

APPLICATION NUMBER		23/00115/FUL	
SITE ADDRESS:		Wardmans (Matlock) Limited, Old Coach Road, Tansley, Matlock, Derbyshire, DE4 5FY	
DESCRIPTION OF DEVELOPMENT		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	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Gordon Wardman
PARISH	Tansley	AGENT	Stuart Hodgkinson
WARD MEMBERS	Cllr. S. Flitter Cllr. D. Hughes Cllr. J. Linthwaite	DETERMINATION TARGET	
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	Major application and to assess the proposed development in its context

MATERIAL PLANNING ISSUES

- Principle of development
- Impact on the character and appearance of the area and heritage assets
- Impact on trees and hedgerow
- Impact on residential amenity
- Highway matters
- Nature conservation and biodiversity enhancement
- Flooding and drainage
- Climate change

RECOMMENDATION

Approve subject to conditions and prior entry into a S.106 planning obligation as set out in section 8.0 of the report.

1. THE SITE AND SURROUNDINGS

- 1.1 The site is a commercial operation located on the south side of the Old Coach Road and includes a sloping field to its rear. The site is in the open countryside, but the existing premises are also within the area defined as the Brookfield Industrial Estate. The site is outside the Lumsdale Conservation Area but abuts it on its north and west sides. Opposite, and on the northern side of the Old Coach Road, is the Grade II listed Scholes Mill and attached Mill Managers House and to the east of that is Speedwell Mill.







2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to extend an existing workshop and to erect a replacement stores building. In addition, it is proposed to create an access to a field to the commercial site and to re-engineer the profile of the sloping field, introduce retaining walls, hard surfacing and landscaping in order to change the use of the field to a vehicle yard storage yard in connection with the current business.

- 2.2 The extension to the existing building is proposed to add two further bays, and increase of some 35-40% and square off the south elevation. The extension will require the removal of part of the boundary hedgerow to the south and some trees. The design of the workshop extension is that of a contemporary agricultural barn and would copy the existing workshop built in 2020, utilising a steel portal frame clad with green metal panels above concrete plank walls. Internally, the area would be clear to accept vehicles.
- 2.3 The proposal to erect a replacement stores building would involve building over the existing footprint and to replicate the spaces used for retail and the welding workshop; the areas are proposed to be increased and a first floor is proposed to accommodate additional retail, office and canteen facilities. The building is proposed to be a two storey portal frame, walled with split face stone aggregate block work with a treated timber cladding to the front (north west elevation).
- 2.4 The third element of the works is the yard extension. The business of repairing and selling farm machinery is expanding and the field to the south of the current stores would become a hard standing and viewing yard for predominantly towed equipment, balers, tedder-rakes, trailers, muck spreaders, wrappers feeders and the like. The surface is proposed to be generally MOT grade limestone chert. This sharp material, laid in layers without fines, will be permeable and avoid rain-water run-off from this slightly higher land.
- 2.5 The field to the rear was initially proposed to just accommodate vehicles, plant and equipment with no reprofiling. However, concerns were raised with regard to how the storage would appear within the field contextually to existing residential property and with regard to residential development approved to the east of the site (planning permission 22/01190/FUL for the erection of 47 dwellings). To this end, the proposals have been amended to detail level hardstanding, set on two levels within the field, with landscaping to be provided to seek to screen the development from views into the site and also to provide landscaping within the site.
- 2.6 Concerns were also raised with a means of access being provided directly to the site off Old Coach Road via an existing access gate. This has now been shown to be closed off, with the means of access provided via the existing commercial site. It is proposed to undertake further planting of the area between the existing access off Old Coach Road and the field itself.
- 2.7 The applicant advises that the site is adjacent to the Lumsdale Conservation Area and that development is unlikely to impact adversely on its character and appearance as it is already an established use and character within the existing industrial estate setting. It is advised that the development would increase the number of persons employed at the site from a full time equivalent of 14 to 16 persons. The hours of operation are advised to be 08.00 until 19.00 on Monday to Saturday with no working on Sunday or Bank Holidays.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
S6	Strategic Employment Development
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change

PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development
EC3	Existing Employment Land and Premises
EC5	Regenerating an Industrial Legacy

- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 Lumsdale Conservation Area Appraisal
- 3.5 National Planning Policy Framework
- 3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

20/00566/FUL	Erection of steel framed workshop building – Granted
12/00151/FUL	Extensions to workshops – Granted
0684/0381	Vehicular access, landscaping works and associated engineering - Granted

Adjacent land

22/01190/FUL	Erection of 47no. dwellinghouses with garages and associated infrastructure and landscaping - Granted
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5. CONSULTATION RESPONSES

Parish Council

- 5.1 - the land is green field, and lies outside the settlement boundary for Tansley
- the land abuts the Lumsdale Conservation Area, and forms an important 'green buffer' which helps delineate the Industrial Area from residential development within the settlement of Tansley
- the proposed site does not form part of land allocations for employment land in DDDC Local Plan 2017
- the application is outside the 'plan area' and would create harm to the character and appearance and amenity of the area, and adjacent residential property, the Bungalow, , the garden of which directly abuts the proposed site
- there does not appear to have been any thought for residential amenity, with no mitigation in place - is surprising, and disappointing, that Environmental Health have shown no concern for the future welfare of existing and future residents at this location, as the existing yard works from 8am – 5pm, six and a half days per week
- during the time of operation, the storage and movement and manoeuvring of huge pieces of machinery will impact significantly on the tranquillity of the neighbouring garden and make the garden impossible to use taking away all privacy and amenity

- will impact significantly upon future residents of the luxury apartments approved at the adjacent Speedwell Mill, which will directly overlook the proposed extension to an industrial yard, and be directly opposite a proposed new access point
- the land adjacent at Tansley House Gardens is waiting for planning permission - 46 new homes are proposed and any extension of the Industrial Estate will impact seriously on future resident and their amenity
- to extend the site would further impact upon the substandard right of way, which is not within the applicant's ownership
- the existing site is already intruding on a public right of way on a daily basis, with huge pieces of machinery parked on private land and a public right of way, causing a Health and Safety issue - the applicant using the right of way as an extension of the yard.

Comments on Amended Drawings and Additional Information

- object based upon original objection response
- extension of the business will still take away a valuable green buffer protecting the residential area of Tansley from the Industrial Estate at Brookfield
- site is outside the settlement boundary and butts onto the Conservation Area
- would appear this successful business has outgrown the site, as there is a daily overspill onto the adjacent road/public right of way
- proposals affect the amenity of an adjacent residential building
- think there should be a green buffer delineating residential from industrial
- application is contrary to DDDC Local Plan which does not indicate any extension to Brookfield Industrial Estate
- development fails to comply with the Lowlands Bio Diversity Action Plan, as there will be a loss of tree habitat and a loss of hedgerow – there will be no net gain on site, which is not acceptable bearing in mind the location is adjacent to the Bentley Brook tributary and the fact this brook forms part of the conservation area.

Environment Agency

- 5.2 - will not be making any formal comment on the submission as the development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.

Comments on Amended Drawings and Additional Information

- do not have any new comments.

Lead Local Flood Authority (Derbyshire County Council)

- 5.3 - no comment

Local Highway Authority (Derbyshire County Council)

- 5.4 - no comment

Public Rights of Way (Derbyshire County Council)

- 5.5 - Tansley Public Footpath No. 16 runs adjacent to the northern boundary of the proposed development site
- no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works
 - attach informatives for the applicant.

Comments on Amended Drawings and Additional Information

- as above.

Peak and Northern Footpaths Society

- 5.6 - no objection provided that the full width of Tansley Footpath 16 (Old Coach Road) is unobstructed at all times.

Comments on Amended Drawings and Additional Information

- as above.

Ramblers Derbyshire Dales Group

- 5.7 - no objection providing that Tansley FP 16 remains unaffected at all times, including the path surface, both during and after any development
- consideration should be given to the safety of members of the public using the Right of Way during the proposed works
 - any encroachment of the paths would need consultation and permission with/from the DCC Rights of Way Team.

Comments on Amended Drawings and Additional Information

- as above
- in addition, DCC Highways and PRow should be consulted on the extensions and creation of a private hardway.

