

PLANNING COMMITTEE 13TH DECEMBER 2022
CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 – APPLICATION NO. 22/01011/FUL - CHANGE OF USE OF PUBLIC HOUSE AND ASSOCIATED LAND TO BE A MIXED USE COMPRISING COFFEE HOUSE, BAR AND RESTAURANT AND PLACE OF ASSEMBLY AND LEISURE INCLUDING FUNCTIONS, EVENT AND DISPLAY AREAS, AND ANCILLARY RETAIL USE. ERECTION OF A RETAIL AND COFFEE SHOP (INCLUDING ADDITIONAL TOILETS); FORMATION OF ADDITIONAL CAR PARKING; FORMATION OF NEW VEHICULAR ACCESS; GROUNDWORKS TO CREATE EXTERNAL SEATING AND DISPLAY AREA; LANDSCAPING AND DRAINAGE INFRASTRUCTURE AND OTHER ASSOCIATED WORKS AT THE KNOCKERDOWN INN, KNOCKERDOWN, ASHBOURNE, DERBYSHIRE, DE6 1NQ.

1. The following comments have been received from the Peak District National Park Authority:

The proposed development is close to the boundary of the Peak District National Park. The Agent's covering letter states that 'the location has been chosen largely because of its proximity to Carsington Water and the Peak District National Park.' The effect of the proposed development would not be limited to the site itself and its immediate setting. Therefore we consider that Derbyshire Dales District Council should have regard to the purposes of a national park in determining the application, pursuant to Section 62 of the Environment Act 1995.

The purposes of a national park are: (i) conserving and enhancing natural beauty, wildlife and cultural heritage; and (ii) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

The development would have a negative impact on the tranquillity of the National Park (one of our special qualities) given the number and type of vehicles likely to be attracted to the site. The venue would encourage 'leisure driving' and be likely to attract road users with 'performance cars' onto roads that offer challenging road geographies. This also includes onto roads within the National Park. Such roads are already busy at weekends with a mix of users including leisure motorcyclists and non-motorised users. The introduction of additional leisure drivers will exacerbate the problem and have a negative impact on understanding and enjoyment of the Peak District's special qualities.

Officer Response:

Officer's note the comments received from the Peak District National Park Authority and recognise the District Council's obligation to have regard to the statutory purpose and duty of the Peak District National Park. In this case however Officer's consider that any additional traffic and associated noise and disturbance would not be significant in terms of impact upon the special qualities of the PDNPA (landscape, biodiversity, cultural heritage or tranquillity). It is considered that the District Council would be unlikely to have a reasonable prospect of defending a reason for refusal on this ground.

2. A total of 18 late representations have been received in objection to the proposed development, whilst all late representations are available in full online, a summary of these is provided below:
 - The development will result in increased noise and traffic in the area.
 - The development is obtrusive and will destroy the natural environment,

- The infrastructure feeding the immediate area cannot cope.
- The development will increase the pollution in the area.
- The development would increase the risk to walkers, cyclists and horse riders who use the surrounding lanes.
- Severn Trent have successfully managed Carsington Water as a peaceful wildlife site which attracts over a million visitors a year.
- The development would be better sited on an industrial estate with better access roads.
- An audio file has been received demonstrating existing vehicle noise around the site.
- Some additional tourist trade would be welcome but this is entirely of the wrong nature.
- Whilst Derbyshire Constabulary have no objections, the Designing Out Crime officer may have been more appropriate to comment.
- Other application in the area which resulted in a similar location have been refused due to the location being remote and unsustainable.
- The proposal will result in light pollution of the area.
- The development will result in the loss of a pub, which is valuable to tourist in the area.
- Concerns regarding the design of the proposal and its impact on the character of the area.
- The proposal will not generate any real employment benefits as there is no shortage of hospitality and retail jobs in the area.
- The site is located outside of any village and is poorly served by public transport.
- The pub was operating successfully prior to the purchase by the applicants.
- The jobs offered by the business, based on existing adverts for the current operating site would be low quality and/or zero hour contract jobs.
- Vehicles will be queueing along the highway in order to enter the site causing highway safety issues.
- Noise from vehicles and events would have a harmful impact on the tranquillity of the area.
- A signed letter from a number of local residents has been received alongside a presentation containing video footage, and links to social media posts in relation to the applicants existing site near Stratford.

In addition, a petition with 483 signatories has been received in objection to the proposed development.

