

**PLANNING COMMITTEE 13<sup>TH</sup> JUNE 2023**  
**CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA**

**ITEM 5.2 - 23/00310/FUL – CREATION OF ACCESS, ERECTION OF HARD SURFACE AND RETAINING WALLS FOR CAR PARKING AREA AND ASSOCIATED ENGINEERING WORKS AT 166 SMEDLEY STREET, MATLOCK, DERBYSHIRE, DE4 3JA**

Re. Queries regarding future dropping of kerbs in association with the development.

Officer Response:

Case Officer recommends that an additional informative be added in respect to any future dropping of kerbs and the process of applying to the Local Highways Authority:

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 - Place 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-

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> or via email to [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.

**ITEM 5.3 - 22/01081/FUL - CHANGE OF USE OF LAND AND ERECTION OF 2NO. GLAMPING PODS, A PARKING AREA, PACKAGE TREATMENT PLANT WITH ASSOCIATED DEVELOPMENT AT LAND SOUTH OF STONEY LANE, HOGNASTON**

One representation letter has been received since the report was written. The letter objects to the planning application. The material planning reasons are summarised below:

- The access track is narrow and made of unsuitable material and is a public footpath.
- The angled junction means vehicles with trailers can only approach and leave from the south. Adding horses and riders to this tight junction with poor visibility and accidents will be inevitable.
- This considerable holiday home investment will be tempting to convert into a dwelling (as many have been in the District). As this is outside the village area shown in the Local Plan this must not be allowed to happen and conditions included to prevent it.

Officer response:

Impact upon highway safety is considered in paragraphs 7.23 - 7.26 of the report. Planning condition 13 would control the occupation of the glamping pods to temporary holiday accommodation only and not permanent residential accommodation.

**ITEM 5.4 - 23/00012/FUL - ERECTION OF AGRICULTURAL STORAGE BUILDING AT HARDHURST BARN, BREAMFIELD LANE, WIRKSWORTH, DERBYSHIRE, DE4 4AF**

Comments from Applicant's agent further to publishing of the Agenda

- (1) At 2.2 of the report the application is described as being for *Full planning permission is sought for the erection of a storage building for agricultural **and domestic purposes***. As you know, the building is not proposed for domestic purposes and so this needs to be corrected.
- (2) Also, with regard to Condition 4, the proposed materials for the building are detailed on the submitted elevations and so I question whether this condition is required.

Officer response:

The statement in fact relates to paragraph 2.1 and was an error on the part of the Case Officer who picked this up by mistake from the previous planning application (ref: 22/00297/FUL) which referred to agricultural and domestic storage. Members are advised of the need to ignore reference to domestic use with the application and note that no domestic use is proposed and there is a condition proposed preventing such a use.

With regard to the materials, some of them were referred to in the Planning Statement. Nevertheless, details of the colour treatment will be required given that 'a grey colour' can be interpreted in various shades and there are no details of the door colours. A 'natural' colour roof sheeting is also open to interpretation. The applicant has been advised that additional information to clarify all the facing materials, for agreement with Officers, prior to the Planning Committee meeting. Nevertheless, the applicant was also advised that Members of the Planning Committee may consider alternative colours may be more appropriate. In addition, there are other conditions which, if the application is approved, will require discharge, so the applicant could submit the facing materials with the discharge of those other conditions without being prejudiced.

**ITEMS 5.5 & 5.6 23/00336/FUL AND 23/00337/LBALT - PROPOSED EXTENSION WITH SOLAR ROOF TILES, GROUND SOURCE HEAT PUMPS AND WATER SUPPLY BOREHOLES, REPLACEMENT PORCH, REFURBISHMENT OF OUTBUILDING AND INTERNAL AND EXTERNAL ALTERATIONS AND REPAIR WORKS AT BIGGIN OLD HALL, BIGGIN ASHBOURNE.**

Derbyshire Wildlife Trust have responded to the consultation request as follows:-

An Ecological Impact Assessment (Whitcher Wildlife Ltd., 2021) was produced in 2021 to support an earlier application at the above site (22/00980/FUL). This included nocturnal surveys which identified the presence of a maternity roost of whiskered bats, and a day roost of brown long-eared bats in Building 1 (the main house). At the time, a mitigation strategy was outlined and a licence deemed necessary for the proposed works.