Derbyshire Wildlife Trust

- 5.8 - have reviewed the Preliminary Ecological Appraisal
- the onsite grassland is currently classified as modified grassland, however the site visit was completed in November, which is outside the optimal survey season for botanical assessment and it is possible that additional species are present that could not be recorded at the time of survey
 - description states that damper conditions are present in the south-west and that several species typical of damp grassland were noted and also aware of a separate application on land immediately east of the application area, and the grassland in these adjacent fields, is classed as 'other neutral' and likely comprises degraded MG4 grassland
 - taking these factors into account, advise that the confidence in the grassland assessment is low and that an update survey should be carried out in the optimal survey season
 - the development is likely to result in the loss of 0.4ha of grassland habitat and recommend that losses and potential gains of habitats and hedgerows are quantified using the DEFRA Biodiversity Metric 4.0
 - classification of the existing grassland should be updated and completed during the optimal survey season of April to August (inclusive) to support the Biodiversity Metric calculations
 - details should be submitted to demonstrate how a net biodiversity gain will be achieved, in line with local and national planning policy - this should explore onsite mitigation in the first instance, in line with the mitigation hierarchy, then looking to offsite options if there is no alternative.

Comments on Amended Drawings and Additional Information

- without securing on-site and off-site enhancements, the proposed development will result in the loss of other neutral grassland, along with a 30 m line of trees
- not possible to achieve a net gain on site and still deliver the required development, therefore a combination of onsite planting and offsite habitat enhancement has been proposed which include offsite works comprising the enhancement of 0.2 ha of 'modified

grassland' to 'other neutral grassland' within a separate field owned by the applicant - consider these proposals to be acceptable if correctly implemented in full

- management of on-site and off-site habitats can be secured through a condition for a Landscape and Biodiversity Enhancement Plan (LBEMP) and should include management prescriptions and funding mechanisms for at least 30 years post-development, in accordance with the Environment Act 2021
- offsite location should be adequately secured via 106 Agreement, if necessary.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.9
- clearly a significant change, with potential to result in significant visual impact but, given the adjacent light industrial complex, the development would be read as part of this in the landscape and so would not be visually intrusive - it is not a stand-alone development in open undeveloped landscape
 - trees that would be required to be removed to facilitate the proposed development are not particularly valuable in the landscape and their loss would not be significant
 - the submitted arboriculture report includes a number of recommendations regarding protection of retained trees and planting of trees which should all be followed exactly - recommend that this should be subject of a condition to any grant of planning consent and, if correctly followed, these recommendations will effectively limit potential harm to retained trees
 - recommend that additional information in the form of a scale plan with measurements indicated be submitted for approval pre-determination which details the distance that the temporary tree protection fencing should be located from the retained trees and hedgerows – this should enclose the root protection areas of the retained trees (calculated according to the guidelines provided by BS 5837:2012).

Comment on Amended Drawings and Additional Information

- happy with the improvements.

Historic England

- 5.10
- suggest seeking the views of the LPA's specialist conservation and archaeological advisers

Comments on Amended Drawings and Additional Information

- as above.

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.11
- adjacent to Conservation Area, and other heritage assets
 - considered that the proposed alterations to the existing buildings are acceptable
 - whilst there will be some changes to the form and finish of the land to the rear of the buildings, it will remain open land (i.e. free of buildings) and this will retain an open land buffer between the industrial sites of this part of Lumsdale/Tansley and the existing (and proposed) built development to the east
 - it is considered that the proposed development works will not have an adverse impact on the adjacent Conservation Area or heritage assets within the vicinity.

Environmental Health (Derbyshire Dales District Council)

- 5.12
- no objections to this application in principle

Councillor S. Flitter

5.13 - support the view of Tansley Parish Council and their detailed response.

Councillor J. Linthwaite

5.14 - having spent considerable time with both the applicant and the nearest neighbours, happy to support this application.