Officer response:

Officers advise that members note the above representations.

3. A total of 10 late representations have been received in support of the proposed development, whilst all late representations are available in full online, a summary of these is provided below:
 - The existing Caffeine and Machine site is a proven, successful business model.
 - The vast number of objections have an incorrect image of what the business is like and the patrons it attracts.
 - The existing site is well managed with a huge emphasis on respecting the local area and supporting local people. The development will bring jobs and tourism from all over the UK that will trickle down into other local attractions.

- The business offers mental health support to visitors.
- The application will tidy up a site which is currently run down and abandoned.
- The number of proposed parking spaces is similar to the existing when overspill parking and camping/caravan pitches are taken into account.
- There are no concerns raised by the Local Highway Authority.
- There are other pubs in the area but few places offer facility for car enthusiasts in a welcomed and safe environment.
- The applicants and business actively encourage safe driving.
- The business ban people from returning who do not respect the local community.
- While out of town venues such as pubs are struggling, this would provide and all weather venue.

Officer response:

Officers advise that members note the above representations.

4. Hulland Ward Parish Council:

Hulland Ward Parish Council wish to object to this application because of the possible impact this development may have in terms of increased traffic through Hulland Ward village and Dog Lane, Hulland Ward in particular.

Officer response:

Officers advise that members note the above representations.

5. Angelique Foster – Derbyshire Police and Crime Commissioner (summarised):

- Several concerns have been highlighted including speeding vehicles, volume of traffic and noise pollution. Residents want to see more work to be done to help improve the safety of our road network. Having looked at the proposal, I am concerned that if it is granted it is likely to increase the volume and speed of traffic which would be damaging to the landscape of an area that is a peaceful rural community, often enjoyed by many walkers, hikers and cyclists.
- The proposed development in Carsington is expected to see an increase of 50,000 cars per year, which as you must be aware would represent a substantial increase in the volume of traffic.
- I know that local residents have submitted their concerns on the Council portal and some have also attached visual evidence of the speeding and dangerous driving that has been taking place across rural and poorly lit villages in Warwickshire.
- The B5035 is situated near a range of different junctions and sharp turns, including at Stonepit Lane and heading into Brassington along Ashbourne Road. Residents have stated that the road is at the bottom of a downhill run with narrow lanes and during the winter months, would not be suitable or well-lit for cars travelling at such high speeds.
- I understand that the B5035 is frequently used by Heavy Goods Vehicles and is near a quarry that carries tons of limestone and other products throughout the day, which could lead to frequent overtaking on the narrow lanes around this proposal.
- The proposal is not in keeping with the surrounding landscape and would have a detrimental impact on both the quality of life of those living and visiting the area, but also endangering our local wildlife.

Officer response:

Officers advise that members note the above representation.

6. The following comments have been received from Derbyshire CPRE (summarised):

- Our group is objecting to this application on the basis that the proposal would be contrary to the District Council's Local Plan policies relating to Development in the Countryside.
- The proposed development would be a change of use from a rural pub and restaurant to a large-scale, car-based facility expressly designed to attract high performance motor vehicles in considerable numbers, with a concomitant loss of tranquillity and rural character.
- The site is adjacent to the nationally and internationally recognised wildlife and recreational facility of Carsington Water, which attracts visitors who wish to enjoy an essentially rural experience with access to quiet recreational opportunities such as sailing, birdwatching, walking and cycling.
- It is true that Carsington Water visitors arrive primarily by car, but once they have arrived, the cars are parked in a well-positioned car park and only used for journeys to and from the facility. By contrast, the proposal from Caffeine and Machine would not only attract car-based visitors to the site, but would allow cars to be displayed and engines to be run when on site.
- There is also an assumption that the facility would be open into the evening, unlike the Carsington Water Visitor Centre, which closes at 5 pm. This would directly threaten the character of Carsington Water and its surroundings as "a place that is important in conveying a sense of tranquillity" in the words of the National Character Area profile by Natural England.
- The proposal would certainly bring about a growth in tourism to the area, but in our view this would not be sustainable growth, as it would also increase air and water pollution in the area and lead to an excess amount of car and motorbike traffic. This does not conform to NPPF section 15 Conserving and enhancing the natural environment Para 174 (e) which requires: "preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."
- The site is at considerable distance from main trunk roads or motorways, so traffic to the site would need to travel through nearby villages and on relatively narrow roads, further undermining the rural character of both the immediate and wider surroundings.
- The Council's Local Plan objectives as regards climate change state: Climate change is the single biggest threat to the countryside as we know it. Any development on this site should recognise the need to plan for a lower carbon future and seek to deliver more sustainable opportunities for employment and travel. This proposal does the opposite and should not be supported by Derbyshire Dales District Council.

