

**PLANNING COMMITTEE 12<sup>TH</sup> SEPTEMBER 2023**  
**CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA**

**ITEM 5.1 – 23/00566/FUL FORMALISATION OF THE EXISTING OVERFLOW CAR PARK, FORMATION OF AN ADDITIONAL PARKING AREA, FORMATION OF NEW VEHICULAR ACCESS AND ASSOCIATED DRAINAGE AND LANDSCAPING WORKS AT THE KNOCKERDOWN INN, KNOCKERDOWN, ASHBOURNE, DERBYSHIRE, DE6 1NQ**

1. A total of 4 additional representations have been received in objection to the proposed development which raise the following objections:
  - This is a piecemeal application after the disappointment of the initial attempt to gain planning as an events venue.
  - The previous reasons for refusal have not been overcome.
  - The additional parking is not required for a public house which has traded well with the existing arrangements.
  - Concerns regarding the impact of the car park and associated lighting on nature.
  - Additional hard surfacing should be resisted due to the extreme changes to our weather.
  - The site is clearly visible from the road and public footpath.
  - Concerns regarding light and noise pollution as a result of the development.
  - The development is not in line with DDDC commitments to “Go green”.
  - The application does nothing to promote alternative or more sustainable modes of transport to the site.
  - The applicants have not demonstrated a need for this level of parking. The proposed parking would provide approximately 1 space per cover.
  - There are errors/misleading statements submitted as part of this application relating to how visitors would visit the site and the level of parking required.
  - If the Council is satisfied that sufficient evidence has been provided to justify the additional parking, as seems to be the case, it would seem sensible to ensure that the use of the car park is controlled so that it is solely for customers visiting the pub for food and drink rather than as an event space, as clearly the impacts of such a use will be dramatically different.
  - The application will lead to boy racers using the Dam Road.
  
2. A total of 1 representation has been received in support of the proposed development:
  - I have visited the site a number of times since its reopening, there has been not load noise and the car park has often been full with the overflow use.
  - The economy has changed, and rural pubs are closing, we should support rural businesses.
  - The Knockerdown provides a type of employment which is need in the area.
  
3. The following comments have been received from Carsington and Hopton Parish Council:

### Background:

This is the second application in relation to this site by Caffeine & Machine Since the initial application was refused the Knockerdown Inn has reopened and is currently running as a local pub with a caravan and camping site in the surrounding fields. The Parish Council have endeavoured to look back over the planning history of this site and have found it difficult to establish what permissions currently exist. On DDDC's website there is reference to old applications but understandably the associated documents are not always available to view. Our investigations conclude that there does not appear to be a permission to run a caravan and camping site and importantly for the current application, the area stated as an existing overflow car park, does not appear to be the subject of any relevant permission either.

In the absence of vehicles, caravans and tents the site is still one of open fields and consistent with what is assumed to be its official use, that of agriculture. It is possible that there is an establishment of an existing use in relation to the camp site however, whilst it has been run for many years as such, historically the campsite was closed completely during the winter months with the pub only opening sporadically for local trade. There is also the fact that when the applicants took ownership the pub and camping site was closed for approximately a year. The Parish Council would contend that in view of these cessations an established use cannot be said to have been acquired. Likewise in relation to the overflow carpark it cannot be seen how any rights have been acquired with the passage of time not only for the same reasons outlined above in relation to the campsite but also the transient nature of vehicles coming and going and the fact that the area containing the overflow was very rarely employed as such. This is borne out by the fact that current observation of that area shows that it is often used for camping rather than parking.

### Residents' Concerns:

As with the initial application the Parish Council have been approached directly by residents expressing their concern regarding this second application.

It is felt locally that whilst this application makes no mention of running the venue in the same vein as the sister site in Warwickshire, that the number of proposed car parking spaces and landscaping required is more consistent with that for a motor vehicle related "theme pub" for enthusiasts, rather than it continuing to be run as it is now, offering camping and caravanning and as a community pub. As such it has been stressed to the Parish Council that ultimately it is felt that the applicants are seeking to achieve the same outcome as requested in the refused application, albeit incrementally.

The objections made previously by the local community in relation to safety issues arising from the already very busy B5035 remain. Since the last application there have been several accidents along this stretch of road with only very recently 3 accidents in a 2-week period at the Hopton end. The dam wall road suffers similar problems relating to speeding vehicles and being used as an unofficial racetrack particularly in the evenings.