6. REPRESENTATIONS RECEIVED

6.1 A total of two representations have been received with respect to the original proposals. A summary of the representations is outlined below:

Impact on Character and Appearance of the area

- the lower parts of Old Coach Road fall within the boundaries of the Lumsdale Conservation area

Impact on amenity

- would encroach upon an existing residential property (The Bungalow), the residential apartments approved at Speedwell Mil and the proposed residential development of 46 properties (Tansley House Gardens)
- present hours of business advertised as 8am to 7pm, not 8am to 5pm, which would cause further noise pollution and intrusion of privacy to adjacent residential properties
- proposal brings the industrial estate to within 25ft of neighbours' kitchen windows and gives a direct view into the kitchen and lounge area leading to a total loss of privacy within the main rooms of the bungalow
- privacy in back garden was one of the main attractions of buying The Bungalow and is going to be seriously compromised if this goes ahead
- will be 1 x 18m and 1 x 15m uninterrupted viewing areas directly into gardens causing loss of privacy to both the outside area and the bungalow itself
- are going to experience much more noise in our back garden - Wardman's have many large items of agricultural equipment that are going to be extremely visible from my garden and house
- repairs to agricultural equipment are likely to generate high levels of noise in the area, particularly in summer months when machinery may need emergency repairs for harvesting, etc, and hence repairs will undoubtedly be required outside normal working hours, potentially later than normal into the evening and over weekends

Landscaping

- seems little recognition of the proximity of residential properties in the proposed replanting or landscaping of the development.

Highway matters

- concern of the potential use of an existing gated access (unsuitable for heavy, large vehicles) from the bottom of the private Old Coach Road, which the authority has already designated as unsuitable for motors
- although there is a proposal to open an access from their current yard there is still a desire to use the current access from Old Coach Road - this access is very difficult to get to from the industrial estate side of Old Coach Road due to the very bad corner at Speedwell Mill and a very tight right turn into the field could result in increased traffic coming down Old Coach Road from Church St

- will also be far easier to dispatch equipment from the lower part of the field through the existing access and Old Coach Road - this additional traffic is unwarranted and believe unauthorised to use Old Coach Road
- increased use by agricultural and other commercial vehicles along Old Coach Road is already a concern, as exiting out on to Church Street at the village green end is dangerous due to the poor site line and vehicular obstructions
- any increase in the usage of upper Old Coach Road would be contrary to the existing agreements with the owner, which state that it should only be used 'in the event of an emergency' by Salisbury & Wood
- there is an existing pedestrian 'right of way' down Old Coach Road, which is very popular with walkers - greater vehicular usage would further increase the danger of potentially a serious accident

Other matters

- purchased the Bungalow last August and checks were done on the surrounding land and, although we were advised of the housing development to the rear, were assured that the land to the side was a greenfield site and therefore it was extremely unlikely that planning of any description would be granted, and that the area of land would remain a buffer between our property and the industrial estate.

6.2 A total of four representations have been received with respect to the amended drawings and additional information. A summary of the representations is outlined below:

Impact on the character and appearance of the area

- encroachment of the Brookfield Industrial Estate on the green field site that is the buffer between the residential sector continues to be of major concern
- this field, between existing and proposed residential dwellings and the industrial estate on Old Coach Road, acts as a natural buffer between the two areas of Tansley - the use of this field for vehicle storage would blur the boundary between these two uses and would adversely impact the amenities of those living in the residential parts of the village
- change of use of this green field site will encroach on existing and planned residential properties merging the residential area into the industrial estate
- the development would cause unacceptable harm to living conditions and, as such, it conflicts with Local Plan policy PD1 which requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity
- the site directly abuts Lumsdale Conservation Area and Paragraph 194 of the NPPF states that any application should describe the significance of any heritage asset affected by development, including the contribution made by their setting - in this case, the setting of the Conservation Area acts as a buffer between existing residential development and industrial development
- Paragraph 195 states that local planning authorities should assess the significance between the heritage asset and its setting to avoid or minimise any conflict between the heritage asset and the proposal
- Policy PD2 of the Local Plan seeks to conserve the District's heritage assets in a manner appropriate to their significance. Views of the site from the conservation area will be visible and will cause harm to the character, appearance and setting of the Lumsdale Conservation Area.
- the Conservation Consultant has not yet commented on the application – Historic England advise consult your in house conservation specialist – no comment has been received which seems unusual