Officer response:

Officers advise that members note the above representations.

7. Further comments have been received from DJOGS Ltd, on behalf of the applicant in response to the consultation response received from Derbyshire Wildlife Trust. This concludes that sufficient information has been submitted in order for the application to be determined with appropriate conditions and reason for refusal #3 is unreasonable and could not be defended.

Officer's response:

This information was received on Friday 9th December and as a result, Officers have not had sufficient time to request a view from Derbyshire Wildlife Trust on these additional comments. This remains an unresolved issue at the time of the planning committee meeting and does not overcome the fundamental concerns with the application as set out in reasons for refusal 1 and 2.

8. In addition to the above, a letter from the applicant has been received and circulated to members prior to this meeting, which comments on the officer recommendation and representations received.

ITEM 5.2 – APPLICATION 22/00378/FUL – CHANGE OF USE OF LAND FOR PRIVATE EQUESTRIAN USE, ERECTION OF STABLE BLOCK, FORMATION OF MANEGE AND RELOCATION OF ACCESS WITH ASSOCIATED PARKING AREA AT LAND NORTH OF PARK HOUSE FARM, WYASTON ROAD, YEAVELEY,.

Two representations have been received from the Deputy Chair and Clerk to Rodsley and Yeaveley Parish Council requesting a deferral of this item due to difficulties contacting the local ward member prior to the committee meeting.

Officer response:

Whilst unfortunate, the reasons for requesting deferral are not considered to be valid. The ward member has been consulted on the application and has not commented. In the interests of timely decision making the application should be assessed on its merits in accordance with the relevant provisions of the development plan and having regard to the representations and consultation comments received. The Parish Council have made representation on the application previously which is included within the officer's report and have the opportunity to speak either in favor or against the application at the committee meeting should they wish to do so. Members however have the ability to defer items should they feel it necessary.

ITEM 5.3 – APPLICATION 22/00721/VCOND - VARIATION OF CONDITIONS 3, 4 AND 5 OF PLANNING PERMISSION 15/00741/FUL TO FACILITATE AMPLIFIED MUSIC AND PUBLIC ADDRESS, ALLOW 24 OUTDOOR MARKETS WITHIN A CALENDAR YEAR AND VARY HOURS OF SETUP AND ACCESS FOR EVENTS AND MARKETS AT PEAK VILLAGE ESTATES, CHATSWORTH ROAD, ROWSLEY.

Corrections to the report and condition 2 are required as below.

At paragraph 7.9 1) it should read:-

- 1) Amplified music /noise would only be permitted during the permitted opening times and restricted in the morning to start after 11am.

The Environmental Health Officer considered the Noise Monitoring Plan acceptable and condition 2 should be amended to read:-

The external system of public address, loudspeaker system or amplified music system shall be operated at low-level within the centre in accordance with the submitted Noise Management Plan dated 28.10.2022.

Further representations have been received which are summarised below:-

- There is a major problem in Rowsley in that many of the issues are caused by Chatsworth which is under peak park planning and so we're not consulted.
- There's no joined up plan between authorities and the residents no longer feel it's worth engaging; there are weekends with multiple events which cause chaos.
- The police are not interested in enforcing the speed limit on Chatsworth Rd, the parish and local councils won't countenance additional signage or other speed mitigation measures.
- It's got to the stage where there's no consultation on when events are, Chatsworth's traffic management company put cones across people's drives and don't bother to pick up broken ones...
- Chatsworth Rd will be gridlocked even more frequently.
- We'll be besieged every other weekend or more dependant on timings of other events.
- It is suggested that there should have been a proper traffic survey over a representative period time and this would show any further development is unsustainable and a massive loss of freedom for local residents to go about their daily business and enjoy the local amenity of their area.
- There is doubt that any consideration of residents has been made in this recommendation and smacks of a lack of courage to challenge Chatsworth and their increasing low quality car boot sale style commercialism.
- We get enough later in the day disruption already, with speeding cars from Chatsworth's Halloween, Fireworks, light shows, Christmas lights plus the usual events without the extra noise and light pollution from Peak Village being open longer..
- It is considered that the most recent event at Peak Village was totally unacceptable in terms of noise and disturbance that the residents had to endure all weekend.
- They would also be interested to know how the noise is being monitored, by what means as when the Christmas market was on, you couldn't talk to each other in the centre, it was that loud! Recordings were taken if required.
- It looks like the application will be passed regardless of how many complaints are raised. If the noise doesn't cause all the residents to move, the fumes from all the vehicles probably will do the trick, whilst we try to cross the ridiculously busy road.