Residents are also worried about the noise levels from cars and motorbikes destroying the tranquillity of the area. Concerns have been raised as to the creation of a second access so close to a major junction.

The Parish Council notes the large volume of representations made by local people already logged by the Planning Department setting out their extensive concerns and objections to the scheme.

The Parish Council have not received a single message of support in relation to this proposal.

The Parish Council's Response:

The creation of additional parking and the "formalisation" of existing overspill carparking is strongly resisted by the Parish Council. We know of no other local public house or restaurant in the area with parking for such a large number of vehicles. The Knockerdown Inn has run a large-scale camping and caravanning site over the years and has been exceptionally busy in the summer months. We did not receive any reports from local people regarding vehicles being parked on the surrounding roads and verges during these busy times. It is therefore deemed that the parking as existing on the site is sufficient for this business.

The Parish Council is particularly concerned about the impact of creating such a large-scale carparking area and the nature of the proposed materials and lighting scheme. It is noted that Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) states that a development should conserve and where possible enhance the natural and historic environment within the plan area. Further in accordance with Policy PD5 (Landscape Character) that development which would harm or be detrimental to the character of the local area and wider landscape should be resisted. This site is in open countryside. The land which is the subject of the application is believed to be classified formally and has the appearance of agricultural fields. The planning officer's report in relation to the first application stated that the siting and amount of hard surfacing proposed gave rise to significant concerns. "The surrounding area is rural in character due to the grassland which surrounds the existing public house. The introduction of a new asphalt carpark is considered to result in a significant urbanising effect that would be incongruous in this context." The Parish Council contend that these concerns remain. The site can be viewed from the road and the public right of way along with views from further afield and the overall effect of tarmacked carparking is completely out of keeping with the area.

The Parish Council remains concerned about the impact that any increased motor vehicular activity will have on noise pollution and also the light pollution which the associated lighting scheme will produce.

The Parish Council question the sustainability of this location for further development in the manner requested. As with the original application the Parish Council is still struggling to reconcile this proposal with DDDC's commitments to "GO Green". This initiative showcases solutions to climate change and the biodiversity crisis. It encourages residents, businesses and visitors to reduce their carbon footprint. Protecting the Derbyshire Dales character includes to address, mitigate and adapt the effects of climate change on people, wildlife and places. By increasing the number of parking spaces this can only increase the number of vehicles coming to the site which in turn does nothing to promote alternative modes of more sustainable transport in fact quite the reverse. The strategic approach of DDDC is to mitigate the effects of climate change without affecting the quality and

distinctiveness of the local environment by directing development to sustainable locations and promoting low carbon sustainable development. This is not such a location, nor the Parish Council contends is this development doing anything other than increasing carbon emissions and cannot be therefore viewed as sustainable.

Conclusion:

The Parish Council strongly object to the application and summarise the objections as follows:

It is believed that the area used as overspill carpark does not have the benefit of any planning permission and is therefore still agricultural field as must be the other area of field which it is proposed to turn into a carpark. Any application to turn fields into tarmacked hardstanding at a time when biodiversity needs enhancing and protecting should be resisted.

The volume of carpark spaces requested for this small country pub is wholly inconsistent with the scale of operations being run from there.

The large area of hardscaping and proposed lighting scheme will have the overall effect of urbanising what is a rural area attracting visitors for the outstanding countryside which surrounds this site. The impact of these proposals would in the parish council's view impact detrimentally not only on the landscape but also on the amenity of the residents by encouraging more motor vehicles into the area.

The Parish Council believe that any further development on this site should be viewed as unsustainable as its focus is entirely on motor vehicles which is entirely inconsistent with Derbyshire Dales Green policies.

4. The following comments have been received from the Police and Crime Commissioner:

I wanted to write to you to express the concerns that residents have raised with me in relation to the proposal put forward at Knockerdown public house in Carsington. Having raised objections to the application 22/01011/FUL last year regarding the change of use proposed at this same dwelling, I believe many of the concerns raised at that time remain equally valid with the new application being considered.

Various concerns have been highlighted relating to speeding vehicles, volume of traffic and noise pollution. Road Safety is one of my key priorities and I have worked hard with our local authorities to address this across Derbyshire since taking on the role of Police and Crime Commissioner.