Impact on amenity

- proposed site plan illustrates that the expansion of the Vehicle Yard into the adjacent southern field will significantly adversely affect my living conditions due to increased noise and a loss of privacy
- There will be a direct view into the kitchen and lounge area of my bungalow and the outside garden area of the property.
- proposed plans show existing tree screening between the garden of my property and the proposed area of hardstanding, however, in reality this isn't the case
- the Design and Access Statement, submitted with the application, highlights that the business of repairing and selling farm machinery is expanding and the extended vehicle yard will store towed equipment, balers, tedder-rakes, trailers, muck spreaders, wrappers feeders, etc - these vehicles being transported and manoeuvred into the extended storage yard will generate additional noise and lead to further adverse noise impacts us due to the yard's close proximity to the bungalow
- although no objection from Environmental Health, a noise survey has not been submitted to assess the impact of the development on neighbouring residents.
- expect a strict operating hours condition to be attached to any permission to ensure there will be no works outside of usual weekday hours and over the weekend.
- the plans and documents submitted alongside the application do not take into account the impact of the proposal on The Bungalow and proposed development at Land North East of Tansley House Gardens, to the south of the site- once these developments have been completed, the impact of the vehicle yard on the amenities of future residents will be even greater
- had planning permission approved to extend the house along the southwest façade to provide a private area which is now going to be severely compromised
- approval of the planning permission could mean that random strangers visiting the industrial area will be able to get within 10 meters of kitchen window is particularly worrisome, bordering on frightening, personally and for daughter - if had been aware of this risk then we would never have purchased the house nor considered further investment in the property
- concerned about the increased level of noise likely to result from the expanded workshop and the movement of the agricultural equipment within the storage area
- peacefulness of the area, being set apart from the main thoroughfare through the village, was a major consideration when purchasing the property - increased noise will destroy the peacefulness of the area and will also detract from enjoyment of the garden
- increased level of traffic in the area (causing further noise pollution)
- expansion of the workshop suggests that work levels will increase (and hence further agricultural equipment will be delivered, worked on and removed again) whilst the additional storage area will equate to more vehicles being stored or placed on display for more customers to view, meaning that more vehicles will be moving around the area, generating further noise as well as diesel fumes
- current level of security lighting on the Wardmans site causes light pollution and to increase this and bring this closer to residential properties would be of concern.
- activity from the current Wardmans site far exceeds the advertised hours of opening - movement of large vehicles currently can cause noise nuisance throughout the day and into the evening/night and if this activity was to move nearer to residential properties it would increase the nuisance caused.

Highway matters

- entrance to the site comes from Alfreton Road at the western end of Old Coach Road but often vehicles will enter the site from the north eastern end of Old Coach Road, in the centre of Tansley village

- road is unadopted and owned by a resident of one of the dwellings, it is unsuitable for large vehicles and can cause disturbance to many residents
- turn into the vehicle yard on Old Coach Road is tight with inadequate visibility
- Policy HC19 of the Local Plan requires that development should be safely accessed in a sustainable manner - the highway should be able to satisfactorily accommodate traffic generated by the development
- as a bare minimum, could a condition be attached to the application requiring all traffic visiting the Wardman's site to arrive from the west of Old Coach Road only?
- feel that the movement of this agricultural equipment (which tends to be oversized and not suitable for use on a public highway) is dangerous in itself
- the workshop is situated off a lane which forms part of a popular walking route around Lumsdale and Tansley, and there are many walkers who use this lane to link the main public walkways - agricultural machines tend to be very large and are not really suitable for being moved in an area which is open for the enjoyment of the general public
- still a concern about the lack of clarity as to where the 'private driveway' will entrance /exit for such large agricultural vehicles
- existing gated access (opposite Speedwell Mill) is over a stream that feeds Bentley Brook and is unsuitable
- bottom section of the private Old Coach Road has already been designated as 'unsuitable for motors' by the authority
- already concern about the amount of traffic using Old Coach Road especially agricultural and other commercial vehicles
- road has been designated unsuitable for motors, and yet is used by vehicles both entering and exiting the industrial site
- no pavement on Old Coach Road, and the exist onto Church Street is across a pavement with obstructed vision - this causes a daily danger to walkers

Impact on ecology

- Derbyshire Wildlife Trust requested a further survey of the grassland site should be done during the 'optimal survey season' between April & August - can find no evidence of this happening.

