

# **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

## **SECTION 1: Planning Applications**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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## **1. PLANNING APPLICATIONS**

**This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
9/2016/1227	1.1	Trusley	Etwall	5
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9/2017/0460	2.1	Chellaston	Aston	51

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Director of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Director of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

27/06/2017

**Item**            **1.1**

**Ref. No.**        **9/2016/1227/NO**

**Applicant:**  
**Trustees Of The Trusley Estate**  
**C/O Agent**

**Agent:**  
**Mr Bryan Wolsey**  
**Bryan Wolsey (Planning) Ltd**  
**29 Chapel Street**  
**Ticknall**  
**Derby**  
**DE73 7JY**

**Proposal:**    **CHANGE OF USE FROM FORMER FARM BUILDINGS TO WEDDING VENUE, FORMATION OF INCIDENTAL CAR PARKING AREAS, IMPROVEMENTS TO VEHICULAR ACCESS AT GRANGEFIELDS FARM LONG LANE THURVASTON ASHBOURNE**

**Ward:**           **ETWALL**

**Valid Date**    **13/12/2016**

**Reason for committee determination**

The item is presented to Committee at the request of Councillor Muller because local concern has been expressed about a particular issue.

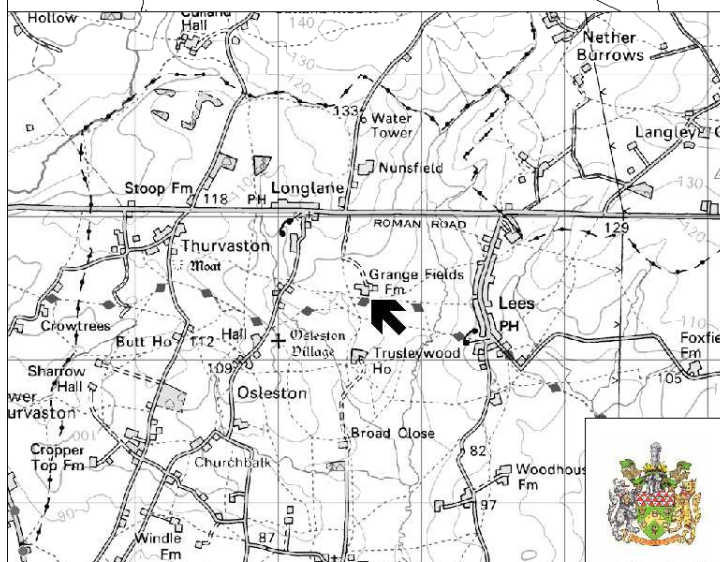
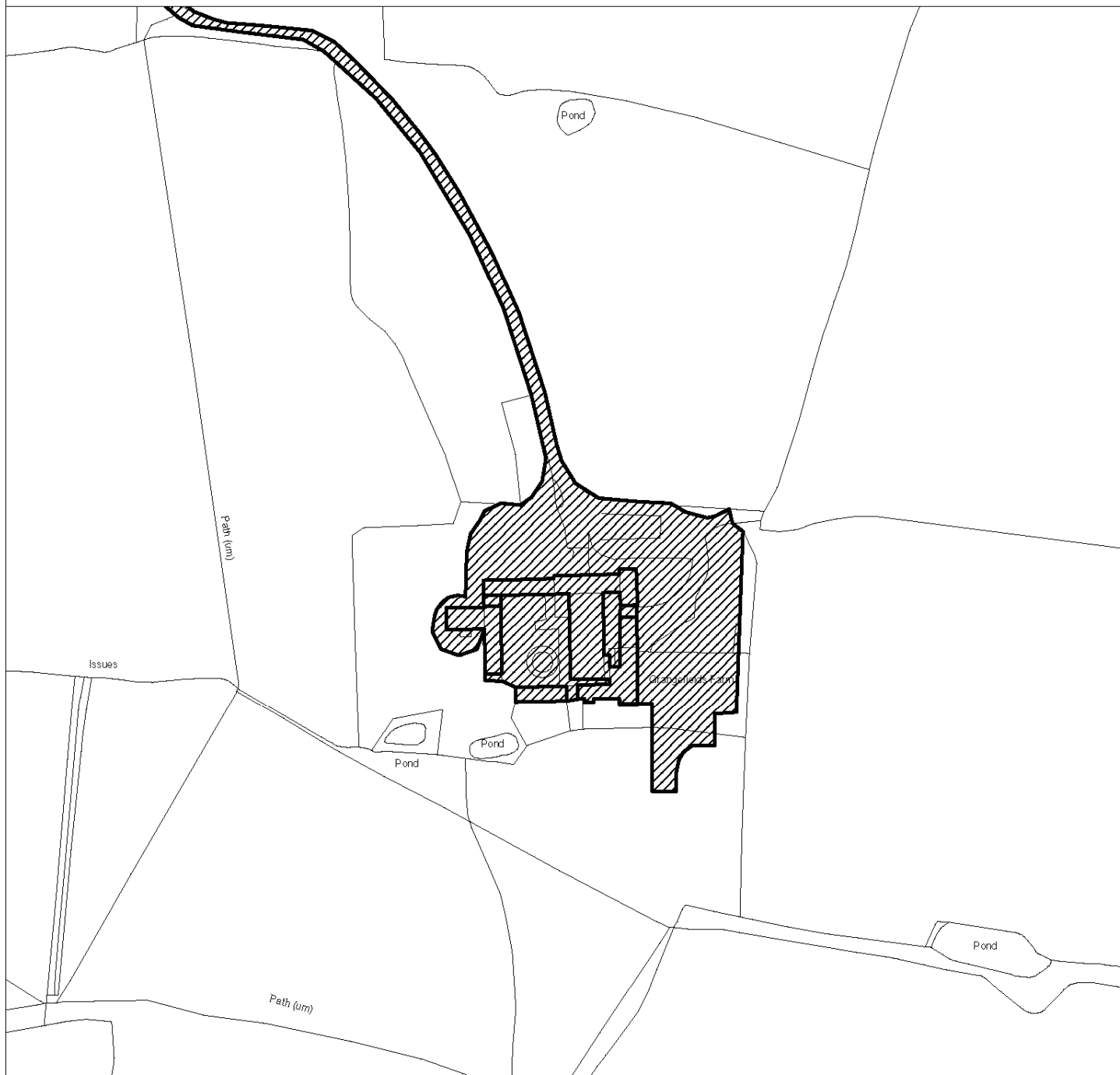
**Site Description**

Grangefields Farm is located off Long Lane, Thurvaston. The farm complex lies north east of Long Lane at a distance off 550m. The farm is a traditional square shaped complex of two storey brick and tile buildings enclosing a central courtyard. The farm house is located in the south eastern corner of the complex. A portal framed open dutch barn is within the eastern part of the courtyard. The farm sits on lower lying land than Long Lane and due to the topography it is visible in the landscape at long distances. Properties located along both Osleston Lane to the west and Dalbury Lees to the east are visible as the land rises in these directions.

**Proposal**

Planning permission is sought for a conversion of the farm complex into a wedding venue. The main dining area would be within the existing dutch barn with kitchen and staff areas in the north eastern corner of the traditional barns. The ceremony and dance floor area would be in the barn in the north western corner with bar, snug and lounge area in the western part of the complex. The main entrance would be in the western part of the buildings with the servicing area to the west. An existing

9/2016/1227 - Grangefields Farm, Long Lane, Thurstaston, Ashbourne  
DE6 5BH



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detached stable enclosing the south of the courtyard would serve as a daytime ceremony area and day bar. The internal courtyard includes steps and a fire pit in front of this building. The existing farmhouse would provide accommodation for the venue manager. Two landscaped parking areas are proposed immediately to the north and east of the farm buildings accommodating 90 vehicles. Shelterbelts and tree planting are proposed to the north and east of these areas.

The main changes to the elevations of the brick barns would be timber cladding on the eastern elevation and end gable in the north eastern corner with the blocking up of some of the smaller openings. A new door opening with new stone fire escape steps is proposed on the western elevation. The eastern elevation would be the servicing entrance and the main guest entrance would be on the western elevation. A full height glazed screen would enclose the existing large opening to create an entrance hall to the venue. The main dining area is proposed within the existing dutch barn within the internal courtyard. The dutch barn building would have full height brickwork infill panels on the southern and eastern elevations. The western elevation to the internal courtyard would have full height hardwood framed glazed screens with entrance doors with some of the panels with corrugated and perforated steel installed across the face. The detached southern would be used as a daytime ceremony area and day bar and the ceremony area opened up on the northern elevation with an internal oak frame.

### **Applicant's supporting information**

The Noise Impact Assessment considers the potential impact of noise from a proposed wedding venue on nearby residential properties. The report considers the break out of noise from music and amplified voices during speeches. The report makes outline recommendations for improvements to the building envelope to control noise break out and provides noise limiting criterion for any external mechanical services. A baseline noise survey has been carried during the period 22:30-00:30 hrs to identify the existing noise levels representative of the closest residential properties to the proposed wedding venue. To control noise breakout to an acceptable level at the closest residential properties the assessment recommends:

- A sound insulation scheme to control noise break-out from the wedding venue.
- A noise limiting device.
- A sound system with distributed speakers.

Once the farm buildings have been treated as advised:

The dBLAeq and dBLeq levels of music noise break-out from the venue will be below the broad band and octave band background noise levels. The dBLAeq and dBLeq of noise from amplified voices during the speeches will be below the broad band and octave band background noise levels. A design target has been provided for the design of any external mechanical services.

An Addendum to the Noise Impact Assessment was submitted in February. This report considered the impact of noise from the following noise sources associated with the normal operation of the proposed wedding venue:

- The voices of up to 200 people in the central courtyard area before 23:00 hrs.
- The voices of up to 100 people in the central courtyard area after 23:00 hrs.

- Noise from up to 50 vehicles leaving the venue during any 15 minute period after 23:00 hrs.

The impact of noise from both voices and customer vehicles has been assessed in the context of the existing ambient noise levels and the internal criteria given in BS82331. The impact of noise from the sources detailed above has been considered for receptor positions: (R1) - houses along Osleston Lane, approximately 540m to the west and (R3)- houses at the village of Dalbury Lees approximately 800m to the east. The assessment concludes the noise sources would have a low noise impact on existing residential properties.

The Protected Species (Bat and Bird) Survey considered the buildings to have a moderate potential to be suitable for roosting bats, however the emergence/ re-entry found no evidence of bats roost on the site. Although no evidence of roosting bats was found during the surveys; a precautionary approach should be taken during conversion works. The proposed site is considered to offer suitable foraging habitat for bats and as such any lighting design should be sympathetic to bats and other nocturnal species and light spillage should be reduced where possible. As swallows nests were found in the buildings, it is recommended that any works on the buildings is undertaken outside the Swallow nesting season (March – October) or if within the nesting season the buildings should be checked by a suitably qualified ecologist.

The Ecological Appraisal was submitted in April to address the outstanding Derbyshire Wildlife Trust concerns detailed below:

- The potential presence of Great Crested Newts (GCN) within off-site ponds and loss of suitable terrestrial habitat;
- The presence of a badger sett in the vicinity of the site; and
- Potential affects to hedgerows adjacent Long Lane from a visibility splay.

The findings in respect of GCN focused on assessment of 6 ponds as guidance determined that the majority of ponds further than 100m from the site boundary would not represent a constraint to the proposals. Three of the ponds were considered unsuitable for GCN due to location and/ or lack of connecting habitat. Further survey work was undertaken for Ponds 1-3 and concluded that GCN were absent, which is consistent with local records for this species. Therefore, GCN do not represent a constraint to development and no mitigation is required.

There is an active low status badger sett in the vicinity of the site and the report recommends in order to prevent any potential harm to badgers that the sett is temporarily closed under licence from Natural England. Works to close a sett under licence are restricted to the July to November period to avoid disturbing badgers with dependant young. Following the completion of works the badger sett would be re-opened and so the disturbance impact to this feature would be neutral. As badgers are active in the area the following best practice working methods are also recommended to avoid any risk of accidental harm to this species.

