

PLANNING COMMITTEE 8TH NOVEMBER 2022
CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 – APPLICATION 21/01412/OUT - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 1 NO. DWELLINGHOUSE WITH APPROVAL BEING SOUGHT FOR SCALE AND LAYOUT AT FARMERS GARAGE LIMITED, LAND ADJACENT SMEDLEY STREET, MATLOCK

Attention is drawn to an inaccuracy in the application section of the report. It is stated in paragraphs 2.1 and 2.2 that the application as originally submitted sought outline permission for two dwellings and that the amount of development has been reduced. The application as originally submitted proposed one dwelling. There has been no reduction in the amount of development and the application has been assessed on the basis of the development comprising the erection of one dwelling on the site.

ITEM 5.4 – APPLICATION 22/00615/FUL – ERECTION OF AGRICULTURAL WORKERS DWELLING AT OAKFIELDS FARM, NORTH LANE, BRAILSFORD

The agent has provided updated information on stocking levels as below. They state Paragraph 7.7 of the report refers to the situation in April 2022 when the application was submitted, the composition of the holding in terms of animal numbers and growth commitments is now somewhat different.

At present (2.11.2022) animal numbers on the holding are as follows:

- 70 calves up to the age of 3 months old with the youngest being two weeks old with another 30 calves to arrive by the end of November,
- 62 cattle 10-12 months
- 6 cattle (16-18 months)

In addition to this 6 animals were sold at Bakewell market two weeks ago. The applicants are committed to buying a further 100 calves from May 2023, with a further 100 in Autumn 2023. Moving forwards it is the applicants' intention to buy in, in the region of 200 calves each year, (100 in the autumn, 100 in the spring). At maximum capacity, there will be in order of 250-300 cattle on the holding in the lead up to finish cattle being sold.

A letter of support from the applicant's vet has been submitted and is summarised below. The farm is a calf rearing unit with over 100 animals therefore the importance of someone on site is paramount. Current welfare priorities include:- stress from movement of animals, feeding of milk replacer, calf scour and pneumonia outbreaks, handling of animals and lameness. Prevention of these issues is prompt detection. Current protocols for reducing the risk of disease include using only a source farm, cleaning, vaccination, restricting access / cleaning and movement of animals kept to a minimum and adequate ventilation. The above gives an insight into the responsibilities of the applicant with regards to health and welfare of stock and a permanent residence would have a positive impact on the welfare of animals.

A plan has been submitted which annotates the planning permissions on the agricultural buildings on site.

Officer response:

Paragraph 7.7 of the committee report states that there were 70 calves on site under 3 months old, 30 cattle between 3 and 6 months and 28 between 12 and 24 months with a total of 128. Based on the most recent information provided there is currently a total of 138 animals on the holding. This is not considered a significant change to warrant a change in recommendation.

ITEM 5.5 – APPLICATION 22/00634/REM - APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 12 NO. DWELLINGHOUSES (OUTLINE PLANNING CONSENT 19/00455/OUT) (RESUBMISSION) AT LAND OFF MILLERS GREEN, WIRKSWORTH.

The agent has submitted hard and soft landscaping plans for the application, which reflect the changes to layout of the development. There is therefore a requirement to amend the wording of conditions 1 and 10.

Condition 1

This consent relates solely to the application as amended by the revised plan no's 3095 -02 Rev O, P03 Rev A, P04 Rev C, P05 Rev C, P06 Rev E, P07 Rev C and P08 Rev B received by the Local Planning Authority on the 7th October 2022 together with plan no.09 received on the 27th May 2022, Plan No. GK3433-C-001 Rev B received on the 12th September 2022, plan no. 001A received on the 9th June 2022 and plan no's AW0120_PL-001 Rev A and 002 Rev A received on the 4th November 2022.

Condition 10

Notwithstanding the submitted plans, a scheme for the implementation and future management of the approved landscaping, including the planting of a new, and retention of existing hedgerows and other biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings. The landscaping shall thereafter be delivered and managed in accordance with the approved details.

ITEM 5.6 – APPLICATION 22/00769/FUL – CONVERSION AND CHANGE OF USE OF BARN TO 1NO. DWELLINGHOUSE AND ERECTION OF OUTBUILDING COMPRISING STABLES AND CARPORT AT 1 HIGH STREET, BONSTALL.