Other matters

- purchased bungalow in August 2022, knowing that the southeast boundary was subject to planning permission, albeit with a buffer of a field between the property and the housing development itself, but with the knowledge that the southwest boundary was protected from development due to the proximity of the protected area and with the knowledge that the industrial area would not be extended due to the rules regarding infringement on a domestic property.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 There is a policy presumption in supporting the growth of commercial/industrial sites as set out in Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017). This advises that the District Council will generally support proposals for the expansion of existing businesses, that contribute towards the creation of jobs, where they are in sustainable locations. Policy EC4 also recognises that the existing commercial site is part of a wider, key employment site (Brookfield Industrial Estate).
- 7.2 Policy S1 of the Adopted Local Plan (2017) sets out the principles for achieving sustainable development. The Policy states that developments should seek to make a positive contribution towards the achievement of sustainable development by improving the

economic, environmental and social conditions of the area, wherever possible. It advises that this will be achieved by meeting most development needs within or adjacent to existing communities having regard to the defined Settlement hierarchy as defined in Policy S2. In this regard, the nearby village of Tansley is designated as a Third Tier Settlement which, with other such settlements, provide the best opportunities outside of Matlock, Wirksworth, Ashbourne and Darley Dale for greater self-containment.

- 7.3 The application site relates largely to a field which abuts the settlement boundary of Tansley, albeit forming a green wedge between the village and the Brookfield Industrial Estate. Whilst the site is within the open countryside, it is nevertheless within reasonable distance of Matlock and Tansley in that persons working at the site could access it by public transport and by walking or cycling. In this regard, it is considered that the site, which is essentially a landlocked field between the residential and commercial areas, is sustainably located.
- 7.4 This is also reflected upon with Policy S4 which advises that planning permission will be granted in the open countryside where it represents the sustainable growth of rural based enterprises in sustainable locations, having regard to the impact that such development may have on the character and appearance of the rural area. In this respect, Policies PD1, PD2, PD5, PD6 and PD9 need consideration with regard to the impact that the development may have on the character and appearance of the area and the landscape, the setting of heritage assets and impacts on amenity.
- 7.5 Other policy considerations are the impact of the development on wildlife and the aim of securing biodiversity enhancement (Policy PD3), highway matters (Policies HC19 and HC21), that the development seeks to mitigate its carbon footprint with respect to addressing the impact of climate change (Policy PD7) and the potential impact of development on drainage and flooding (Policy PD8). These matters are assessed below.

Impact on the Character and Appearance of the Area and Heritage Assets

- 7.6 The application site is outside the Lumsdale Conservation Area but its boundary follows the southern and northern sides of the site. To the north-east is Speedwell Mill (a non-designated heritage asset) and to the west is Scholes Mill (a grade II listed, former mill and managers house). The application site currently has a series of modern (later 20th century) industrial type buildings and sheds set well back off the Old Coach Road and partially screened by trees to the south and north. To the east/south-east of the industrial buildings is a plot of rising land bounded by trees and hedging.
- 7.7 The proposed development is the alteration of the 'stores building' and an extension to the adjacent workshop building. In terms of the potential impacts of the proposed development works on the adjacent Conservation Area, and other heritage assets, it is considered that the proposed alterations to the existing buildings are acceptable. The rebuilding of the store building in the manner proposed would be an improvement on the existing building and also allow for expansion of the business operation. The materials, being stone and timber facings, will elevate the appearance of the building and it will sit comfortably in its context to larger buildings at Speedwell Mill and Scholes Mill which are in its proximity. The proposed extension to the workshop building will provide a rectangular building and reflect upon its current appearance. In this respect, the building development is considered to improve the overall character and appearance of the site and does not harm the setting of the Lumsdale Conservation Area, Scholes Mill (Grade II listed) and Speedwell Mill.
- 7.8 The proposals also include the redevelopment of an existing agricultural grazing field into an agricultural vehicles, plant and equipment storage yard. It is proposed to re-model the land in the field to the east by creating two levelled areas (cut & fill), tiered down the slope, separated by a new intermediary band of trees/planting. Two ramps are proposed to allow

vehicular access to the land. The levelled areas of the site are proposed to be covered in compacted/rolled stone gravel.