Some modification of the hedgerow at the site entrance is required for the purpose of establishing a visibility splay. However, it is relevant that this will entail only the trimming back of the hedge, with no physical loss or removal of the existing hedge proposed. Therefore, it is considered that the visibility splay will not impact upon GCN or badgers and therefore no further survey or mitigation is required for either of these species.

The Highway Impact Statement used Automatic Traffic Count (ATC) surveys were undertaken in June 2016 to determine the existing traffic flows at both the Long Lane and farm access. These were positioned on Long Lane approximately 10 metres east of the existing access, and on the access track approximately 100 metres south of Long Lane. The 'CrashMap' website was examined for any details of recorded PIAs within the latest 5-year period (2010-2014). The results show that there has been one recorded incident at the site frontage on Long Lane. The occurrence of a single incident within the vicinity of the site access during the preceding five-year period indicates that the local highway network generally operates safely. The net change in flows at the site would be up to 294 two-way movements. Spread over two 2-hour arrival / departure periods, the above impact equates to less than two vehicle movements per minute utilising the site access, outside of peak periods. Long Lane has flow of approximately 100 vehicles per hour (less than 2 vehicles per minute). Subject to the access improvements being made, it is considered that such levels of movements could be safely and suitably accommodated by the site access. The access improvement comprises 6 metres kerb radii, connecting to a 6 metres wide carriageway, bound by 0.5 metres wide verges. This access road would continue for 20 metres behind the highway boundary, where it would then narrow to the width of the existing track with 5 passing places provided along the track. In summary, the report concludes that the proposed development would generate minimal traffic increases within the surrounding highway network, especially during peak hour times. The access improvements would ensure that safe and suitable access would be provided, with acceptable visibility splays being achievable at Long Lane.

The Planning Statement describes the site and buildings. It describes the proposed use as a wedding venue that would combine the actual wedding ceremony with the reception and post-meal socialising. An outdoor ceremony area is proposed in the southern range of buildings and the former farmhouse would be used to accommodate the manager of the venue. The venue would provide space for 200 guests, however, the average Cripps wedding is typically 80-100 guests. To support the venue there would be 20 staff. Car parking areas are proposed on existing hardstanding areas and a new drive and turning area proposed to the west of the buildings together with parking for 10 cycles. The proposed involves minimal external changes with existing openings utilised. The venue would be owned by the applicants but operated by wedding specialists Cripps. The venue will be available to hire throughout the week and at all times of the year. In practice however the busiest times will be the weekends (Fridays to Sundays inclusive) and at Bank and Public Holidays. More weddings are held in the summer months. Typically guests would be expected to arrive early afternoon and depart throughout the evening up to 01:00 hours. The proposal does not directly provide for any overnight accommodation (for the couple or their guests). However, given the tradition of having ceremonies and post ceremony socialising later in the day there is likely to be a significant increase in the uptake of existing overnight accommodation in the general area. The use will clearly diversify the local economy by generating some 50 full and part time jobs directly: 2-3 full time chefs, 1 venue manager, 1 wedding co-ordinator, 2 cleaners, 1 part time gardener, 1 part time handyman and a pool of circa 50 part time staff (10-20 per event).

The Barn Conversion Report states that generally, the condition of the structure is good for its age. There are minor defects that should be remediated as part of the redevelopment works which do not represent any cause for concern from a structural perspective. The external walls to the existing barn are generally in sound condition and do not require any remedial works. There was no observed deflection/ sagging to the ridgeline of the existing barn noted during the condition survey. Any new openings externally and internally would not compromise the integrity of the existing structure.

A Supporting Statement from the operator Cripps states that the company have been running venues since opening Cripps Barn in 1990, and started doing weddings in 2000, opening further barns in 2010, 2013 and 2015. They had very strong local opposition to Stone Barn, which is about 900m from the village of Aldsworth, and where traffic was the main concern, followed by the potential noise. They also had strong opposition to Healey Barn, which is about 350m from Healey, where both traffic and noise problems were anticipated. We had no opposition to Shustoke Farm Barns, which are about 300m from Shustoke village. There have been no noise or traffic complaints at any of our new venues. We provide custom for nearby pubs with rooms – at our local pub in Gloucestershire 65% of last year's room trade was from Cripps wedding guests. We also provide custom to small taxi firms and family B & B's and provide part time work for many, who would otherwise have to travel to local towns. The barns would be sympathetically restored and the Woodlands Trust has provided a grant to plant 500 native trees. In terms of increased traffic, the average wedding size is typically 100-120 guests and most arrive 3 to a car which is a total of around 40 cars arriving and leaving the average wedding. Their busiest barn, Shustoke, 20 minutes from Birmingham, has about 180 weddings this year. Grangefields Farm would, they believe, be more likely to operate in the 130-150 range and it would probably take some years of operation to reach the higher figure, if at all.

## **Planning History**

None.

## **Responses to Consultations**

Derbyshire Wildlife Trust has no objection as sufficient ecological surveys have been supplied. The Trust initially raised numerous concerns regarding birds, bats and great crested newts. DWT undertook a two site visits in relation to badgers and bats. Following on from DWT comments and site visits, further ecological appraisal, eDNA of the ponds for great crested newts and bat activity surveys were undertaken by consultants. The ecological appraisal identified the sett in close proximity to the site and concluded the requirement for temporary closure of the sett to facilitate the works; it concurs with this recommendation. The ecology report informs the hedgerow along the entrance track will be trimmed for visibility and not removed, which is welcomed. Three ponds within 100m of the site undertook eDNA surveys; negative and inconclusive results were concluded. It is therefore considered that great crested newts are not a constraint to development and no further comments on the species are given. During the 2017 bat activity surveys additional bat droppings were identified in buildings 1a, 2, 3 and 4, with confirmed emergence of bats from



building 3 and 4. Therefore the building(s) on site are confirmed to have a bat roost present. As stated in the ecology report, a Natural England License will be required to facilitate the works. The Trust recommends ecological conditions in relation to submission of a biodiversity enhancement strategy, vegetation removal, bird mitigation, compensation and enhancement strategy, badger mitigation, Natural England Bat Licenses, bat mitigation, lighting strategy, construction environmental Management Plan and bird mitigation.

The Environmental Health Manager considers the scope of the noise assessments provided is sufficient to enable the planning committee to reach an objective decision. The additional noise assessment has been reviewed and the conclusions that would indicate that noise from vehicle movements and patrons would have low impact at the nearest noise sensitive premises are concurred with. Contact has been made with an Environmental Health Officer at North Warwickshire District Council in relation to a very similar existing establishment in a very similar location to the one proposed and they have received no complaints about Shustoke Farm Barns and they have no concerns about the nature of the activity there. Conditions to control the noise, the lighting scheme and an informative regarding food safety are recommended.

Severn Trent Water has no objection.

The County Highway Authority states that Long Lane is subject to the national 60mph speed limit, with the 40mph limit commencing some 100m to the west. The speed readings carried out in the vicinity of the access to the application site indicate that actual vehicle speeds are below the posted limit, being 46.1mph westbound and 44.6m eastbound. Based on actual speeds and including a 5% gradient in the easterly direction, visibility splays of 2.4m x 116m to the east and 2.4m x 123m to the west are required. The visibility splay drawing indicates that these are achievable over controlled land. In order to achieve the splays the highway verge forward of the sightlines to each side of the access would need to be re-profiled to reduce its height. The amendments to the car parking area are considered acceptable. Therefore, there are no objections subject to conditions in respect of the access, visibility splays, gates and car parking and manoeuvring space are recommended.

Dalbury Lees Parish Council objects and states the change of use requested from an existing mainly daytime agricultural business to a large commercial concern operating seven days a week, evenings and into the early hours is not an appropriate alternative. It does not satisfy SDDC's local plan requirements for a sustainable project in rural areas as it is "not essential", or "unavoidable" and certainly does not "protect the local character of the area". Similar schemes in Derbyshire Dales have been turned down. The noise assessments are inadequate as they do cover noise from plant and vehicles. The landscaping proposed would take some years to be of benefit and would not alleviate noise. The Parish Council are not against the redevelopment of Grangefields Farm per se and an alternative business use like a conference centre, which would be mainly daytime, would be more acceptable. An appropriate residential conversion could be another solution to using the buildings.

## Responses to Publicity

43 objections, 8 in response to re-consultation, a petition from local farmers with 12 signatures and 2 letters of support have been received, raising the following concerns/points:

- a) The site can be seen from the road and the access road is a public footpath.
- b) The access onto Long Lane is potentially hazardous as visibility is poor.
- c) The access track is adjacent to a T-junction and on the brow of a hill.
- d) Long Lane is notorious for accidents and has no speed restrictions.
- e) Unlike pubs, wedding venues have specific arrival and departure times which would mean a sudden influx of cars on a dangerous country road.
- f) The noise impacts for guests being outside around the fire pit and use of the car park would be detrimental to the rural ambiance of the area.
- g) Properties in the village of Lees, the other side of the valley to Grangefields Farm, would have direct views of the site and the noise would carry.
- h) Restricting the opening of doors and windows would not work in practice.
- i) Time restrictions at night should be considered.
- j) The noise and potential fireworks would cause distress to horses and livestock.
- k) The impact in terms of additional through traffic on Long Lane village is not clear.
- l) Accident data should be reviewed for Long Lane as there were fatalities in 2000 and 2004 with possible investment and traffic controls considered.
- m) The proposal would create approximately 200 extra car journeys on a narrow country land in front of an infants school.
- n) The proposal would cause light and noise pollution.
- o) One of the roads to Long Lane, called the Burrows, is a single track lane, is already overly congested with consistent damage to the grass verges and could not sustain the additional traffic without being widened.
- p) Notification of the application was not received.
- q) The road survey is inaccurate as it doesn't mention the blind bend.
- r) Is there a ban on adding marquees and amplified pa systems being used outside of the insulated buildings?
- s) The proposal is in direct conflict with Local Plan policies BNE5, E7 and INF10 as it is not an appropriate use, does not adjoin an urban area or village and cannot be justified by need.
- t) Other venues run by the same operator offer marquees and on site camping facilities, which would detract from the agricultural landscape and would lead to further noise pollution.
- u) The plant associated with the use such as air conditioning would generate a constant background noise.
- v) A 1am licence is proposed which means significant light pollution.
- w) There doesn't appear to be a business case for a wedding venue alone and there is a likelihood that it could be used for parties, conferences, camping etc.
- x) The proposal increases the need to travel by car as there is no public transport access.
- y) If committee decide to approve the application conditions restricting the numbers of cars to 50, protecting the public rights of way, restricting the

- hours until 11pm or 12 midnight, restricting lighting, closing doors and windows and no other outside activities.
- z) The address of the site should be Dalbury Lees and not Thurstaston and the correct Parish notified.
  - aa) The noise assessment does not mention that the party can move outside where the use of fire pits or BBQs can be used which appears on the Company website.
  - bb) The Noise Assessment does not include the noise associated with people arriving and leaving the venue and the distance from neighbouring dwellings is not correct as the background noise levels is not representative.
  - cc) The Wildlife Survey states that there is no evidence of Badgers, however, there are sets in the vicinity of the site.
  - dd) The speed survey was undertaken on the least busy time of year and time of day.
  - ee) The Highways Authority has highways safety concerns.
  - ff) The accident data is not representative as there have been 7 accidents in 4 years including 3 serious.
  - gg) The proposed buildings would be difficult to insulate especially the steel framed Dutch barn.
  - hh) The sound system should have sound level attenuation limiters and a distributed speaker system and ventilation proposed should also minimise noise break out.
  - ii) There is no overnight accommodation in the vicinity and thus guest would travel by car and existing venues nearby are underused and meet the demand.
  - jj) The addendum the noise report does not contain actual assessment of background noise levels, it is based on 4 people talking within the courtyard, it is not clear which type of vehicles have been assessed and does not include noise from plant which is not representative.
  - kk) The noise report should consider the infrasound and low frequency noise emissions
  - ll) The comments from the operator do not represent a sound business case in accordance with Local Plan Policy E7.
  - mm) About 1 mile from the site 160 cattle cross Long Lane twice a day for six months between May and October.
  - nn) The use of fireworks and increased use of the local roads would impact upon their livestock.
  - oo) The proposed conifer trees within the car park layout would appear alien to the locality.
  - pp) The Highways Impact Statement was not based on the actual topography of the site.
  - qq) A wedding venue was refused permission on Burrows Lane due to it being inappropriate, unsustainable and having a negative social impact.
  - rr) Further evidence of protected species around the farm has been found and should be covered by further survey work.