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. Furthermore, the increase in the number of parking spaces proposed does not appear to me to be in scale or proportion to the capacity of the public house.

The applicant, Caffeine and Machine Ltd, regularly host car meets with numerous vehicles often gathering at all times of the day at a location they own in Stratford-upon-Avon. Based on this current model, 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 significant increase in the volume of traffic accessing the venue and surrounding roads.

I know that local residents have submitted their concerns on the Council portal as had been done with the previous application 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. I am concerned for residents who live and visit the area that this would become common place in and around Carsington if this development were to go ahead.

The B5035 is also 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.

Furthermore, the substantial increase in traffic and potential risk of increase in speeding vehicles in the area will have a compounded negative impact on what is already a difficult and potentially dangerous local road network.

I hope the points raised here will be considered and I look forward to hearing from you in due course.

5. The following comments have been received from Bradbourne and Ballidon Parish Council along with a subsequent email from the Vice Chair:

Bradbourne & Ballidon Parish Council are deeply concerned about the above application and wish to make known their objection, based on the following observations:

- I. The application includes an increase in car parking spaces, but not give a justified reason for this being necessary. On its busiest day this year, only 15 extra spaces were needed.
- II. The Knockerdown has been a very successful pub for many years, using the existing hard standing parking spaces. Only occasionally is the small grassy extra space needed.
- III. The proposed extension will have a significant negative and urbanising impact on the character and appearance of the views over the surrounding countryside. The area is a natural environment visited and enjoyed by families, walkers, cyclists and horse riders
- IV. The additional proposed entrance/exit onto B5035 is in the immediate vicinity of a busy and dangerous road junction.
- V. Bradbourne & Ballidon Parish Council feel strongly that the unnecessary enlargement of the car park will contradict the current

relaxed ambience and lead to even greater traffic circulating through the surrounding villages.

Subsequent Email from Vice Chair of Parish Council:

We were very concerned to learn towards the end of last week, that it would appear the views of Ballidon and Bradbourne Parish Council, as regards proposals for future development on the site of the long established Knockerdown Inn, do not appear to have been relayed to the relevant authorities.

In the unavoidable absence of our Chair, who is currently away on holiday, I have contacted the Clerk (Lesley Brown) who assures me that everything was passed on, just as it should have been, to Joe Baldwin at Derbyshire Dales District Council the day after our most recent Parish Council meeting (12/7/23).

Given the apparent 'disappearance' of these details I would like to take this opportunity to clarify that the Knockerdown proposals have been a source of concern to us for some time and, as a result of information provided at a public meeting held on Wednesday 12th July, the Ballidon and Bradbourne Parish Council voted to fully support our neighbouring villages in opposing and objecting to the plans relating to the expansion of the car park and the proposed future change of use.

We share all concerns already expressed about the negative impact such a vehicle centred development is inevitably going to have on the character of the local countryside, our rural surroundings, existing tourism, carbon emissions and the wellbeing of local residents.

More specifically, as far as the 'jurisdiction' of our own Parish Council goes, we are already deeply concerned about road safety issues through both our village and parish, most precisely between Tissington Ford and the eastern end of Brackendale Lane where it joins the B5035 at Knockerdown.

The vast majority of this route, from Tissington to Carsington Water, has long been identified as part of the National Cycle Network. This includes the whole lengths of Mill Lane and Brackendale Lane, the latter of which is a narrow, winding and undulating route already shared, more than a little dangerously, by a sometimes 'unhealthy' combination of cyclists, hikers (often including unaccompanied youngsters completing their DoE awards), horse riders, dog walkers, farm vehicles and buses.

Coincidentally, after a number of confrontations and 'near misses', the Parish Council is currently investing in signage to alert all users to the dangers resulting from the mixed purposes for which this route is already currently put.

To have such additional and significant use from car and motor bike enthusiasts keen to take the short cut through Bradbourne from the A515 and/or the B5056 to the proposed 'Caffeine and the Machine' facility will, we fear, lead to both an unacceptable increase in the volume of traffic through our village and a huge increase in risk and danger to the more vulnerable users of Brackendale Lane in particular.

It is with all such thoughts in mind that we, as a local Parish Council, wish to reiterate our strong opposition to the proposed development of the Knockerdown Inn and

would additionally, in the circumstances, now welcome some acknowledgement of these views.