Condition one in the officers report is written in code. For clarify it should read:

Condition 1

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

Reason:

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

The Local Lead Flood Authority (DCC) has submitted a holding objection which advises the following:

As the LLFA, we wouldn't normally be responding to minor applications, but given the proposals, and the fact that DCC is looking to promote a scheme to address the existing flooding issues in Bonsall, it was felt appropriate that we should comment. I

understand that it's not in our usual format, but in the interests of providing a response today, our concerns will be expressed in this email.

Since the original planning application in 2016, Bonsall has been subject to a series of flooding events. Notably on September 19-20th 2018 Bonsall flooded several property locations 15 homes and 4 commercial properties and Derbyshire County Council commissioned a Flood Investigation Report in January 2019. As a result of flooding at Bonsall and the report in 2019 DCC are planning a flood and drainage scheme at Bonsall to reduce the flood risk to properties.

In late October 2022, DCC have carried out significant drainage and investigation works. In particular, we have looked into the flooding issue that comes from 1 High Street. We carried out CCTV survey works at the open part of the culvert at Nr 1 High Street and we found blockages, some of which we rectified at the time of the survey. In severe storms, we believe that one of the paths that the water takes is from the open culvert at 1 High Street and then flows overland towards the war memorial through to Yeoman Street, where it floods more properties.

Altering the levels near to this culverted watercourse could lead to both the new development and the existing properties flooding, and the overland flows potentially affecting more or different downstream properties. I would request that the applicant undertakes a flood risk assessment to demonstrate that the proposals will not increase flood risk to either the development site or other existing properties.

Therefore, I would submit a holding objection to this application, until further information is provided. The LLFA are happy to work with the applicant, in order for them to understand what our concerns are, and how they could be addressed, taking into consideration what DCC's proposals might be in terms of any flood mitigation scheme we are proposing in Derbyshire.

Officer Response

These comments were received today at 16.09 and Officers have not had opportunity to discuss the comments with the applicant and for the applicant to discuss the comments with the LLFA. Whilst they relate to the maintenance and discharge of surface water into the culvert which crosses the application site and Officers consider that the matter could be addressed by condition which seeks agree any level changes, surface treatment and a site specific drainage scheme (in relation to any new development / hard surfaced areas), it is considered expedient by Officers for Members to defer making a decision on the planning applications until the applicant has had a chance to discuss these matters with the LLFA and present further information to address their concerns where appropriate.

It is also considered expedient to defer the consideration of the listed building consent application 22/00770/LBALT (Item 5.7) until the outcome of any flood risk assessment work / discussion with the LLFA is known, as this could have implications on the conversion of the building.

ITEM 5.7 – APPLICATION 22/00770/LBALT – INTERNAL AND EXTERNAL ALTERATIONS IN ASSOCIATION WITH CONVERSION OF BARN TO DWELLINGHOUSE AT 1 HIGH STREET, BONSALE.

Condition one in the officers report is written in code. For clarify it should read:

Condition 1

The works hereby permitted must be begun before the expiration of three years from the date of this consent.

Reason:

This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

ITEM 5.8 – APPLICATION 22/00798/FUL - ERECTION OF TWO STOREY REAR EXTENSION AT 7 COLLINGWOOD CRESCENT, MATLOCK, DERBYSHIRE

Officers draw Member's attention to the administrative error on the cover sheet of the officer's report which incorrectly states that the applicant is Mr Rob Wood (Derbyshire Fire and Rescue Service). The applicant is Mrs Lisa Jones, as stated on the application form.

One representation received from the occupant of 3 Collingwood Crescent further to the publication of the agenda which are summarised as follows:

1. I note, Cllr Martin Beresford raised concerns over the sheer scale of the over-looking proposed extension which would be built within 3 meters of my boundary.
2. Due to the height, potentially reaching 25ft (7.62m) the loss of amenity to light will be inevitable as my house is south facing. The extension is not in scale with surrounding properties and would be too over bearing and shadowing.
3. I invited Mr Jones (husband of the applicant as Mrs Jones wasn't at home at the time) to stand in my garden for him to understand the impact of the proposed extension. He took a photograph and gasped, he left and said he would speak with Mrs Jones.
4. If permission is granted I would like you to consider the additional conditions; the immediate privately owned small lane, which separates both mine and no. 7 and which is also owned by 4 other neighbouring residents will be kept clean, free of mud and debris. Access is available at all times during renovations to move freely to and from home especially prior to and after school and office hours. The unloading of building materials is kept within the owners privately owned parking space and inconvenience is kept to a minimum.