It is understood that the same EclA is intended to support the current application, however the daytime and nocturnal bat surveys are now two years old and therefore some level of update assessment will be required prior to determination of the planning application (See Guidance on Lifespan of Data, CIEEM, 2019). This should include an up-to-date Preliminary Bat Roost Assessment (PBRA) as a minimum, and potentially a number of

activity surveys, if deemed necessary by the ecologist. It should be noted that Natural England will not grant a licence without survey data from the most recent survey season and therefore we advise that the opportunity is taken to update the survey work, given that we are in the optimal period for bat surveys (May-August).

Previously, the proposed mitigation included retaining the whiskered maternity roost in situ in Building 1 and creating a suitable bat loft in Building 2 for brown long-eared bats and also to provide temporary roosting for whiskered bats during the works on Building 1. This mitigation should be confirmed as still sufficient and appropriate for the current application. They strongly advocate for the provision of roosting opportunities within the roof of Building 1, given the conservation significance of the existing whiskered roost.

Currently, adequate information on the impacts to European Protected Species (i.e. bats) is not available and therefore the Local Planning Authority is unable to discharge its duty in respect of the regulations set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Following the submission of the updated information, we will be able to provide the Council with guidance on conditions regarding protected species mitigation and on-site biodiversity enhancement, if deemed necessary.

Officer Response:

On the basis of the above advice a further refusal reason is recommended that reads:-

Insufficient information on the impacts to European Protected Species (i.e. bats) has been provided as the previous Ecological Impact Assessment with associated nocturnal surveys which identified two roosts within the house is out of date, contrary to Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017). On this basis the Local Planning Authority is unable to discharge its duty in respect of the regulations set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The applicants have submitted a further letter which reads as below:-

The house is significant and worthy of preservation but is in very poor condition. We are willing to make the significant investment that the building needs to make it suitable for occupation as a modern home and to secure its future.

The Officer Reports recommend refusal on the basis that 'the identified harm would not be outweighed by the public benefit'. This is solely in relation to the proposed extension and rooflight over the stairs. These elements are however fundamental to the success of the house to function as home, not only for us but generations to come. This is all to the 'public benefit'. We feel the officers have not taken enough consideration of all the proposals and the needs of the house and future occupants in assessing the 'planning balance'.

The extension replaces the usable space we will lose by restoring the original kitchen range. The details of how the extension joins the house has been carefully considered by our architect to minimise the impact on original fabric and in theory it could be removed in future leaving little more evidence than the previous extensions have done.

The proposed rooflight has also been reduced in size in this application such that it only provides headroom at the very lowest point of the roof and a certain amount of 'ducking' will still need to be required. The removal of two short sections of roof purlins is necessary.

These are however in particularly poor condition and can no longer be relied on to support the roof in any case. Having provided a new structural roof, the majority of these original timbers can remain for historical interest.

The identified harm is described in the Report as 'less than substantial' but is never-the-less reason for refusal. We hope that the Council in their final consideration of our proposals will appreciate the whole scheme including the climate change and energy efficiency proposals, the ecology measures, in addition to the substantial amount of restoration and refurbishment work required and will recognise that the identified harm could be outweighed by the public benefit.

**PLANNING BALANCE**

**BENEFITS**

Provide 'Optimum Viable Use'

**IMPACT**

Overall harm 'less than substantial'

**EXTENSION**

Provides living space linked to new kitchen replacing space lost due to restoration of original kitchen range. Energy efficient, comfortable internal environment to modern standard.

Opening in external wall

Cuts into brickwork

**ROOFLIGHT OVER STAIRS**

Provides headroom to allow use of loft structure.  
Space

Requires removal of part of roof

**CLIMATE CHANGE MITIGATION**

Bore-holes provide sustainable energy source and self-sufficient water supply  
PV solar panels  
Insulation through-out  
New energy efficient windows.  
New energy efficient lighting and heating with heat recovery ventilation.

**REPAIR & RESTORATION WORK**

Secures structure of building  
Resolves damp issues.  
Removes inappropriate later alterations.  
Provides modern standard of kitchen and bathroom provision.

**ECOLOGY MITIGATION**

Bat-roost –outbuilding to provide replacement habitat.  
Landscaping improves natural habitats.

Officer response:

The planning balance can be found in section 7.32 of the report.