generally allow for the erection of new open market dwellings in such locations however, the Council is currently unable to demonstrate a 5-year housing land supply at this time. Policy HC1 (Location of Housing Development) and policy S4 states that in such circumstances the Council will give consideration to approving development on non-allocated sites on the edge of first, second and third tier settlements subject to consideration against other policies in the Local Plan and the provisions of the NPPF.
- 7.4 In this case, the site is not necessarily "edge of settlement" as there is intervening agricultural land however it is acknowledged that the services and facilities of Darley Dale are within an approximate 10-to-15-minute walk of the site. A dwelling in this location would also not be isolated, with a number of dwellinghouses already existing on Old Road. The dwelling will also replace existing buildings, albeit of a different use. Having regard to the above, the site is likely to be considered "sustainable" for the purposes of the National Planning Policy Framework and the principle of development in this location is considered to be acceptable in principle whilst the circumstances set out above remain.

- 7.5 The proposed workshop and storage building is considered to be acceptable in this location, as it is commensurate with the 'mixed use' nature of the Red House Stables site as a whole and is to be conditioned for the use of the owner of the Red House Stables site/ the proposed dwelling only.

Design and Appearance

- 7.6 Whilst layout, scale, appearance and access are reserved matters, it is considered reasonable to make some comment at this stage as to the development expectations for the site. The closest dwellings to the application site are Copperbeech to the east/ north-east and Tally-Ho to the west/ northwest. Copperbeech is a detached bungalow and Tally-Ho is a detached two-storey dwelling. The wider street scene is a mix of single and two-storey dwellings.
- 7.7 Indicative plans for a fairly large 4/5 bedroom dwelling were submitted with the application, although again design and appearance are reserved matters. Notwithstanding this the indicative dwelling is not considered to be of an appropriate scale, massing, appearance, or form and should be revised prior to a reserved matters application being made. The design of the dwelling should be given careful consideration to safeguard the amenity of neighbouring residents and to ensure that it is of an appropriate scale, appearance and form for its location. Due to the mix of house types within the wider street scene and the location of the dwelling on site, it is considered that it should not have more than two storeys.
- 7.8 The indicative scale and layout of the workshop/ storage building is considered acceptable, subject to the full details of it submitted at reserved matters stage.

Amenity

- 7.9 The principal concern with respect to amenity relates to the impact of the proposed development on the occupiers of Copperbeech to the east/ north-east. The indicative plans show a fairly large dwelling with an attached garage which will be located approximately 11.6m away from the rear boundary of Copperbeech. As this application is all matters reserved no formal plans of the proposed dwelling have been provided, though the dwelling is indicated across the submission as being a proposed two storey dwelling. The indicative plans have been briefly assessed in the previous section, and the proposed dwelling would not be considered acceptable as currently shown.
- 7.10 Consideration has been given to the scale of the dwelling on site, and although Copperbeech is a bungalow, due to the mixed street scene and location of the proposed dwelling to the southern section of the site, more than 30 metres away from the rear wall of Copperbeech and approx. 11.6 metres from its boundary, it is not considered reasonable to condition it to be single storey only. It is considered that it should be no more than two storeys in height though, to be in keeping with the surrounding dwellings. The design of the dwelling will need careful consideration to ensure that the amenity of neighbours is safeguarded, however, as all matters are reserved, this interrelationship can be fully considered with a reserved matters application; albeit there will be some impact on Copperbeech.
- 7.11 Given the above, whilst the development will have some impact on the amenity of the neighbours at Copperbeech it is considered that the design of the dwelling could be revised to a point where it could not be considered so harmful to amenity to justify refusal of outline planning permission.
- 7.12 There is, however, considered a reasonable requirement, as a matter of principle, to remove permitted development rights for extensions to the property and other structures, and the insertion of additional windows, which may otherwise impact on the amenity of the

neighbours given the proximity of dwellings and the constraints of the application site. In addition, it is considered reasonable to restrict the times of construction to limit the impact on local residents during the construction period.

Highway Safety

- 7.13 The site is to be accessed off the southern side of Old Road, Darley Dale via an unadopted road owned by the District Council. The site is already 'open' to front with existing access points being indicated for use on the indicative block plan. Access is a reserved matter, so limited detail has been submitted with the application. It is considered by the Local Highway Authority though that given the existing use of the site it is not considered that the proposal will result in any significant increase in use that would have a detrimental impact on existing highway conditions.
- 7.14 The Local Highways Authority also recommend that the workshop/ storage building only be for the personal use of the applicant and that full parking and manoeuvring detail should be demonstrated at reserved matters stage.