ITEM 5.5 – APPLICATION NO. 22/00938/FUL - ERECTION OF 18 NO. DWELLINGHOUSES AND ASSOCIATED DEVELOPMENT AT LAND NORTH OF OLD MARSTON LANE, DOVERIDGE.

Corrections are required for the plan no's in condition 2 and 3 :-

1. This consent relates solely to the following application plans:- 999-AD-001 location plan scale 1:500, plan no's 999-AD-003B, 050A, C-2060-02 Rev A, 27330_08_020_01.1C, 21_053_02_02 Rev A, 999-AD-014A Refuse Strategy Plan, 999-AD-007 B CEMP Plan, AD-005 Rev C and the following housetype plans no. HEA-03, HEA-01, CDY-03 A, AT-CDY-02A, AT-HTR-01 A, LNG-03 A, LIT-01 A, HUT-01 A, LMG-01A, HUT-BAR-02 A and HUT-BAR-01B received by the Local Planning Authority on the 24th November 2022 and AT-LNG-03 (opp), AT-LMG-01 (opp), PD-DG02 and PD-SG01 received on the 17th August 2022.
2. No dwelling hereby approved shall be occupied until the access, parking and turning facilities serving that individual building, to the nearest public highway, has been provided as shown on drawings 27330_08_020_01.1 Rev C and 999-AD_002D.

An additional condition is recommended relating to noise:-

The development hereby approved shall be implemented in accordance with the recommendations of the Acoustics Assessment May 2022 (ref 27330-ENV-0401) and the noise levels within the garden areas of plots 1, 7 and 9 submitted to and validated by the Local Planning Authority prior to occupation of these properties.

Reason:

In the interests of residential amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

ITEM 5.6 – APPLICATION 22/01044/OUT - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 75 NO.DWELLINGHOUSES AND ASSOCIATED DEVELOPMENT WITH APPROVAL BEING SOUGHT FOR ACCESS AT LAND OFF CHESTERFIELD ROAD AND QUARRY LANE, MATLOCK.

There is an error in the numbering of conditions after 22 as the surface water drainage hierarchy condition was not numbered. 23 to 25 require number changes.

Numerous emails have been received from Cllr S Wain and are included below.

He is concerned is that in the report, the Officer is using a response from STW regarding additional flows of water dated 29 June 2022, .This indicates that flows could be accepted into the STW network, when in fact in October 2022, he provided her with an updated response from STW indicating that no flows could currently be accommodated. The following specific comments are made:

Within the report there is no mention that due to a subsequent reassessment of their infrastructure on Chesterfield Road, STW had confirmed that they could not currently accept water flows into their network from the Richborough site.

Has the LLFA sought updated assurances from STW that they can accommodate such flows, or are they relying upon the June 2022 assessment? Surely this needs to be corrected before it is presented to a Committee? Furthermore, I question whether STW would be prepared to accept flows from the surrounding undeveloped greenfield slopes abutting the site as alluded to at 5.4 in the report.

On Friday 2 December 2022, Cllr Wain was present at a meeting when concerning figures were presented by the EA regarding increased projected flows of water emanating from the Bentley Brook catchment. The full report is due out soon.

Without the establishment of definitive surface water dispersal relating to this site, you will potentially be adding to this already significant issue. There is an email outlining the STW position on the lack of capacity within their surface water infrastructure on Chesterfield Road, Matlock.

The two points of connection STW are as a result of a conversation he had with them regarding their reappraisal of the discharge from the proposed Gritstone Road site. The Wm Davis drainage consultant indicated that the STW infrastructure could accept up to 220lps of surface water at peak flow, but STW after a review of area, stated there was only capacity for 20lps from phase one and 45lps from phase two, which he believes would be the flow from Cavendish Road.