The two letters of support state the following:

It is far enough away from other buildings to avoid nuisance, will be a valuable addition to the area in terms of amenity and jobs and is an excellent example of conversion.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: S1, S2, E7, SD1, BNE1, BNE3, BNE4, INF2, INF10
- 1998 Local Plan (saved policies): EV1

## **Emerging Development Plan Policies**

The relevant policies are:

- Submission Local Plan Part 2: SDT1, BNE5, BNE7

## **National Guidance**

- National Planning Policy Framework (NPPF)  
Paras 6-10 (Achieving sustainable development)  
Paras 11-14 (The presumption in favour of sustainable development)  
Para 17 (Core principles)  
Para 28 (Rural Economy)  
Para 32 (Promoting sustainable transport)  
Chapter 7 (Requiring good design)  
Para 109 and 118-123 (Natural environments)  
Para 186 (Decision-taking)  
Para 196 & 197 (Determining applications)  
Para 203 – 206 (Conditions and obligations)
- Planning Practice Guidance (PPG)

## **Local Guidance**

- SPG

## **Planning Considerations**

The main issues central to the determination of this application are:

- Principle of Development
- Residential Amenity and Noise
- Design
- Ecology
- Highways Impacts

## **Planning Assessment**

### Principle of Development

Local Plan Part 1 (LPP1) Policy S2 advocates a positive approach to development proposals that reflects the presumption in favour of sustainable development which is contained within the NPPF. In paragraph 7 of the NPPF it deals with the three dimensions of sustainable development, the economic role, social role and environmental role and paragraph 14 where it defines the meaning of the presumption in favour as “approving developments that accord with the development plan without delay”.

The site is located within the countryside and an assessment of the relevant policies follows. Saved Policy EV1 states that development in the countryside will only be permitted where it is essential to a rural based activity, unavoidable in the countryside and the character of the countryside, landscape, wildlife and historic features are safeguarded and protected. It goes on to add that if development is permitted it should be designed and located as to create as little impact as practical on the countryside. Submitted Local Plan Part 2 (LPP2) Policy BNE5 requires that development in the countryside should be appropriate for its location in the countryside; or considered to be infill that is in keeping with the character of the locality.

LPP1 E7 relates to rural development and states that development proposals which diversify and expand the range of sustainable employment activities on land outside settlement boundaries will be supported by the Council provided that they support the social and economic needs of the rural communities in the District. It goes on to state that the re-use, conversion of existing buildings will be supported where: they are supported by a sound business case; the local highway network is capable of accommodating the traffic generated; they would not give rise to undue impacts on neighbouring land; are well designed and a scale commensurate with the proposed use and the visual impact and impact on the character of the locality is minimised. The NPPF paragraph 28 reiterates this stance stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states that in order to promote a strong rural economy, sustainable growth and expansion of all types of business and enterprise in rural areas should be supported through conversion of existing buildings.

The key consideration in determining whether the proposal is unavoidable in the countryside involves the analysis of the benefits versus the costs. In terms of the benefits to the rural economy, these would be wide ranging from job creation to the support of existing rural businesses. Due to the existence of the buildings in this countryside location their impact on the character of the countryside would not be significant and sufficient landscape mitigation has been achieved for the car parking proposed. Potential issues such as the associated noise, traffic and ecological impacts are assessed below, however, it is considered that these impacts can be satisfactorily mitigated. Evidence of economic benefits has been provided by the applicant from their experience of running similar venues in the country and the anticipated employment figures provided of 50 full and part time jobs directly: 2-3 full time chefs, 1 venue manager, 1 wedding co-ordinator, 2 cleaners, 1 part time gardener, 1 part time handyman and a pool of circa 50 part time staff (10-20 per event). A business case has been submitted which identifies a gap in the market in South Derbyshire for the type of venue proposed and based on the experience of the

operator the proposal would be financially viable. In carrying out such a weighting exercise, the benefits are considered to outweigh the harm and as such the proposal, which is appropriate in the countryside in principle, is also considered to constitute sustainable development and as such is unavoidable in this countryside location. Thus, the proposal is considered to accord with the above mentioned policies.

### Residential Amenity and Noise

LPP1 Policy SD1 relates to amenity and environmental quality and states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments. Paragraph 17 of the NPPF states that planning should secure a good standard of amenity for all existing and future occupants of land and buildings.

Specifically in relation to noise impacts, paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum, other adverse impacts arising from noise through the use of conditions.

The site is surrounded by fields and as such the nearest residential properties are approximately 500m to the west and north west on Osleston Road. The linear settlement of Lees is approximately 715m to the east. Due to the distances involved the main issues are the impact of noise of music, guests and their vehicles together with the proposed hours of use. The applicant states that *“the venue will be available to hire throughout the week and at all times of the year. In practice however the busiest times will be the weekends (Fridays to Sundays inclusive) and at Bank and Public Holidays. More weddings are held in the summer months. Typically guests would be expected to arrive early afternoon and depart throughout the evening up to 01:00 hours”*.

Two noise reports have been submitted and have been reviewed by the Environmental Health Manager. The initial report considered the break out of noise from music and amplified voices during speeches. A baseline noise survey was carried during the period 22:30-00:30 hrs to identify the existing noise levels representative of the closest residential properties to the proposed wedding venue. To control noise breakout to an acceptable level at the closest residential properties the assessment recommends:

- A sound insulation scheme to control noise break-out from the wedding venue.
- A noise limiting device.
- A sound system with distributed speakers.

A further noise assessment considered the impact of noise from the following noise sources associated with the normal operation of the proposed wedding venue:

- The voices of up to 200 people in the central courtyard area before 23:00 hrs.
- The voices of up to 100 people in the central courtyard area after 23:00 hrs.
- Noise from up to 50 vehicles leaving the venue during any 15 minute period after 23:00 hrs.

The parameters of the assessment were discussed with the Council's Environmental Health Officer prior to the survey and the Officer agreed that survey noise levels were considered representative of the likely noise levels after 00:30 hrs, therefore no further measurements were taken. The calculations include corrections for the number of guests in the courtyard, distance attenuation and acoustic screening. The Noise Assessment methodology has been worked out on a principle of assessing the impact of the noise from a group of 4 people at the receptor location. It has then calculated the impact of 50 of the same sources acting at the same time. It is advised that this is a reasonable approach to the calculation process. Overall, the assessment is considered to be based on reasonable assumptions.

The impact of noise from both voices and customer vehicles has been assessed in the context of the existing ambient noise levels and the internal criteria given in BS82331. The impact of noise from the sources detailed above has been considered for receptor positions: (R1) - houses along Osleston Lane, to the west and (R3)- houses at the village of Dalbury Lees to the east. The assessment concludes the noise sources would have a low noise impact on existing residential properties and the Environmental Health Manager concurs with this conclusion and recommends conditions to control the mitigation measures and hours of use.

In relation to the impact of outdoor smells which would arise from potential activities (e.g. outdoor cooking, firepits / bonfires etc.), given the significant distance between the development location and the nearest residential property there is not considered any reasonable possibility of the emissions from the fire pit causing a detriment to the amenity of surrounding residents. The impact of smoke / smell emissions from the fire pit would achieve significant levels of dilution over the distances between the source and local sensitive receptors to such an extent that the impacts would be negligible. A further mitigation measure of limiting the operational hours of development to between 01:00 and 8:00 is considered appropriate. The impacts on residential amenity have been assessed in detail and are not considered to be adverse and can be adequately mitigated through the use of conditions.

## Design

LPP1 Policy BNE1 relates to design excellence and requires new development to respond to their context and be visually attractive with a high standard of architectural quality. Paragraph 56 of the NPPF considers that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places

The conversion of the range of buildings is considered acceptable in principle. The buildings have been assessed and found to be structural sound. No extensions are proposed as part of the conversion. Overall, existing openings are retained and new openings kept to a minimal with external changes considered sympathetic to the character and appearance of the range of buildings. Based on the operator's existing venues in other areas of the country they are of a high design standard where the same principles of retaining the existing buildings with limited impact on their character has been maintained. As such the proposal is considered to constitute 'good design' and the buildings once converted would be visually attractive in compliance with the relevant policies.

## Ecology

LPP1 Policy BNE3 supports development which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity. It states that where proposals would have a direct or indirect effect on sites with potential or actual ecological or geological importance such as priority habitats and species they will need to be supported by appropriate surveys or assessments to allow the Authority to fully understand the likely impacts of the scheme and the mitigation proposed. NPPF paragraph 118 provides similar advice to conserve and enhance biodiversity and adequate mitigation for any harm.

Extensive survey work has been undertaken with regard this proposal in respect of protected species in consultation with Derbyshire Wildlife Trust.

The potential presence of Great Crested Newts (GCN) within off-site ponds and loss of suitable terrestrial habitat has been assessed and GCN do not represent a constraint to development and no mitigation is required. There is an active low status badger sett in the vicinity of the site and the report recommends in order to prevent any potential harm to badgers that the sett is temporarily closed under licence from Natural England. Following the completion of works the badger sett would be re-opened and so the disturbance impact to this feature would be neutral. As badgers are active in the area the following best practice working methods are also recommended to avoid any risk of accidental harm to this species.

Some modification of the hedgerow at the site entrance is required for the purpose of establishing a visibility splay. However, this would entail only the trimming back of the hedge, with no physical loss or removal of the existing hedge proposed.

In relation to bats, during the 2017 bat activity surveys additional bat droppings were identified in buildings 1a, 2, 3 and 4, with confirmed emergence of bats from building 3 and 4. Therefore the building(s) on site are confirmed to have a bat roost present. As stated in the ecology report, a Natural England License will be required to facilitate the works. Derbyshire Wildlife Trust advises that sufficient information on the impacts respect of protected species has been supplied and appropriate mitigation can be controlled by condition. Therefore, the proposal is considered to comply with LPP1 Policy BNE3 and NPPF paragraph 118.

## Highways Issues

LPP1 Policy INF2 requires that the traffic generated by new development should have no undue detrimental impact upon local amenity, the environment, highway safety and appropriate provision is made for safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car and car travel generated by the development is minimised relative to the needs of the development. NPPF paragraph 32 requires that decisions take account of whether safe and suitable access to the site can be achieved for all people.

The submitted Highway Impact Statement has reviewed accident data and undertaken traffic surveys to determine the existing traffic flows at the access. The occurrence of a single incident within the vicinity of the site access during the



preceding five-year period indicates that the local highway network generally operates safely. The Highway Authority has considered the accident data and the change in traffic flows proposed and has no objection subject to the access improvements being made. The access improvement includes 6 metres kerb radii, connecting to a 6 metres wide carriageway, bound by 0.5 metres wide verges. This width of access road would continue for 20 metres behind the highway boundary on Long Lane, where it would then narrow to the width of the existing track with 5 passing places provided along the track. The Highways Authority considers that visibility splays of 2.4m x 116m to the east and 2.4m x 123m to the west are required. The visibility splay drawing indicates that these are achievable over controlled land. In order to achieve the splays the highway verge forward of the sightlines to each side of the access would need to be re-profiled to reduce its height. The proposed car parking provision is considered acceptable.

On the basis of the traffic surveys and the proposed improvements to the access, the proposal is considered acceptable in relation to highway safety in achieving a safe and suitable access for all people in accordance with LPP1 Policy INF2 and NPPF paragraph 32.