6. The following comments have been received from Hulland Ward Parish Council:  
Hulland Ward Parish Council welcome improvements from a road safety perspective and would welcome any further road safety measures. However, the Council wish to remain neutral due to the application being outside the parish.
7. The following comments have been received from the applicant in support of the proposed development:

We are writing to you about our Caffeine & Machine (C&M) venue at The Knockerdown, Carsington, which is now open with a reduced offer. A revised application for planning permission, which will enable us to improve the site, will be before you for determination on Tuesday evening. This application responds to the Council's earlier decision (in December 2022), the previous reasons for refusal and the comments received from local residents and consultees since last autumn. We have also taken the opportunity to engage with your officers and seek their advice through a pre-application submission and site meeting.

Our revised proposals – for a much-reduced scheme – will address the operational shortcomings of the site without changing the character of the Knockerdown Inn, which has been central to our review and plans for the site. Our investment into an existing building, on a brownfield site, to provide additional parking facilities, an improved egress and new landscaping in an established area for tourism is sustainable development. Our plans will secure a range of social, economic and environmental benefits. Additional soft landscaping, low level lighting and carefully selected surface materials maintain the site's open appearance and ensure our proposed layout sits comfortably in its setting.

We recognise that our plans have caused some concern locally, but also that the community is divided in its reaction to our proposals. Some residents are strongly opposed and others very supportive. The idea that we are a venue attracting only high performance, high-emissions and illegally modified cars and bikes, as has been mentioned by many objectors, is simply untrue and is evoking a response that is disproportionate to the reduced plans we have submitted. For the avoidance of doubt, and to address some of the comments which have been raised locally, we are happy to confirm that we have no plans for incremental development or to submit further applications for additional works or facilities. We recognise that each of our sites has a unique character, capacity and different constraints, and we operate our business in different locations accordingly.

We can lawfully operate our day-to-day food and beverage offer from the existing building, improve the appearance of the site, and host regular events on the open land without needing planning permission. We could also continue the established camping activity. A permission would, however, allow us to improve the access and egress arrangements significantly and also better manage the expected parking

demand which is likely to arise as The Knockerdown re-establishes itself as a high-quality hospitality venue. These improvements will secure significant traffic management and highway safety benefits. Granting permission also provides an opportunity for us to agree some enforceable planning conditions which will give the Council more control over our activities and provide reassurance to residents.

We therefore welcome the officer's carefully considered report and his recommendation of approval. In particular, we welcome the conclusion that our application is compliant with local planning policy, and that there are no material considerations (including national policy) which suggest permission should not be granted. Importantly, there is no objection from the local highway authority. We are willing to accept the proposed conditions to ensure the works are undertaken in a sympathetic and carefully considered way, and to work with the Council and other local regulatory bodies on an ongoing basis as a responsible operator.

We understand there may be public pressure to overturn the officer's recommendation and refuse our application when you meet on Tuesday, but we urge you to consider the merits of supporting our plans. We remain committed to investing in the building and site for the benefit of everyone – our team, our visitors and local residents. A planning permission will allow us to operate the site as safely and efficiently as possible.

We respectfully ask you to support our proposals by granting us a planning permission in line with the officer's recommendation.

## **ITEM 5.2 CHANGE OF USE OF LAND TO 8 NO. PITCH TRAVELLER SITE WITH ASSOCIATED NEW ACCESS (RESUBMISSION) AT THE WOODYARD, DERBY ROAD, HOMESFORD**

1. Following publication of the agenda, further consultation comments have been received from the Environment Agency advising the following:

*The Environment Agency have received an email from the applicant's consultant querying our position of objecting to this planning application. This challenge to our previous objection is based on the Flood Zone 2 outline of the Flood Map for Planning being incorrect, and the site being raised far above any flood event. The Flood Map for Planning is indicative and not definitive, so there are instances when the flood zone outlines are incorrect.*

*In light of this query, we have reviewed the site levels and are satisfied that the site itself lies far outside the Flood Zone 2. We therefore consider our earlier concerns satisfied and do not require the submission of a Flood Risk Assessment (FRA) with this application to assess fluvial flood risk.*

*We withdraw our previous objection, dated 13 July 2023.*

Having regard to the revised position of the Environment Agency, the Local Planning Authority can be satisfied that the development would not be vulnerable to flooding and not increase flood risk elsewhere to the extent that reason for refusal no. 3 cannot be sustained. Reason for refusal no. 3 is therefore omitted from the officer recommendation.