Officer Response

The impact of the proposed extension upon neighbouring properties is addressed in the committee report. Officers conclude that the extension will not harm the amenity of neighbouring properties.

The extension would be 7.2m high (measured from adjacent ground level to ridge height) and 5.18m to eaves.

ITEM 5.10 – APPLICATION 22/00952/FUL – CHANGE OF USE FROM GARAGE BLOCK TO DWELLINGHOUSE (RETROSPECTIVE) AT COTONWOOD LODGE, MUSE LANE, BOYLESTONE, ASHBOURNE.

As referenced in paragraph 7.9 of the committee report the applicant has submitted an amended plan showing the building 'as built'. This plan has been added to the application and is included in the presentation. There is therefore a requirement to amend the wording of the notes to applicant:

Notes to applicant:

2. This decision notices relates to the following documents received by the Local Planning Authority:

Planning application forms and drawings received on the 15.08.2022, 06.09.2022 and 28.10.2022.

ITEM 5.11 - APPLICATION 22/00961/FUL - ERECTION OF TEMPORARY RURAL WORKERS DWELLING FOR A PERIOD OF 3 YEARS LAND EAST OF TURLOWFIELDS LANE, HOGNASTON

Two representations received further to the publication of the agenda which are summarised as follows:

- incredibly concerned and disappointed with recommendation that the application be granted despite the objections of many in the local community and against the recommendations of the Parish Council
- would like to ask if you have contacted trading standards or plan to do so given applicant's history?
- want to know how much this business is making or is predicted to make to warrant this agricultural workers accommodation and what those projections are based on?
- have you asked an environmental impact study be made or is the Council content to ignore the environmental damage this application being granted will cause
- want to know what steps are being taken regarding the enforcement notice that was given for the on-site caravan - already not complying and refusing to move it and yet you plan to recommend the approval of his latest application, why?
- this business has a track record of causing animals immense suffering through neglect and cruelty - T&S Rabbit Farm of East Bridgford was not only a cruel and barbaric fur farm, its existence and campaign to close down the business had a huge effect on the beautiful and tranquil village and its residents
- would strongly urge you to carefully consider this application of an Alpaca farm and the impact it would have on your parishioners and the area
- would ask you to observe the media coverage and under cover footage of the applicant and his abhorrent practices before considering this application.

Officer Response

The Local Planning Authority has not contacted Trading Standards. If there are concerns with regard to trading standards, then such concerns should be directed to Trading Standards and not the Local Planning Authority – whether a developer

complies or not with trading standards is not a material consideration in the determination of any planning application.

The business plan for the proposed enterprise has been submitted and appraised by the independent consultant as set out in the Officer's report

Planning permission is not required to put Alpacas on land as they are livestock; the only element requiring permission is the timber cabin and that has been accepted previously and thus have the environmental impacts of putting such a structure on the land.

The existing Breach of Condition Notice is held in abeyance pending the decision on this current application. A condition has been recommended requiring the removal of the mobile home prior to the provision of a timber cabin and can nonetheless be enforced within a reasonable time period if the planning application is refused.

ITEM 5.12 - APPLICATION 22/00971/FUL – RECONSTRUCTION OF BANDSTAND AT ASHBOURNE MEMORIAL GARDENS, COKAYNE AVENUE, ASHBOURNE.

An written objection to the development has been received from a local agent, Mr Darren Archer, in which the following comments are made:

What a shame that on such a prominent site, we can't have something better than this. Also, is this type of bandstand even fit for purpose, has anyone spoken to the potential users?

A total lack of ambition. It really doesn't cost any more money to build something that looks good and is functional.

A massive missed opportunity plus an ongoing maintenance nightmare. Well Done.

Officer Response

The District Council (as applicant) did consult with the community, via the Friends of Ashbourne Park Group and the Royal British Legion. The design is a traditional design, which meets their requirements and is appropriate to the site and its context.