To conclude, the conversion of this traditional farm complex would diversify and expand the range of sustainable employment activities through rural job creation and by directly benefiting existing public houses and tourist accommodation in the vicinity, thus, achieving the national and local goal of promoting a strong rural economy. Noise and odour impacts on residential amenity have been assessed in detail and are not considered to be adverse and can be adequately mitigated. The conversion scheme is considered to be high quality and sympathetic to the character and appearance of the range of buildings. Extensive survey work in respect of ecological impacts has been undertaken and this is considered sufficient and the mitigation proposed appropriate. Based on the traffic surveys and the proposed improvements to the access, the proposal is considered acceptable in relation to highway safety. Overall, the proposal is considered to have significant economic and social benefits and limited environmental impacts and as such the proposal constitutes sustainable development.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## **Recommendation**

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with drawing no's GF061016 P001 Rev J, GF061016 P002 Rev F, GF061016

P003 Rev F, GF061016 P004 Rev F, GF061016 P005 Rev H, GF061016 P006 Rev H, GF061016 P0010 Rev L, GF061016 P0011 Rev K, GF061016 P0012 Rev F, GF061016 P0013 Rev L and GF061016 P0020 Rev L unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

3. The premises shall not be open to any guests between the hours of 01:00 to 08:00.

Reason: To protect the amenities of nearby residents.

4. Notwithstanding the access sightlines shown on the application drawing GF061016/P011 rev K, before any works involving the conversion commences, details shall be submitted to and approved in writing by the Local Planning Authority of the re-profiling of the highway verge forward of the sightlines to each side of the access to reduce its height. The works to the verge shall be implemented as approved.

Reason: In the interests of highway safety.

5. Before any works involving the conversion commences, a detailed scheme for the modification of the access and the provision of the visibility sightlines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a topographical survey of the access and land to the east and west of the access affected by the modification and the provision of the visibility sightlines, along with long sections to establish the extent of the necessary works.

Reason: In the interests of highway safety.

6. Before any works involving the conversion commences, the access shall be modified in accordance with the details approved in Condition 1 above. The access shall have a minimum width of 6m for the first 20m into the site from the highway boundary, be provided with 6m radii and visibility sightlines of 2.4m x 116m in the easterly direction and 2.4m x 123m in the westerly direction, the area forward of the sightlines shall be maintained throughout the life of the development clear of obstruction. For the avoidance of doubt, land forward of the sightlines will need to be reduced in height in accordance with the scheme approved under Condition 5 above.

Reason: In the interests of highway safety.

7. Any gates shall be set back at least 15m into the site and open inwards only.

Reason: In the interests of highway safety.

8. Prior to the premises being taken into use, the car parking and manoeuvring space shall be laid out in accordance with the application drawing GF061016 P020 Rev L and maintained throughout the life of the development free of any impediment to its designated use.

Reason: In the interests of highway safety.

9. Before any works involving the conversion commences details, specifications and, where necessary, samples of any replacement bricks or roof tiles, timber cladding, brick infill panels, stone steps and new door and windows including the entrance screen to be used in the conversion of the buildings have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the existing building and the locality generally.

10. Pointing of the existing/ proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet: Repointing of Brick and Stonework.

Reason: In the interests of the appearance of the building(s).

11. 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 five 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 consent to any variation.

Reason: In the interests of the appearance of the area.

12. Notwithstanding the submitted landscaping plan GF061016 PO13 Rev L, details of the mixed trees to the front of the shelterbelts and mixed evergreen planting within the car park shall be submitted and approved in writing by the Local Planning Authority. The landscaping shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area.

13. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

14. Windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority, and;
- a. be set back from the face of the wall by a minimum of 20 mm,
  - b. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
  - c. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
  - d. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable.

Reason: In the interests of the appearance of the buildings, and the character of the area.

15. External doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm.  
Reason: In the interests of the appearance of the buildings and the character of the area.
16. All noise mitigation measures outlined in the Noise Assess Noise Impact Assessment dated November 2016 and further report dated February 2017 shall be implemented in full and retained for the life of the development.  
Reason: In the interests of residential amenity.
17. Before any works involving the conversion commences details of all proposed external lighting equipment and lighting strategy shall be submitted and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.  
Reason: In the interests of residential amenity and wildlife protection.
18. Before any works involving the construction the conversion commences a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. Such approved measures should be implemented in full and maintained thereafter.  
Reason: To ensure that ecological interests are protected in accordance with paragraph 118 of the National Planning Policy Framework; in order to control impacts from the outset as an early incursion could otherwise not be rectified.
19. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.  
Reason: To ensure that ecological interests are protected in accordance with paragraph 118 of the National Planning Policy Framework; in order to control impacts from the outset as an early incursion could otherwise not be rectified.
20. Before any works involving the conversion commences a bird mitigation, compensation and enhancement strategy for nesting birds shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.  
Reason: To ensure that ecological interests are protected and enhanced in accordance with paragraph 118 of the National Planning Policy Framework. This needs to be made clear before commencing to ensure that all stages of development are considered.
21. No works on site will commence until a scheme of badger mitigation has been submitted to the Local Planning Authority for approval. This is to include the temporary badger sett closure, the location of any protective fencing around setts / commuting routes, if required, re-opening of the sett and monitoring. A Natural England licence will be required to facilitate these works. All works to proceed in accordance with the approved scheme of mitigation.

Reason: To ensure that ecological interests are protected and enhanced in accordance with paragraph 118 of the National Planning Policy Framework. This needs to be made clear before commencing to ensure that all stages of development are considered.

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological interests are protected in accordance with paragraph 118 of the National Planning Policy Framework; in order to control impacts from the outset as an early incursion could otherwise not be rectified.

23. The bat mitigation measures will be monitored for a minimum of three years after construction with reports submitted to the Local Planning Authority, Derbyshire Wildlife Trust and Derbyshire Bat Conservation Group immediately following completion of each survey.

Reason: To ensure that ecological interests are protected in accordance with paragraph 118 of the National Planning Policy Framework.

24. No work shall commence on site until bird mitigation for nesting birds (and in particular swallows) has been submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.

Reason: To ensure that ecological interests are protected in accordance with paragraph 118 of the National Planning Policy Framework; in order to control impacts from the outset as an early incursion could otherwise not be rectified.

#### Informatives:

1. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.

2. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3. The Highway Authority recommends that the first 10m of the proposed

access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

4. The application site is affected by a Public Rights of Way (Footpath 15 in the Parish of Trusley, as shown on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further information can be obtained from the Rights of Way Duty Officer in the Economy, Transport and Communities Department at County Hall, Matlock.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.

- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 580000 for further information and an application form.

- If a right of way is required to be permanently diverted then the Council that determines the planning application (the Planning Authority) has the necessary powers to make a diversion order.

- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping-up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

5. The applicant is advised to contact the Commercial Team in Environmental Health to discuss food safety and health and safety requirements. All food premises are required to register with the department at least 28 days before opening.

6. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and suggesting amendments to improve the

quality of the proposal. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

27/06/2017

**Item**            **1.2**

**Ref. No.**        **9/2017/0342/FM**

**Applicant:**  
**Mr George Dunnicliff**  
**C/O Agent**

**Agent:**  
**Mr Bryan Wolsey**  
**Bryan Wolsey (Planning) Ltd**  
**29 Chapel Street**  
**Ticknall**  
**Derby**  
**DE73 7JY**

**Proposal:**    **THE SITING OF FOUR CABINS FOR HOLIDAY ACCOMMODATION  
AND CREATION OF ASSOCIATED PARKING, ALONG WITH  
WIDENING OF ACCESS ON LAND TO THE REAR OF 45-59  
MANCHESTER LANE HARTSHORNE SWADLINCOTE**

**Ward:**           **E05008823**

**Valid Date**    **WOODVILLE**

**Reason for committee determination**

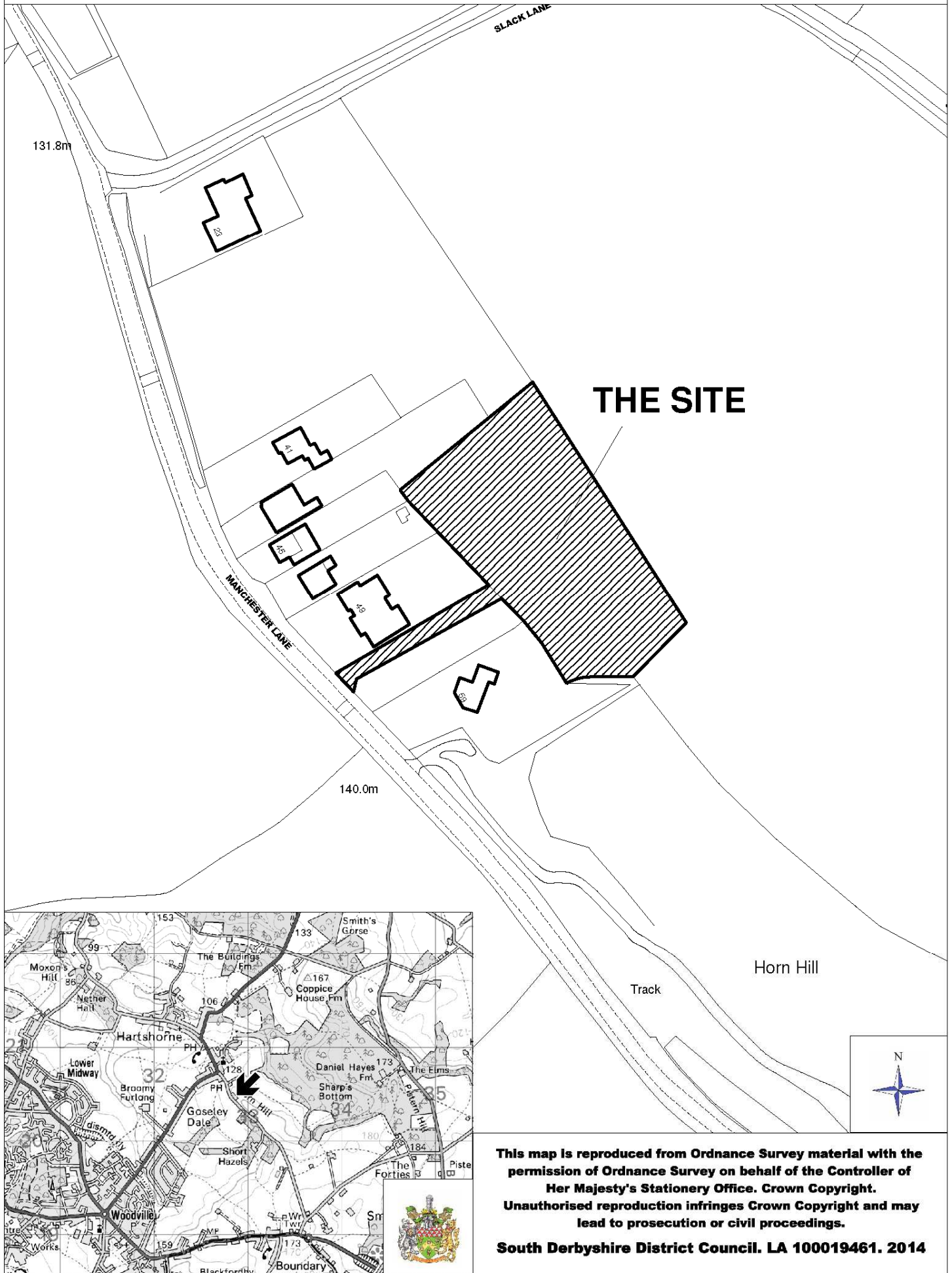
The item is presented to Committee at the request of Councillor Kim Coe as local concern has been expressed about a particular issue, including access and highway considerations; and the unusual site circumstances should be considered by the Committee.