Ecology

- 7.15 Derbyshire Wildlife Trust has assessed the Further Bat Surveys Report and confirmed that no further surveys or licensing is required. It is recommended that best practice is followed and building 'B1' should be demolished outside of the peak bat activity season, when bats are not using the building for feeding, (i.e. demolish between October to March inclusive) to mitigate disturbance as much as possible. It is advised that a precautionary informative in relation to bats be included on any approval. Conditions securing a lighting strategy, no vegetation clearance or building demolition to 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) and the inclusion of biodiversity enhancement measures on site are recommended.

Conclusion

- 7.16 Although Policy S4 does not generally allow for the erection of new open market dwelling in such locations, the Council is currently unable to demonstrate a 5-year housing land supply at this time. Policy HC1 (Location of Housing Development) and policy S4 states that in such circumstances the Council will give consideration to approving development on non-allocated sites on the edge of first, second and third tier settlements subject to consideration against other policies in the Local Plan and the provisions of the NPPF.
- 7.17 In this case, the site is not necessarily "edge of settlement" as there is intervening agricultural land however it is acknowledged that the services and facilities of Darley Dale are within an approximate 10/ 15 minute walk of the site. A dwelling in this location would also not be isolated, with a number of dwellinghouses already existing on Old Road. Having regard to the above, the site is likely to be considered "sustainable" for the purposes of the National Planning Policy Framework and the principle of development in this location is considered to be acceptable in principle whilst the circumstances set out above remain.
- 7.18 The proposed workshop/ storage buildings are to replace existing buildings on site and will be single storey in nature. Subject they remain for the personal use of the owner, the development is unlikely to result in a harmful impact on amenity of neighbouring occupiers.
- 7.19 The main matter for consideration is the impact on the neighbouring property of Copperbeech. However, these impacts have been assessed and it is considered that these can be reasonably addressed in the design of the dwelling, full details of which will be

submitted at reserved matters stage. Given the above, it is recommended that outline planning permission be granted subject to conditions.

8. RECOMMENDATION

That outline planning permission be granted subject to the following conditions:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) details of access arrangements;
 - e) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The development hereby approved shall not be carried out other than in accordance with the following approved plan(s):

01 - Amended Site Location Plan, 1:1250 Scale (received 05.01.2024).

02 - Amended Indicative Block Plan, 1:500 Scale (received 05.01.2024).

Reason: For the avoidance of doubt and in the interests of the proper planning of the area.

4. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason: In the interests of highway safety to comply with Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

5. Construction work shall only be carried out between the hours of 08.00 and 18:00 on Mondays to Fridays; 09.00 and 13.00 on Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To safeguard the amenity of the occupants of nearby dwellings in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason: To ensure a satisfactory standard of landscaping in the interests of amenity to comply with Policies S1, S4, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

7. The development shall be carried out in accordance with the recommendations of the Further Bat Surveys Report (Peak Ecology, July 2024) and, prior to the commencement of development, details of ecological enhancement measures shall be submitted to and approved in writing by the Local Planning Authority and shall include 2 integrated or building-mounted bat boxes (positions/specification), 2 universal nest bricks, at eaves level, avoiding south-facing elevations (positions/specification), Such approved measures shall be implemented in full and maintained thereafter.

Reason: In the interest of improving biodiversity to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. The strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. 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: To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan.

9. No vegetation clearance or building demolition 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: To ensure that impacts upon birds are mitigated in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to first occupation of the dwellinghouse hereby permitted, details of the foul and surface water drainage provision within the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained.

Reason: To ensure proper drainage of the site in accordance with Policies PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates,

walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To safeguard the amenity of occupiers of neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. The workshop/ storage building hereby permitted shall only be used for the personal use of the landowner.

Reason: In the interests of highway safety in accordance with Policy S4 and to protect the living conditions of nearby residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant and agent which has resulted in the submission of Ecology Surveys and amended plans.
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 £43.00 per householder request and £145.00 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. Demolition works should proceed with caution and vigilance for any unexpected bat presence. As a precautionary measure, a sensitive strip of the eaves, corrugated panels and areas of damaged stonework is advised, checking beneath panels and within crevices for bats. If any roosting bats are discovered, works should cease immediately, and a suitably qualified ecologist should be contacted for advice. We note that if works are not completed within 12 months of the surveys, an updated survey will be required.