2. Derbyshire Wildlife Trust have advised that their comments made in respect of application 22/00182/FUL (included in the officer's report) equally apply to this application.
3. The following comments from the Environmental Health Team (Derbyshire Dales District Council) have made made:

*I have no objections in principle to the application.*

*However, I would like to see further details for fowl waste and surface water drainage. I would also be interested to know if there is provision on site for mains water and electricity.*

4. Late representations have been received from the occupant of Rose Cottage, objecting to the proposed development for the following reasons:

*Size of pitches* - a previous application stated that there would be 3 x 180m<sup>2</sup>, so one can assume that now the application is for 8 pitches of approx. 67m<sup>2</sup>. A standard Caravan Club pitch, used for temporary recreational purposes is 80-100m<sup>2</sup>, so these pitches would be small even for a holiday site. DCCs own report states 325 m<sup>2</sup> is the minimum required, so this site could accommodate one pitch at most.

These pitches are not suitable in size for a family to permanently reside on, and don't allow for differing size homes, vehicle parking, living space, any individual or shared utility buildings, or the space required to comply with fire safety requirements. The single track access doesn't allow for large residential caravans/mobile homes to be moved on/off site, nor emergency access. The Derbys GTAA final report states that each pitch should be 325 m<sup>2</sup> min, and ideally 500 m<sup>2</sup> CLG states the following:

The guide states that for fire safety reasons there should be 6m allowed between each home. I fail to see how that could be met in such small pitches.

*Noise & safety - the guide states the following:*

As this site is directly adjacent to a fast road, carrying noisy freight traffic 24/7, and an active train line, I fail to see how this consideration could be met. As a resident of a stone built house 250m from the proposed site along this road, we have had to invest in sound reducing triple glazed windows, in an attempt to reduce the noise to an acceptable level. I would suggest that there would need to be significant investment in traffic calming, noise barriers, and train track security, for this site to be suitable.

There is no provision made for, amongst other things, Electricity, Electricity hook ups, mains water, sewage, gas supply, storage of heating oil, storage of gas canisters, individual or shared amenities (toilets, kitchen, etc), scrap & waste storage, vehicle parking, etc.

I note the applicant states that they have previously been given permission to use the

site for temporary pitches, and therefore it must be suitable for permanent pitches. I would dispute this assumption. One meets an immediate dire need, and the other is a long-term housing solution, so would need to meet very different requirements.

I also understand that both families currently on temp sites in Matlock, have both stated they would not move to the Woodyard should they be offered it. I feel this application is without merit, vexatious, and doesn't begin to provide the meaningful solution it claims to.

5. Officers have been copied in on correspondence to members from the applicant's agent pointing to what they perceive as inaccuracies in the officers report.

Reference is made to small lodges on the site being considered by the World Heritage Site panel as a form of development that may be acceptable and the site now being well screened. It is considered that the choice is between lodges and traveller pitches.

The agent also points to correspondence they received on 6<sup>th</sup> February 2015 from the Environment Agency advising that they had no concerns as the site is on higher ground and is not at risk from flooding.

Officer response:

There have been no applications or formal decisions made by the Local Planning Authority with regard to the erection / siting of log cabins on the site. It is incorrect and misleading therefore to indicate that this is a realistic fallback position and material consideration in respect of this application.

With regard to the site being vulnerable to flooding, the Environment Agency have reconsidered their position and issued further consultation comments which withdraw their objection as advised at point 2 above.

**ITEM 5.3 - 23/00616/OUT OUTLINE PLANNING APPLICATION FOR A MIXED-USE DEVELOPMENT OF UP TO 75NO. DWELLINGHOUSES AND A COMMERCIAL DEVELOPMENT (USE CLASS E) WITH APPROVAL BEING SOUGHT FOR ACCESS (REVISED SCHEME) AT LAND SOUTH OF MAIN ROAD, BRAILSFORD.**

1. A consultation response has been received from Derbyshire Wildlife Trust (DWT) which is copied below:

"We previously commented on application 22/01373/OUT at this site. Revised proposals have now been submitted under the current application reference 23/00616/OUT.

The application area appears smaller and the Ecological Impact Assessment has been updated to reflect the changes in proposals (RammSanderson, June 2023).