**Site Description**

The site comprises some 0.45 hectares of agricultural land lying to the rear of 45 to 59 Manchester Lane, forming a hammer shape. The principal part of the site which lies to the rear of the dwellings is broadly rectangular with the small part providing a linear corridor connecting to Manchester Lane by a second smaller area. The land appears not to be farmed in any fashion, the larger area down to rough grass with extensive weeds noted. This larger area slopes steeply from the rear boundaries of the residential gardens towards a mature hedgerow on the eastern edge of the site, where the land continues to fall beyond that across an arable agricultural field. The National Forest Way (NFW) (public footpath) passes along the eastern side of that field, and wraps around it to the north connecting back with Manchester Lane along Slack Lane, adjacent to number 23. The smaller area rises up from Manchester Lane and passes between numbers 49 and 59 Manchester Lane. A small section of hedgerow and a gateway exist at the interface with the highway.



9/2017/0342 - Land to the rear of 45-49 Manchester Lane, Hartshorne,  
Swadlincote DE11 7BE



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South Derbyshire District Council. LA 100019461. 2014

This section of Manchester Lane has low-key ribbon residential development on its eastern side, comprising houses and bungalows in brick and render. In the immediate vicinity of the access, dwellings are at single storey height only. It is fragmented from the main village and along its length, 'petering out' as one travels south down the Lane. Manchester Lane is subject to a 30mph speed limit in the vicinity of the site, and has traffic calming measures (speed bumps). It is around two lanes wide at the site access and whilst it has street lighting, it has no formal footways.

## **Proposal**

It is intended to site four holiday cabins on the main part of the site, each of these unique in size and configuration although all having a similar rectangular footprint. All would be externally faced in timber (stained brown), single storey with low-pitched roof, and have an external decking area with hot tub. One plot would provide for 3 bedrooms, two would provide for 4 bedrooms and one plot would provide for five bedrooms. They would be served by a common car parking and turning area located close to the end of a drive leading from Manchester Lane. The proposal also includes on-plot planting.

## **Applicant's supporting information**

A Planning Statement identifies policies E7 and INF10 of the Local Plan Part 1, noting that these provide strategic support for such tourism proposals and facilitate access to and enjoyment of the National Forest. It is advanced that the use would clearly diversify the local economy under policy E7, with the applicant intending to work in partnership with Sykes Cottages who has over 25 years' experience in the field of marketing self-catering properties and have recently recruited their 7,000<sup>th</sup> property with an aim to recruit a further 3,000 by 2020. Sykes currently lists 6 properties within a 10 mile radius of Hartshorne and 62 within a 20 mile radius, and more properties are required in the immediate locality which enjoys easy access to this popular location for holidays and its surroundings. They also note there are fewer larger holiday properties available. An influx of roughly 1,000 holidaymakers to the region would significantly benefit local businesses such as shops, pubs and restaurants, and the prospect of additional employment is also a factor as the properties would require cleaners and regular maintenance. It is noted that INF10 is a positive policy (i.e. that the presumption is in favour of approval unless there is "undue harm"). It is acknowledged that it is difficult to reconcile the use with sustainable access arrangements, but this is a tension with most tourism uses in rural locations. The site does lie close to the NFW, allowing convenient access for visitors to visit other parts of the National Forest footpath network. As the proposed buildings are to be constructed of timber and, additionally, being constructed in prefabricated sections, they can be regarded as of a "reversible and temporary nature", making them easy to dismantle and remove in the event the venture becomes unprofitable. It is also noted that policy INF8(ii) is supportive in principle of what is proposed, with the proposal including significant new on-site planting, far more than is evident currently on the site. The Statement goes on to confirm no impact on heritage assets; acceptable impacts on residential amenity – noting that there would be no overlooking with the cabins exceeding the normal separation distances and being single storey; that, unlike normal residential development, their

seasonal occupation would mean they would not be occupied constantly throughout the year; and the wider economic benefits arising.

A Highway Impact Statement confirms that, following a speed survey, the proposed development would provide safe and suitable access, and demonstrates that the proposals could make use of the existing opportunities for sustainable travel. It has also been established that the development would not generate significant movement and so there is no requirement for any detailed analysis of the potential traffic increases on the surrounding highway network. It is therefore considered that the proposals comply with the requirements of the NPPF. Hence, there should be no grounds for objecting to the application.

A Landscape and Visual Assessment assesses that, in the main, the views from the nearby dwellings are across the site to the rural views in the distance, rather than to the site itself due to the fall in levels. The native hedge on the north-east boundary is presently so significantly overgrown that it potentially obstructs some of the views eastwards. The site is also visible from the footpath which forms part of the National Forest Way to the north and north-east side of the land. The access to the site is through a farm gate, next to an overgrown mixed hedge. The character of the surrounding area is mostly rural and joins the village of Hartshorne. The Assessment goes on to explain the landscaping proposals, noting care with planting within the site and to the boundaries so to fit with the immediate character of the area, the ethos of the National Forest planting and the context of traditional field boundaries. The objective has been to blend unobtrusively in the existing landscape and screen the development to ensure that the overall context of the scheme is not at odds with the immediate area. An initial 12-month maintenance period would seek to provide for 4 scheduled visits to tidy and maintain a weed-free site and water plants as required, whilst thereafter a twice yearly tree inspection, and hedge and shrub maintenance program is suggested.

## **Planning History**

None relevant.

## **Responses to Consultations**

The County Highway Authority notes the access is in a location subject to a 30mph speed limit and traffic calming. The applicant's speed survey is noted which demonstrates that average speeds are 33.4mph travelling north and 29.6mph travelling south. They also note that sufficient visibility can be achieved and has been demonstrated, along with sufficient parking and manoeuvring space. They raise no objection subject to conditions to control visibility splays, space within the site for parking and turning, positioning of gates and the gradient of the access.

The National Forest Company (NFC) notes the scale of the development is below that where National Forest woodland planting would be expected, but normal development related landscaping should be expected. Whilst considerable numbers of trees are proposed and welcome, it is suggested that the hawthorn be replaced by field maple or hornbeam. In principle, this type of proposal fits in with the development of The National Forest, with analysis highlighting the development of

good quality visitor accommodation as a main priority for the destination; in particular, exemplar forest cabins.

The Contaminated Land Officer has no comments to make.

Environmental Health Officer seeks conditions in respect of lighting and drainage.

## **Responses to Publicity**

Hartshorne Parish Council objects on the following grounds:

- i) it is inconsistent with local and national planning requirements, with a core principle of the NPPF to recognise the intrinsic character and beauty of the countryside;
- ii) the proposed development would lead to an extension of the ribbon along this part of Manchester Lane, taking the development outside the village envelope and resulting in a harmful intrusion into the open countryside;
- iii) the site would detrimentally impact on the natural habitats and wildlife in this location;
- iv) it would detrimentally impact on the views of the wider community and visitors who use a number of the National Forest footpaths to the rear and sides.
- v) the proposed development is in close proximity to a site of historic interest relating to the origins of the village name 'Hartshorne';
- vi) detrimental impact on current unobstructed views from adjacent properties
- vii) detrimental impacts on the protected views of both Manor Farmhouse and Hartshorne Parish Church which are both Grade II listed buildings;
- viii) Manchester Lane is a narrow and winding country lane, with blind spots;
- ix) near to the proposed site entrance there is no pavement for pedestrians;
- x) there is also limited, poor street lighting; and
- xi) lack of on-site management, in terms of ensuring health and safety and other matters such as noise, etc.

Hartshorne Village Residents' Association objects on the following grounds:

- i) the development is outside of the settlement boundary and totally inappropriate to the village and its environs;
- ii) it would be contrary to emerging policy BNE5 as it is not essential to a rural based activity, nor does it represent rural diversification;
- iii) the village is visited for days out, walking and bed & breakfast visits – not whole week stays;
- iv) the location and character are not appropriate to the countryside and surrounding landscape;
- v) it would be visible for some distance from the south and would impact on the historical setting of Horn Hill;
- vi) the proposal would introduce an additional hazard to the highway, with visibility to and from the access limited – an access which would be used by multiple vehicles;
- vii) the business plan appears untenable given Hartshorne is not a holiday venue and it is unlikely the cabins would be fully tenanted for a full season, and capital return could be between 5 to 10 years;

viii) concerns over future applications to change the development to houses;

8 objections have been received from 15 residents, across 8 addresses, raising the following concerns/points:

#### Principle

- ss) holiday cabins are inappropriate development in Hartshorne as it is a service village for larger surrounding villages – not a tourist location, as it has too few amenities and local attractions;
- tt) majority of other holiday cabin sites are on brownfield land;
- uu) no evidence of economic need, with the Repton Road site not succeeding as tourist accommodation due to lack of demand;
- vv) Sykes Cottages suggest Hartshorne could be used as a base for tourists to access the Peak District, thus turning the projected Hartshorne holiday makers into day visitors who would inflict considerable environmental impact;
- ww) limited services and facilities within easy reach;
- xx) proposal would actually increase the carbon footprint due to the need to drive to services/facilities;

#### Landscape and character

- yy) harmful intrusion into the countryside;
- zz) visually inappropriate and does not chime with village character;
- aaa) impact on views from the footpath (NFW);
- bbb) erosion of existing ribbon of development and significance of Horn Hill;
- ccc) the cabins are not in keeping with the materials palette of the existing dwellings;
- ddd) varying floor levels are likely required, increasing the prominence of the cabins;
- eee) it would badly affect the natural and residential environment;
- fff) loss of views;
- ggg) impact on hedgerows and wildlife;
- hhh) removal of trees prior to application;

#### Highway safety

- iii) Manchester Lane is a narrow country road with no pavements, and any increase in traffic and pedestrian use would be very dangerous;
- jjj) limited benefits to local businesses would be entirely offset by definite harm to nearby residents, the environment and the character of the village;
- kkk) visually incongruous and uncharacteristic of the village;
- lll) tranquil connection between the historic core and Horn Hill, and its importance, should be protected;
- mmm) influence on listed buildings;
- nnn) Manchester Lane already busy at peak times, and the associated increase in traffic volume would have implications;
- ooo) narrowness of the Lane away from the site access;
- ppp) visitors would not be aware of existing highway safety risks;
- qqq) traffic measurements not representative of the typical traffic patterns;

- rrr) reliance of speed survey due to the age;
- sss) adequacy of parking provision given the number of bedrooms proposed;

#### Impact on amenity

- ttt) impact of service/delivery vehicles regularly visiting (e.g. takeaway, online shopping, etc.);
- uuu) significant loss of residential amenity from noise, activity and car use of so many tourists;
- vvv) overlooking of existing dwellings/loss of privacy;
- www) hedging would not provide adequate screening;
- xxx) proximity of the access road to properties and associated noise, as well as structural concern;
- yyy) surplus land would be attractive for surplus parking needs and recreational activities, to the detriment of neighbouring amenity;
- zzz) unsupervised use of the cabins is inappropriate in a quiet, residential area;
- aaaa) likely to attract large parties to stay in the cabins, resulting in greater chance of disturbance to adjoining occupiers;
- bbbb) light pollution;
- cccc) security of existing dwellings and increase in criminal activity in the closed season;
- dddd) increase in fly-tipping around the access;

#### Other

- eeee) no prior discussion with neighbours by the applicant;

### **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), E7 (Rural Development), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF8 (The National Forest) and INF10 (Tourism Development).
- 1998 Local Plan (saved policies): EV1 (Development in the Countryside) and EV9 (Protection of Trees and Woodland).

### **Emerging Development Plan Policies**

The relevant policies are:

- Submission Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage)

## National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## Local Guidance

- Housing Design and Layout SPG

## Planning Considerations

The main issues central to the determination of this application are:

- Principle of development;
- Landscape character and design;
- Amenity impacts; and
- Highway safety and parking provision.

## Planning Assessment

### Principle of development

Whilst the site lies outside of the existing and proposed settlement confines for Hartshorne, the usual strategic approach to new development is relaxed for tourism development. The principal policies are E7 and INF10 of the Local Plan Part 1. E7 sets out that *“development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries will be supported by the Council provided they support the social and economic needs of the rural communities in the District”*. The development of new buildings also need a sound business case; capacity on the local highway network to accommodate the traffic generated; that the development will not give rise to any undue impacts on neighbouring land; that it is well designed and of a scale commensurate with the proposed use; and visual intrusion and the impact on the character of the locality is minimised. The supplementary text of the policy points towards policy INF10 when considering tourism development.