It is therefore clear that currently STW cannot connect any additional flows into their network. It is noted that the DCC LLFA holding objection, dated 21 October 2022, has now been rescinded. As you are aware the Bentley Brook catchment is classified in the DDDC Strategic Flood Risk Assessment, as a highly sensitive catchment, the highest in the Derbyshire Dales and extreme caution should be required when allocating future developments.

It must be noted that there have already been four sites (300+ homes) developed along Chesterfield Road. Surface water flows for all were assessed individually and not cumulatively as per NPPF guidelines. Two of the developed sites have had serious issues with poorly attenuated water flows, these have included subsidence of attenuation ponds, the flooding of a School Nursery at least twice and increased water flows around both new and existing homes.

In my opinion the planning report created for the Richborough application, 22/01044/OUT, contains incorrect information, in that STW do not have current capacity to connect and this could mislead Members of the Planning Committee.

The Officers report does not appear to fully take account of the new guidance published on the 25 August 2022 on planning for flood risk. As you will be aware this update to the National Planning Guidance resource made significant changes to the way flood risk should be handled and I suggest that the report needs to make clear how it has considered these issues. In light of the above he asked that you either remove the item from Tuesdays agenda, or a deferment is sought, so that thorough consultation can be held between STW, DLLFA and DDDC LPA to discuss what flows can be accommodated and what developments they should be potentially attributed to.

Finally, as this site is not allocated in the DDDC current local plan and in light of Minister Gove's recent change in housing forecasting, I am surprised at the continued emphasis being placed on the lack of a five year supply of housing.

Local Lead Flood Authority Response

The LLFA have responded stating that for this site, the developer intends to connect into a sewer on the opposite side of the road, which is part of the Cardinshaw Road development. It is believed that the sewers in this estate are yet to be adopted by STW under a S104 but regardless as to whether they have or not, the connection point from the proposed development will be downstream of the existing attenuation pond which is into a 150mm diameter pipe.

They have no reason to believe that the proposed greenfield run-off (13.5l/s up to the 1/100yr return period) from the site can't be accommodated by the 150mm diameter pipe, but aside of that, the developer will have to make an application to either STW or the developer for this connection to be made. This pipe then discharges into the Bentley Brook and has no interaction whatsoever with the SW sewer which may serve the Gritstone Road site.

The Developer has indicated that there is a viable outfall for the SW flows from the development, and therefore they wouldn't request anything further at this stage. It would be expected however at DOC, that the developer has the necessary permissions to make this connection. The only thing that the developer has yet to confirm, is a viable outfall from the flows which are to be captured from outside of the developable area, and although there is a recommended condition in respect of this, we have also stated in our response, that there current proposal to discharge onto the highway, would not be acceptable.

Officer response

Only foul flows are proposed to the foul combined system.

Surface water is not going to be discharged to the foul combined system and is instead proposed to outfall to the local brook either directly or utilising existing infrastructure serving the affordable housing scheme opposite the site (currently not adopted).

The agent has provided the following clarification in relation to the provision of car parking for Brickyard Cottages and the Methodist Church in light of the removal of the layout.

Firstly, in terms of parking, we propose the S106 will cover the transfer of parking spaces to adjoining residents of brickyard cottages and the Methodist Church. Masterplan attached for ease of reference but two components in essence – 6 no. spaces for the benefit for occupiers of 1-3 Brickyard Cottages and a further 6 no. spaces for the benefit of the Methodist Church.

We have been advised the S106 can cover this without those parties which stand to benefit from the transfers being party to the S106. They can be constructed then made available for transfer to the Council or their nominees at nil cost; if the transfer doesn't happen within an agreed period, those parking spaces would revert to visitor spaces within the scheme.

CPRE Derbyshire objects on the following grounds:

The site is not identified in the approved Local Plan as a development site.

The site is on greenfield land outside the Matlock settlement boundary.

The visual impact of the site will be detrimental to the landscape character of the area. The proposed development would urbanise the last remaining open slopes up to the woodland above Chesterfield road, effectively completing the destruction of the rural character of that part of the Matlock fringe.

The number of houses proposed is grossly disproportionate to the nature of the site. It could be argued that the field immediately adjacent to the main road could be developed with relative little harm, but the scale of development proposed is not justifiable.

Concerns about the potential for flooding on the site and further downstream have not been properly addressed, given the impact of climate change on rainfall levels in the very near future.

Officer response

Landscape and flooding impact are included in section 7 of the report.