A net gain of +2.24 habitat units (24.14 %) and +0.73 hedgerow units (21.25 %) is predicted. Protected species impacts remain the same as the previous application. Condition wording is provided below:

## GCN District Level Licence

Prior to the commencement of any works which may affect great crested newts and/or their habitat, a copy of the District Level License for the scheme, issued by Natural England, shall be submitted to the Local Planning Authority. All works shall then proceed in accordance with the requirements of the signed and issued Natural England licence.

### Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

### Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. To include precautionary working methods for nesting birds, amphibians, reptiles, hedgehogs and brown hare.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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.

### LEMP

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in Section 7.1 and 7.2 of the Ecological Impact Assessment (Ramm Sanderson, 2023) and the submitted Biodiversity Metric (Ramm Sanderson, 2023) and to achieve no less than a +24.14 % net gain in habitat units and a +21.25 % gain in hedgerow units. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- k) Detailed specifications for open water habitats to provide biodiversity benefits.
- l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.”

Officer response:

The consultation response is noted and reflects sections 7.67 – 7.76 of the Officer report.

2. The agent has submitted five indicative visuals of the development.

Officer response:

The visuals are noted and can be viewed on the planning pages. This application is outline with all matters other than access reserved. The layout, scale, external appearance and landscaping would be considered as part of any reserved matters application, if permission were granted.

3. One additional representation has been received following the site visit yesterday. The letter is summarised below:
  - Support Officer recommendation
  - The submitted Transport Statement (TS) and impact of its proposals on highway safety has not been adequately dealt with.
  - Footpath 40 to the South of the proposed development is not a sustainable or useable means of access to the village centre and the school for families, small children, the elderly or disabled pedestrians. Towards the end of this footpath before it enters the village there are two stiles and a stockproof gate and the final stile is on a steep slope emerging directly on the highway where The Green meets the A52 (Fig 6-page 11 in the TS).
  - This part of the Footpath 40 is on private land not controlled by the applicant and therefore difficult for them to get consent to bring it up to an acceptable standard. The Avant site on the North side of the A52 has the same problem as,

notwithstanding the fact that there is a planning condition to provide a footpath to Luke Lane and the school, this has not been possible due to land ownership issues and Avant remain in breach of this condition.

- Pedestrians from the application will be forced to exit the site at its entrance on the A52 and cross the this very busy highway on two uncontrolled pedestrian crossings. These are defined as a facility provided to help people cross a carriageway but where they have no legal priority over motorised traffic i.e a dropped kerb and sensory paving but no other indication that it is intended to be a pedestrian crossing.
- Pedestrians will then have the same problem as the residents of the Avant site as the footpath alongside the A52 is inadequate and considered highly dangerous by residents. This matter has been discussed for some time with County Councillor Steve Bull and District Councillor Geoff Bond who we understand have raised the matter with the Highways Authority who are not willing to take action to resolve this problem.
- Paragraph 8.4 of the TS says “It is recognised that the A52 contributes to severance and that the existing footway network in Brailsford is constrained. To facilitate pedestrian travel the proposed development would provide carriageway narrowing on the A52 and uncontrolled pedestrian crossing points on all arms of the new site access junction, a new uncontrolled pedestrian crossing point within Brailsford at the A52/Luke Lane junction, and improvements to the existing public footpath within and adjacent to the site”. There is no indication of how the public footpath will be improved in the section that is outside the ownership of the applicant.
- Query how the applicant will provide a safe and accessible pedestrian and cycle route to and from the proposed development and the view of the Highway Authority.
- Refute the conclusion reached in section 8.9 of the TS.

Officer response:

The points are noted. The transport and highway safety impacts are discussed in sections 7.43 – 7. 49 of the report. The proposed access arrangements are as proposed in the previous refused application (for up to 100 dwellings and commercial development). As with that application the Highway Authority has raised no objections to the development subject to conditions and prior entry into a legal agreement. The detailed comments from the Highway Authority are set out in section 5.7 of the report.