Policy INF10 supports tourism development in principle across the District, without limitation on whether it is within a settlement confine or not. This includes overnight accommodation *“...in other appropriate locations where identified needs are not met by existing facilities”*. It is expected that new tourism development to be:

- “provided through the conversion or re-use of existing buildings or;*
- accommodation of a reversible and temporary nature, or*
- sustainable and well-designed new buildings, where identified needs are not met by existing facilities, subject to all the other relevant policies in the Local Plan” [and]*

*“New tourism development that is likely to give rise to undue impacts on the local landscape, natural environment or cultural heritage assets will be refused”.*

The National Forest Vision and Action Plan for Sustainable Tourism (NFVAP) identifies a need to expand tourist accommodation provision, particularly in regard to the self-catering sector. The applicant's supporting information concurs with this need, and in turn the proposal benefits from a sound business case (policy E7). With the accommodation also meeting criterion (ii) of policy INF10 above, the test is therefore not one of principle but one of balance – assessing the proposal against the final limb of policy INF10 and the requirements of policy E7, with the benefits weighed against the impacts.

### Landscape character and design

The site is on the northern edge of National Character Area 71 (NCA71) – the Leicestershire and South Derbyshire Coalfield. The landscape is a plateau with unrestricted views of shallow valleys and gentle ridges with views northwards into the wooded rolling landscape of Melbourne Parklands (NCA70). The County Council's Landscape Character of Derbyshire assessment provides broadly uses the national landscape character areas and sub-divides them into landscape character types. The relevant landscape character types are patches of semi-natural woodland, occasional remnant ancient woodland, scattered hedgerow trees and locally dense trees along watercourses. Small-scale woodlands are often associated with areas of former parkland or with estate ownership. The description notes that woodland cover is being significantly extended through initiatives within the National Forest area.

Whilst within the National Forest, the site is not under any landscape designation or historic landscape which confer or imply national value and/or protected status. The NFW passes through Hartshorne and near the site as part of the stage between Moira to Hartshorne. The site is of value for its role in helping to provide a strong rural element between the village and the surrounding landscape. The site is also important in forming a green and rural setting for views particularly from the NFW. To the south and off Manchester Lane there are limited views into the site. The Council's landscape advisor considers the site to be of local value in this context.

The magnitude of effect on landscape character would be high during the construction period as there would be a great scale of change for the short-term, giving rise to a moderate negative impact. On completion of the development, the magnitude of effect on landscape character of the site - and the character of the village, as from certain views this would appear to have an extending ridgeline; would be high. In addition the development would alter the perception of Hartshorne as a linear settlement, eroding this pattern along its travel corridors and creating a larger, cluster which would increase its prominence in the landscape. The significance of effect would be moderate adverse. Walkers using NFW to the north and east of the site would experience visual effects of moderate adverse significance, with the development forming an element of the view and alter views towards the rising, wooded roofline of dwellings on Manchester Lane. The greatest adverse visual effects predicted in private views would be experienced by neighbouring residents, who would experience a moderate adverse effect on completion of the development due to its proximity, introducing at certain points a roofline where none is currently seen.



Whilst the above comments are noted, such impacts are not unexpected given the very fact that such tourism accommodation in the National Forest is generally located in more isolated rural positions. The nature of the development is increasingly commonplace in the National Forest area, and given it would be supplemented by landscaping around the cabins themselves, to be enhanced further than that suggested at present; there would be a degree of softening over time. The materials used in the construction of the cabins are typical of the National Forest 'style' which has been secured elsewhere, and whilst the creation of 'depth' to the existing ribbon is noted, and is a little out of sync with existing clusters located more towards the cores of Upper and Lower Hartshorne; it is a pattern is not exclusive to such extent in and around Hartshorne. Consideration is also given to consolidation of the ribbon, but infill policy would allow for this to occur along the Manchester Lane frontage where the perception of consolidation is most appreciated, and the built form here would be set back reducing this perception of continuity. With the cabins set low to the ground by way of design, and capable of assimilation into the countryside, it is not considered in this instance that the proposal quite reaches an undue impact on the landscape.

Regard is had to the local significance of Horn Hill and views to and from this point, but it is not a designated heritage asset – instead more appropriately considered as a landscape feature. The proposal is not considered to erode its importance and association with the village, nor is the proposal considered to impact on the setting of listed buildings nearby. Biodiversity effects are considered to be positive overall, with retention of important habitat and its enhancement through additional planting.

#### Amenity impacts

The concerns of neighbouring residents are noted. Assessment must consider whether adverse impacts are likely to occur in respect of noise disturbance, light pollution and loss of privacy/overlooking. In terms of the latter, the distances in the Council's SPG are comfortably achieved – even for the closest dwelling. Boundary planting would overcome any residual perception of overlooking in due course. Concerns in respect of lighting across the site can be appropriately controlled by way of condition. Attention therefore rests on the impact from visitors and their vehicles in the use of the site.

The comings and goings of vehicles along the access road would be limited to the number of cabins proposed. The average daily movements associated with a cabin is broadly similar to that which might be associated with the domestic use of a dwelling. In this respect, it is not considered that a valid objection regarding vehicle noise could be substantiated. The same considerations echo to the use of the units, particularly their external areas. Use of such areas would depend on favourable weather conditions and vary with the seasons, and the applicant has made efforts to minimise any potential conflict by handing two of the plots. With no objection from the Environmental Health Officer, and conditions it is not considered there would be an unacceptable adverse impact.

#### Highway safety and parking provision

The status of Manchester Lane is well appreciated, particularly during peak hours. However the survey appears to have been carried out in 'free flow' conditions, in accordance with guidance, resulting in the ability to achieve the necessary visibility splays for average speeds. Accordingly, the County Highway Authority raises no objection, and this is significant. They also do not raise issue with pedestrian safety in occupants linking to the NFW or to services within Hartshorne, and it should be noted that this situation is no different to existing occupiers. It must also be acknowledged that self-catering accommodation is usually operated on the basis of a 'local guide' being present in each unit, which aids those not familiar with the area in utilising local services in the most suitable fashion.

The parking provision exceeds that which is indicated in guidance for normal residential dwellings, with up to 3 spaces per unit. However, each unit may not necessarily attract 3 vehicles, particularly when families may arrive in a single vehicle. When balanced across the site, the provision is considered to be more than adequate.

### Summary

With the principle of development established, the decision is a finely balanced one – couched in weighing the tourism and economic benefits against the moderate landscape and limited amenity impacts. The proposal would introduce a slightly 'inorganic' grain of development in this particular locale, but it is the type of development which has been supported elsewhere in the National Forest and wider District on such a basis. Similarly, the amenity impacts would be broadly comparable to that possible through conventional occupation of the existing dwellings adjacent. With a managing agent intended to oversee their use, there would be a means to raise any isolated incidents, which cannot be mitigated for under the planning process.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with plans/drawings PL35G, PL36C, PL38C, PL39C and PL40D; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

3. Notwithstanding the provisions of Part C Class 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, (or any Order(s) revoking or re-enacting either or both Order(s)); the cabins shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority, and:
  - i. the building shall not be occupied as a person's sole, or main place of residence;
  - ii. the accommodation shall not be occupied by a person or group of persons for a continuous period of more than 28 days and shall not be re-occupied by the same person(s) within 3 months following the end of that period; and
  - iii. the site operator shall maintain an up-to-date register of the names of all occupiers of the holiday cabins, and of their main home addresses, and shall make that information available at all reasonable times to the Local Planning Authority.

Reason: The creation of unrestricted dwellings in this location would be contrary to the development plan and the objectives of sustainable development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order; none of the holiday cabins hereby permitted shall be enlarged, altered or extended, and no outbuildings, enclosures/boundary treatments or hard surfaces erected/created, without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

5. No development shall commence until all existing trees and hedgerows on the site, which are not shown to be removed on the approved plan, are fenced with steel mesh fencing to 2.3m high supported by steel scaffold poles staked at 3 metre centres. The fencing shall be positioned at the outer limits of the root protection area for each tree/hedgerow and retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the trees/landscape areas from undue disturbance, noting that initial works could lead to unacceptable impacts.

6. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate

measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: In the interests of safeguarding and enhancing the biodiversity offer of the site.

7. Before any other operations are commenced, the existing access to Manchester Lane shall be modified in accordance with the approved plans, laid out, constructed and provided with a 2.4m x 42m visibility splay to the northwest and a 2.4m x 50m visibility splay to the southeast, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety, noting that safe and suitable access is required throughout the construction and operational stages of the development.

8. No development shall commence until details of the finished floor levels of the holiday cabins and associated surfaces and decking hereby approved, and of the ground levels of the access road and wider site relative to adjoining land levels, has been submitted to and approved in writing by the Local Planning Authority. Such details shall include details and drawings of any retaining structures, where required. Thereafter the development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties and the locality generally.

9. No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control, noting that uncontrolled discharges could cause unacceptable impacts if the scheme is not designed correctly from the outset.

10. No development shall take place until a detailed design, timetable for implementation and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that, as a minimum, suitable capacity is proposed to attenuate peak flows from the site. The scheme shall be carried out in conformity with the approved details prior to the first occupation of each respective cabin/hard surface served by the surface water drainage system.

Reason: To ensure that it is possible to incorporate sustainable drainage systems before the development begins in the interests of flood protection.

11. No construction of a lodge shall commence until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the buildings and the locality generally.

12. Notwithstanding the submitted landscaping plan, prior to the first occupation of a cabin hereby approved, revised details of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area, recognising that the landscaping layout presently differs and the species mix and density proposed is not acceptable at the present time.

13. 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 five 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 consent to any variation.

Reason: In the interests of the appearance of the area.

14. Prior to the first occupation of a holiday cabin hereby approved, a Landscape Management Plan (LMP) for all retained and created habitats within the development site shall be submitted to and be approved in writing by the Local Planning Authority. The LMP shall be based on the landscaping scheme as approved under condition 13 and also include the following:

a) Description and evaluation of features to be managed/enhanced or created, including the management of the hedgerows, details of compensatory native hedgerow replacement planting (including length and species), and bat and bird enhancement opportunities to be incorporated into the development;

b) Timescales for implementation and subsequent actions;

c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

d) Details of the body or organisation responsible for implementation of the LMP;

e) Ongoing monitoring and remedial measures for where aims and objectives are not being met; and

f) Details of the legal and funding mechanism(s) by which the long-term implementation of the LMP will be secured as by the developer with the management body(ies) responsible for its delivery.

The approved LMP shall be implemented in accordance with the approved details throughout the lifetime of the development.

Reason: In the interests of safeguarding and enhancing the biodiversity offer of the site, as well as securing woodland gain.

15. No external lighting shall be installed until precise details of the intensity, angling and shielding, and the area of spread of the lights have been submitted to and approved in writing by the Local Planning Authority. The

lights shall be installed in accordance with these details and thereafter retained in conformity with them. The submitted scheme shall comply with the latest guidance published by the Institute of Lighting Engineers.

Reason: To preserve amenity impacts on adjoining occupiers and in the interests of wildlife and the visual amenity of the area.

16. Prior to the first occupation a holiday cabin comprising the development, the internal service road, parking and manoeuvring space shall be provided in accordance with the approved plan and thereafter be retained free of any impediment to their use for such purposes.

Reason: In the interests of highway safety.

17. No gates or other barriers shall be erected within 10m of the highway boundary and any gates shall open inwards only.

Reason: In the interests of highway safety.

18. The proposed access drive to Manchester Lane shall be no steeper than 1:30 for the first 10m from the nearside highway boundary, and 1:12 thereafter. Measures to prevent the flow of surface water onto the adjacent highway shall be implemented as part of its creation, and subsequently maintained in perpetuity free from any impediment to its effective use.

Reason: In the interests of highway safety.

#### Informatives:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and promptly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority). Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).

3. If external lighting is proposed, you are advised that it should be by way of low level bollards and bulkhead lighting only.

4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within

highway limits; please contact 01629 538537 for further information.

5. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

6. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

27/06/2017

**Item**            **1.3**

**Ref. No.**        **9/2017/0429/U**

**Applicant:**  
**Mr Charles Hanson**  
**Hanson's Auctioneers**  
**Heage Lane Etwall**  
**Derby**  
**DE6 56LS**

**Agent:**  
**Mr Brian Reid**  
**The Springs**  
**Cliffash Lane**  
**Idridgehay**  
**Belper**  
**DE56 2SE**

**Proposal:**    **CHANGE OF USE FROM CHILDRENS CENTRE (USE CLASS D1)**  
                  **TO AUCTION HOUSE (SUI GENERIS USE) AND ANCILLARY**  
                  **ACTIVITIES, AND ALTERATIONS TO VEHICULAR ACCESS AT**  
                  **THE FORMER CHILDRENS CENTRE MOUNT PLEASANT ROAD**  
                  **CASTLE GRESLEY SWADLINCOTE**

**Ward:**           **LINTON**

**Valid Date**    **10/05/2017**

**Reason for committee determination**

The item is presented to Committee at the discretion of the Planning Services Manager.

**Site Description**

The application site is located on Mount Pleasant Road, within the village of Castle Gresley. The site is occupied by three substantial buildings; two large Victorian former Chapels fronting Mount Pleasant Road set behind brick walling with railings atop; the third building is set behind these two principal buildings, with a secure yard (former playground) to its rear.

The site was most recently in use by Derbyshire County Council, with the smaller building (to the rear) in-use as a children's centre with the two main buildings lying underused save for some storage and ancillary kitchen facilities. The buildings are currently unoccupied following their sale by Derbyshire County Council.

Pedestrian access to the site is achieved to the main buildings via steps on Mount Pleasant Road, with an existing vehicular access to the north-eastern corner of the site adjacent to Nos 8 and 10 Mount Pleasant Road.



**9/2017/0429 - Former Children's Centre, Mount Pleasant Road, Castle Gresley, Swadlincote DE11 9JF**



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**South Derbyshire District Council. LA 100019461. 2014**

The site is surrounded by existing residential dwellings along Mount Pleasant Road, and at a lower level to the site on Arnold Close. Castle Gresley (Mount Pleasant) is identified as a Local Service Village in the Local Plan Part 1.

## **Proposal**

The application proposes the change of use of all three buildings on the site from their existing lawful D1 use in to an auction house use (*sui generis*). The site is proposed to be operated by local auctioneer Hansons, who currently operate from a separate site within the District.

The applicant's intention is to repair, restore and refurbish the buildings (including those historic features which remain) in order to provide an ancillary operation to the current auction house in Etwall, the use is described within the submission as follows;

- A facility for receiving and dispatch facility for goods to be auctioned;
- Cataloguing, photographing and carrying out condition reports;
- A limited number of specialist, predominantly on-line auctions;
- A location for filming TV related auction and antiques programmes;
- A venue for holding charitable activities.

The proposal includes alterations to the site access through the demolition of part of the frontage wall to provide improved visibility and an access width of 5.2m widening to 7m. An area of car parking is proposed to the rear of the site providing for 15 spaces (including 1 disabled).

## **Applicant's supporting information**

The Planning Statement sets the background to the proposals, including that the applicant Charles Hanson was the only potential purchaser who came forward willing to repair, restore and refurbish the existing buildings rather than demolish them. The proposed use is described, including highlighting the general trend in the antiques auction sector of an increase in on-line bidding (47.92% of lots sold to on-line bidders in the last 12 months). The statement contends that the activities proposed, supported by improved on-site parking provision, would result in the successful operation of the site as an Auction House without greater negative traffic or parking impacts on the locality than that generated by the current use as a Children's Centre. In addition, it is considered that the change of use as proposed is the only viable option to release the investment required to repair and preserve the architecturally, culturally and socially important buildings on the site

A Sequential Assessment has been undertaken in support of the application. The assessment considers alternative sites for the proposed development in more central and sequentially preferable locations (i.e. the town centre). The assessment is based on the size, height, appearance and natural light available within available units. Of the available sites / shops none are considered to meet the criteria required and as such the assessment considers that there are no suitable buildings available for the

proposed use in the town centre or other alternative sequentially preferable sites within the District.

A Supporting Letter has been submitted which considers the highway safety elements of the scheme. The letter confirms the removal of structures to the front of the site to provide 2.5 x 45 m visibility splays for vehicles exiting the site. The letter confirms the removal of ancillary structures to the rear of the building to provide access to the rear car parking area; it is proposed to install an electronic vehicle monitoring system to prevent additional vehicles entering the site once the car park is full.

### **Planning History**

None relevant to the current proposals.

### **Responses to Consultations**

The Highway Authority has no objection to the proposed development subject to conditions relating to the provision of suitable visibility splays, a restriction on on-site parking, and the provision of a service and delivery vehicle management plan for the site.

The Environmental Health Officer has no objections to the proposals but strongly recommends conditions relating to delivery times and the control over amplified PA equipment.

### **Responses to Publicity**

No responses were received at the time of writing this report.

### **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development); INF10 (Tourism Development); BNE2 (Heritage Assets); INF2 (Sustainable Transport); INF8 (The National Forest); SD1 (Amenity and Environmental Quality).
- 1998 Local Plan (saved policies): S2 (Out of Town Shopping); EV13 (Listed or Other Buildings of Architectural or Historic Importance)

### **Emerging Development Plan Policies**

The relevant policies are:

- Submission Local Plan Part 2: SDT1 (Settlement Boundaries and Development); RTL1 (Retail Hierarchy); BNE10 (Heritage)

### **National Guidance**

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);

## **Planning Considerations**

The main issues central to the determination of this application are:

- The principle of development
- Heritage
- Highways safety

## **Planning Assessment**

### The principle of development

The application proposes the change of use of the existing buildings on the site to an auction house, a *sui generis* use in terms of the Use Classes Order. An auction house is not a use which sits comfortably within the definition of retail, leisure, arts, culture or entertainment but is rather a mix of all of these uses. As such it is considered to be a main town centre use as defined within the NPPF.

The site is located within Castle Gresley, a Local Service Village but lies outside the village local centre. In considering the proposed change of use an assessment therefore needs to be undertaken as to whether there are more centrally located (sequentially preferable) sites available to accommodate the proposed use, as required by Local Plan Policies SP2, RTL1 and the NPPF.

In considering the sequential test, the applicant has outlined a number of specific requirements which sites need to meet in order to be suitable for their purposes and outlined within the submitted sequential assessment. The applicant requires minimum floorspace (500 sq.m) and eaves heights (8m) in order to provide sufficient floorspace for a sales room, storage, offices, toilets, refreshments etc. and sufficient height in order to accommodate oversized items.

It is accepted that there are no sites/units available within the Swadlincote town centre, or existing local centres within the District that could accommodate such a floorspace requirement and as such there are no more suitable 'in centre' sites available to accommodate the proposed auction house. It then turns to consider whether there are any edge of centre locations appropriate for the proposed use that would be preferable to the proposed location. The submitted assessment considered the former Montracon Site in Woodville and a site at Tetron Point. The Montracon site is too large to accommodate the proposed use alone, and is also allocated under Policy H23 of the submission Local Plan Part 2 for housing and as such can be discounted as a preferable site. Tetron Point is located closer to the town centre than the application site, but is allocated under policy E1D as a committed employment site for B class uses and as such does not represent an appropriate location for a new main town centre use.

Whilst it would be preferable if the auction house could locate within an existing centre, providing opportunities for linked trips, it is considered that there are no

alternative sites within the town centre or sequentially preferable locations that are available, suitable and viable for the development proposal and therefore the proposed development is considered to comply with the requirements of the sequential test and the NPPF, and Policies SP2 and RTL1.

In addition, the proposal would result in economic benefits that would accrue as a result of bringing the site back in to use, and the creation of 5 new full time jobs all add to the benefits that would be brought about as a consequence of the development.

### Heritage

Whilst the existing buildings on site are not located within a conservation area, or listed buildings they are buildings of historic and architectural merit such that they are considered to be non-designated heritage assets. The buildings particularly those on the frontage make a positive contribution to the general character of the area and play an important role in the historic development of the area. The Victorian chapels provide a sense of grandeur to the street scene which is generally characterised by Victorian terraced dwellings.

The fact that these buildings are to be retained, repaired and refurbished for the proposed auction house is a significant benefit of the scheme both environmentally and socially, which would see a new lease of life given to these important buildings within Castle Gresley, which would secure a viable use for the buildings which have been in a dilapidated state for a number of years.

### Highway safety

The site benefits from a single vehicular access to the north-eastern corner of the site. The proposals include alterations to the existing walls to the site frontage to provide visibility splays of 2.4m x 45m for vehicles exiting the site. The proposals include the provision of 15 car parking spaces to the rear of the site, whilst the current site use only provides for 2 spaces.

In considering the highways impact of the proposed change of use it is relevant to consider the nature of the current application (i.e. primarily for storage and cataloguing, with occasional auctions) and the existing permitted use of the three buildings being D1, which encompasses uses such as children's nurseries, religious establishments, libraries, Clinics, health centers, and schools etc. and the likely traffic that these uses could generate which would be considerably above the anticipated traffic movements at the site such that the proposed use is not considered to result in a significant impact on the local highway network.

The level of parking proposed is considered to be an acceptable number of spaces for the proposed operation which would generally only be occupied by the 5 full time staff, with sufficient car parking in the local area to accommodate the occasional auctions to be held at the sites. As the car parking is located to the rear of the building the applicant proposes to install an electronic vehicle monitoring system in order to prevent vehicles entering the site when the parking spaces are full.

In the interests of highway safety, it is considered appropriate to condition the submission of a Delivery Vehicle Management Plan. The plan is considered necessary in order to fully address appropriate delivery times (which will also need to consider potential impact on nearby residential properties), delivery arrangement and the types of vehicles used for deliveries.

#### Other issues

An area of necessary consideration relates to the impact of the proposed development on the residential amenities of the adjoining domestic properties, which is also of concern for the Council's Environmental Health Department. To this end a condition is considered necessary to control the noise levels from any PA system operating at the site. A further area of concern relates to deliveries, and the potential disturbance that this might give rise to, particularly at unsocial hours and as such delivery times are conditioned as set out below. A scheme of lighting would also need to be conditioned in order to ensure that there would be no light nuisance affecting nearby residents.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

#### **Recommendation**

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order(s) which revokes, amends or replaces that Order(s); this permission shall relate to the use of the premises as an auction house and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises, and in the interests of the amenity of the area and highway safety.

3. Prior to any operations commencing on site, a detailed scheme based on a topographical survey for the alterations to the access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for an access with a width of at least 5m and visibility splays of 2.4m x 43m in each direction, measured to 1m into the carriageway, the area forward of the sightlines shall be cleared and maintained thereafter clear of any obstruction exceeding 800mm in height relative to the nearside carriageway edge. The scheme shall thereafter be implemented with the visibility splays maintained throughout the lifetime of the development free of any obstruction.

Reason: In the interests of highway safety, acknowledging the need to ensure that appropriate visibility splays are required to serve the development and during construction works.

4. The use hereby approved shall not commence until a Service and Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority which shall thereafter be implemented in accordance with the approved details before the proposed development is first brought into use. The plan shall include details of times of collections and deliveries and types of vehicles in order to minimise congestion in the vicinity of the site.

Reason: In the interests of highway safety and to ensure that suitable delivery arrangements are in place before the use commences.

5. Prior to the premises being taken into use, space shall be provided within the site curtilage for the parking and manoeuvring of staff and visitors vehicles, and the provision of a parking control monitor. The site shall be laid out and constructed in accordance with the submitted site plan C/17/61 dated 8 June 2017. The parking and turning space shall thereafter be retained free of any impediment to its use for these purposes.

Reason: In the interests of highway safety.