**ITEM 5.4 - 23/00553/OUT OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 25NO. DWELLINGHOUSES WITH APPROVAL BEING SOUGHT FOR ACCESS AT LAND OFF BELPER ROAD, ASHBOURNE.**

1. The agent has submitted made the following comments in advance of committee:

“In advance of committee tomorrow I wanted to highlight our concerns about the assessment process. The reliance on the SHELAA is highly questionable. This does state (para 2.24 onwards) that a landscape methodology was used to inform the judgements made in the assessment. The methodology provided at Appendix 3 is not consistent with industry guidance outlined in GLVIA3. It is therefore not a sound basis for judgements on landscape and visual effects. In terms of landscape comments in the SHELAA, it states (page 72, Appendix 3):

*AMBER- The County Council Landscape Officer has assessed the development of the sites to have moderate impact on landscape sensitivity. Single pastoral field on the extreme eastern edge of Ashbourne immediately adjacent to the A517, Belper Road. The land is located within an area of wider sensitivity (AMES) and is opposite a Listed farmhouse, potentially forming part of the setting to that building. The site has a visually prominent frontage with Belper Road and a footpath runs against the northern boundary. The site is visible from the listed building opposite and there are more distant views from locations across the Henmore Valley, including residential properties along the B5035. Development of this site is likely to have some adverse effects of landscape character and visually extends development further into the countryside along the A517. The wider landscape has some sensitivity as defined in the AMES study and the site needs to be carefully considered as part of the setting to the listed farmhouse located opposite.*

*Critically, the site is scored as AMBER which states: Moderate Landscape Constraints – these can be sites of varying scale where there are some recognised landscape and visual constraints that can be overcome and mitigated as part of the development.*

The information provided in the SHELAA points to moderate sensitivity (consistent with our assessment of medium sensitivity) and simply highlights careful consideration of local setting and the farmhouse, that we have demonstrated. As clearly set out in GLVIA3, judgements on landscape effects are specific to the development proposal, which the SHELAA has not considered. The failure to reconsult the Landscape Officer or external consultant is, in my view, completely unacceptable and means that the landscape and visual effects of this scheme have not been properly reviewed at Officer level.

Through our submitted documents there is a clear commitment to design quality that will deliver a locally distinctive, high quality scheme that sets a standard for future development at the fringes of Ashbourne, and has considered the constraints highlighted in the SHELAA. Our position is that mitigation measures embedded within the scheme contribute to mitigating landscape and visual effects to a level consistent with other local development proposals in the district.”

Officer response:

The impact of the development upon landscape, character and appearance and the setting of Grade II listed Gate Farm are thoroughly addressed in sections 7.11 – 7.49 of the report. In assessing the development Officers have consulted the Trees and Landscape Officer and Conservation and Design Officer and discussed the further submitted additional information with the Conservation and Design Officer.

Officers considered the SHELAA but also took into account all documents submitted with the application, adopted policies, supplementary guidance and landscape character assessment. Officers therefore refute the agents comments in this regard.

**ITEM: 5.6 - 23/00115/FUL EXTENSION TO EXISTING WORKSHOP AND ERECTION OF REPLACEMENT STORES BUILDING. CREATION OF PRIVATE WAY, HARD SURFACING AND LANDSCAPING IN ASSOCIATION WITH CHANGE OF USE OF FIELD TO VEHICLE YARD AT WARDMANS (MATLOCK) LIMITED, OLD COACH ROAD, TANSLEY, MATLOCK**

Further to the publication of the agenda, a letter has been received from the applicant which is summarised as follows:

- would ask that Members consider operating hours for the proposed storage yard 8.30 a.m. until 6.00 p.m. and the adjacent yard from 8.00 a.m. until 7.00 p.m.
- would like to move any surplus soil to Greenhills Farm, which would be subject to the Section 106 Agreement
- if approval was granted, would ask if a fairly immediate start could be made to the ground works as the field is very wet and will not be suitable for such works until the next summer.

### Officer Response

It is considered that the hours of operation proposed by the applicant to the proposed storage area would be reasonable, without causing significant harm to amenity, and the proposed condition 12 could be reworded to the following:

12. Notwithstanding the details contained in the submitted documents coming and goings of vehicles, plant and equipment in the approved area to the rear of the buildings shall not commence before 08.30 or take place beyond 18.00 on Monday to Saturday, and shall not take place at all on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of nearby residential property to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

It would be acceptable to move surplus soil to Greenhills Farm as part of the enhancement works for Biodiversity Net Gain. This could be controlled by S.106 planning obligation.

The commencement of the engineering works should not take place until such time as the Section 106 Agreement is completed, full planning permission issued and relevant conditions discharged.

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