6. No external lighting shall be installed on the building or within the site until a scheme of lighting for the building and car park has been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with the approved details and no additional lighting shall be installed without the prior consent of the local planning authority.

Reason: To ensure a satisfactory external appearance to the development and in the interests of the amenities of the nearby residents.

7. No amplified PA system shall be used at the premises until a scheme for the provision of amplified sound has been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with the approved details and no additional amplified sound shall be installed without the prior consent of the local planning authority.

Reason: In the interests of the amenities of the nearby residents.

8. No deliveries shall be taken at or despatched from the site outside the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 Saturdays and no deliveries shall take place at any time on Sundays, Bank or Public Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

9. Any gates shall be set back at least 10m into the site from the highway boundary.

Reason: In the interests of highway safety

10. Parking within the site shall be limited to staff, vehicles associated with personnel involved in operations on the site and disabled visitors. Appropriate signage, to be approved by the Local Planning Authority prior to the premises

first being taken into use, shall be provided at the entrance to the site along with appropriate wording on any promotional literature.

Reason: In the interests of highway safety and due to the limited number of on-site parking spaces and manoeuvring space.

Informatives:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) , email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.



27/06/2017

**Item**            **2.1**

**Ref. No.**        **9/2017/0460/FH**

**Applicant:**  
**Mr B Chera**  
**9-11 Kelso Walk**  
**Sinfin**  
**Derby**  
**DE24 3DY**

**Agent:**  
**Mr Paul Bowler**  
**A P Design & Surveying Ltd**  
**29 Horsley Road**  
**Kilburn**  
**Belper**  
**DE56 0NE**

**Proposal:**    **RETENTION OF FRONT GARDEN WALL AND RAISED GROUND  
BEHIND AT 183 SWARKESTONE ROAD CHELLASTON DERBY**

**Ward:**           **E05008809**

**Valid Date**    **ASTON**

#### **Reason for committee determination**

The item is presented to Committee at the request of Councillor Watson due to local concern that has been expressed by local residents.

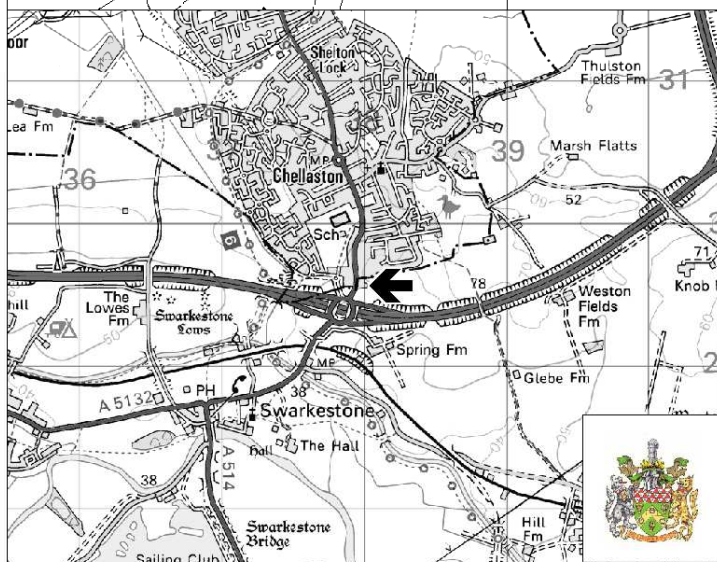
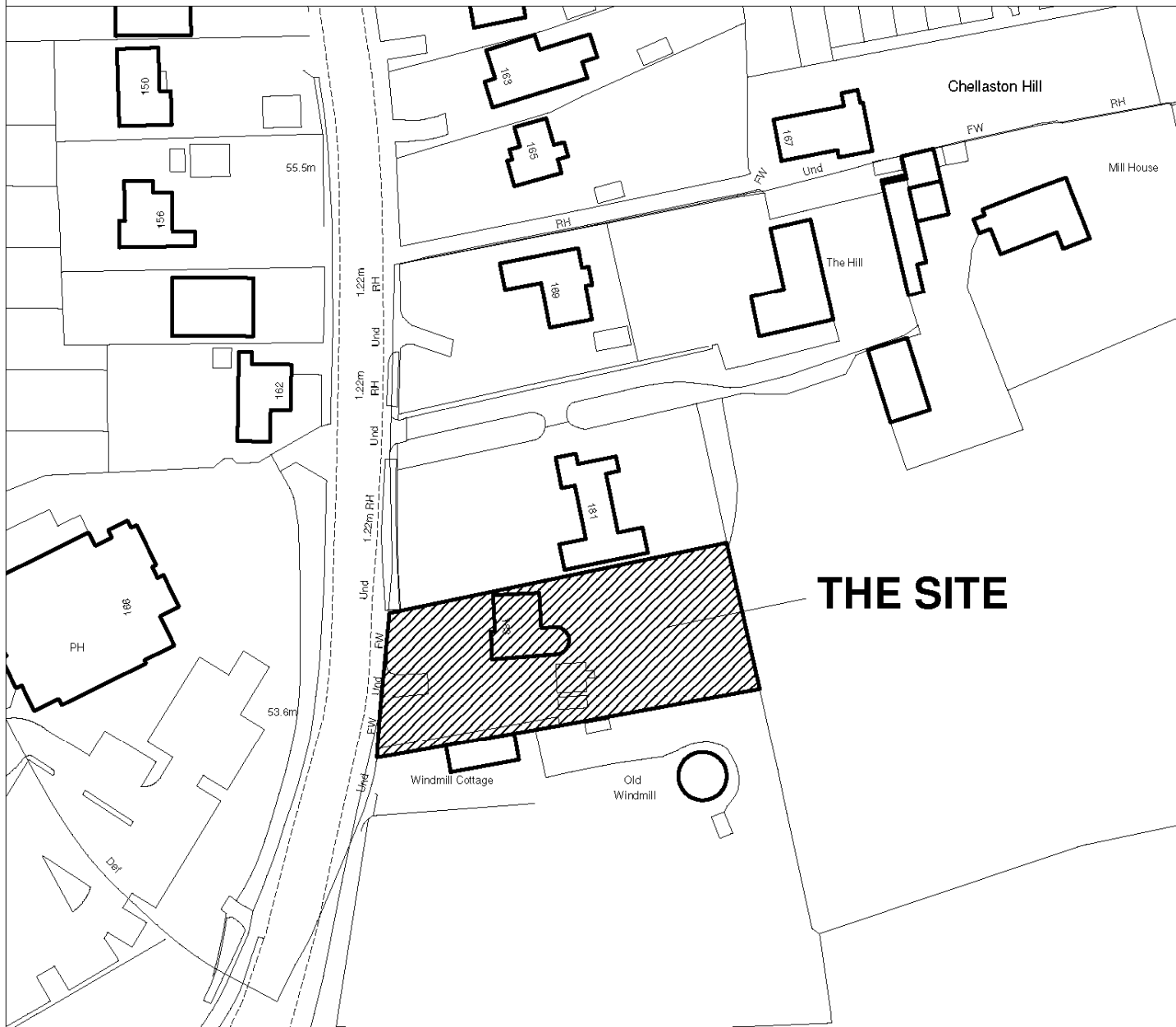
#### **Site Description**

The site is highly prominent and is positioned on a classified road, Swarkestone Road. Consent was granted for a replacement dwelling at the site and a large retaining wall has been partially constructed to the front of the property. The street scene is characterised by minimal built up boundary treatment and dense landscaping.

#### **Proposal**

Consent is sought for the retention of the retaining wall and engineering works to the front of the property. Whilst the wall is currently constructed, the application seeks to reduce the height of the wall and to clad it in stonework with landscaping to the rear. The proposal is a resubmission of planning application 9/2016/1181 and seeks to drop the height of the retaining wall to 1.7m in height in comparison to the 1.8m in height that was previously submitted. The reduction in height of the wall and the use of stonework with a hedgerow and landscaping has been designed to soften the appearance of the wall and to create more seclusion for the owner of the property.

**9/2017/0460 - 183 Swarkestone Road, Chellaston, Derby DE73 6UD**



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**South Derbyshire District Council. LA 100019461. 2014**

## **Planning History**

9/2010/1142 - The erection of replacement dwelling – Approved with conditions - 25/01/2011

9/2011/0953 - The erection of replacement dwelling (amended scheme of previously approved planning permission 9/2010/1142) – Approved with conditions - 12/01/2012

9/2016/1181 - The retention of front garden wall and raised ground behind – Refused – 22/03/2017

## **Responses to Consultations**

The County Highway Authority notes that the wall does make some attempt to provide a small area for pedestrian inter-visibility. On the basis of this, it is not considered that a highways objection could be sustained and therefore, the Highways Authority does not wish to object to the granting of planning consent.

## **Responses to Publicity**

There have been three letters/emails of objection that have been received, raising the following points:

- a) *The existing wall appears to be replaced by a wall made of stone from original wall and shall be reduced to 1.7m in height which would be in-line with the original planning approval.*
- b) *Concerns that the build would be approved by the council? I don't trust the applicants.*
- c) *Will the applicants be charged a fee for wasting everyone's time & money?*
- d) *When will the applicants address the main problem here; the eyesore that they have created on the edge of Chellaston.*
- e) *The photograph in the application is not of the actual location, and is not relevant to the application. The applicant's existing wall is an eyesore and should be lowered to comply with the application drawings before any consent is given to the retention of the wall. Otherwise the application is fundamentally incorrect.*

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport).

## **Emerging Development Plan Policies**

The relevant policies are:

- Submission Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H24 (Replacement Dwellings in the Countryside), BNE5 (Countryside), BNE7 (Trees, Woodland and Hedgerows)

### **National Guidance**

- National Planning Policy Framework (NPPF): Paragraphs 6-10 (Achieving sustainable development), paragraphs 11-14 (The presumption in favour of sustainable development), paragraph 17 (Core principles) and chapter 7 (Requiring good design).
- Planning Practice Guidance (PPG) ID26 (Design).

### **Planning Considerations**

The main issue central to the determination of this application is whether the resubmitted scheme successfully addresses the previous refusal.

### **Planning Assessment**

The previous application was refused at planning committee for the following reason:

*“The proposed wall structure at the front of the site up to the proposed gates would appear incongruous and out of keeping with the street scene by virtue of its extraordinary height inconsistent with those around it. As such the development would be contrary to Local Plan Policies SD1 and BNE1 which seek to ensure (inter alia) that developments are visually attractive, contribute to achieving continuity within the street scene and not lead to adverse impacts on the environment.”*

The refusal reason for planning application 9/2016/1181 poses a significant material consideration when assessing the current application and it would therefore be necessary to assess whether the current application has reasonably addressed the issues within the refusal reason for planning application 9/2016/1181.

The main issue that centred in the refusal reason was the height of the wall at 1.8m in height. The current application seeks to reduce the wall to 1.7m in height, which would be a reduction of 0.1m in height. All other elements of the application remain the same as the previous application. It is considered that this small reduction would does not represent a significant enough amendment to address the reason for refusal and would result in very little visual change from the previous application. The refusal reason for application 92016/1181 would be a significant material consideration when assessing the application and on the basis of this, the previous refusal reason would still be valid.

There have been no objections raised by the County Highway Authority as it would be considered that there would be suitable pedestrian intervisibility.

The applicant has submitted photos of boundary treatments at neighbouring properties on an evidential basis. Concerns have been raised by local residents that these photos are not relevant to the case. However, it has been noted that these photos have only been submitted for information.

In conclusion it is considered that the current application has not reasonably addressed the previous refusal reason for application 9/2016/1181, which would be a significant material consideration when assessing the application and that the previous refusal reason therefore remains valid.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## **Recommendation**

**REFUSE** permission for the following reason:

1. The proposed wall structure at the front of the site up to the proposed gates would appear incongruous and out of keeping with the street scene by virtue of its extraordinary height inconsistent with those around it. As such the development would be contrary to Local Plan Policies SD1 and BNE1 which seek to ensure (inter alia) that developments are visually attractive, contribute to achieving continuity within the street scene and not lead to adverse impacts on the environment.

## Informatives:

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.