- 7.9 This clearly is a significant change, with potential to result in significant visual impact. However, given the adjacent light industrial complex, it is considered that the development would be read as part of this in the landscape. The proposals have been amended to engineer the field into the two terraces in order that the equipment which is proposed to be stored sits into the sloping site rather than atop it as originally proposed.
- 7.10 Whilst there will be some changes to the form and finish of the land to the rear of the buildings, it will remain open land (i.e. free of buildings) but serve the purpose of the storage of machinery/equipment associated with the business use of the site. It is considered that this will retain an open land buffer between the industrial sites of this part of Lumsdale/Tansley and the existing and proposed built development to the east. In this regard, it is considered that the proposed development works will not have an adverse impact on the adjacent Conservation Area or heritage assets within the vicinity.
- 7.11 Concern has been raised that the development would impact on the outlook from Speedwell Mill. The development is set contextually to the existing employment site and there is a degree of screening with trees between Speedwell Mill and the application site. In addition, planting is proposed within and around the site to screen the development, a benefit of which would be to soften any views of the housing development also proposed to the east of the site.
- 7.12 To this end, this is not a stand-alone development in the open, undeveloped landscape and it is considered that any harm would not be of such significance to justify a recommendation of refusal of the grounds of impact on the setting of the Lumsdale Conservation Area, heritage assets or harm to the landscape that would otherwise outweigh the benefits of allowing the expansion of an existing business operation forming part of the wider industrial estate.

Impact on Trees and Hedgerow

- 7.13 The District Council's Arboriculture and Landscape Officer has assessed the application and advises that the trees that would be required to be removed to facilitate the proposed development are of no particular value in the landscape and their loss would not be significant. The submitted arboriculture report includes a number of recommendations, regarding protection of retained trees and planting of trees, which if followed, will effectively limit potential harm to retained trees. To this end, it is considered that this should be subject of a condition to any grant of planning consent.
- 7.14 However, it was recommended that additional information, in the form of a scale plan with measurements indicated on it, be required to be submitted for approval predetermination of the application, which details the distance that the temporary tree protection fencing should be located from the retained trees and hedgerows and which should enclose the root protection areas of the retained trees (calculated according to the guidelines provided by BS 5837:2012). This information has been provided and it has been advised that there is no objection to the proposal based on the additional information.

Impact on Residential Amenity

- 7.15 The proposals have been revised to seek to re-engineer and landscape the site, to nestle any plant and equipment into the slope of the land and to introduce further landscaping to screen the development to alleviate visual impact. It is appreciated that there will be activity on the site, with plant and equipment being brought on and off the site and some activity with customers visiting the site. However, it is considered that such activity will be relatively

modest given the nature of the business being in agricultural sales and it is considered reasonable to attach a condition that the usage of the land be limited to such, as more intensive storage uses could cause a greater impact.

- 7.16 Whilst the main part of the site operates 08.00 until 19.00 on Monday to Saturday, with no working on Sunday or Bank Holidays, it is nevertheless considered reasonable to restrict any comings and goings of vehicles, plant and equipment in the area to the rear to not commencing before 09.00 and taking place beyond 17.00 on Monday to Saturday, and not at all on Sundays or Bank Holidays, to manage any disturbance that may be caused to the rear of the existing and proposed dwellings.

Highway Matters

- 7.17 Concern is raised that an existing access to the field, to the north east of the site would be used to bring vehicles, plant and equipment onto and off the site. These concerns have been advised to the applicant and amended plans submitted detailing the sole means of access to the storage site being to the west of the reception building. In addition, the access to the north is proposed to have additional landscape introduced by way of screening the site and to assist in offsetting biodiversity loss with the removal of landscaping to facilitate the extension to the workshop building.
- 7.18 Currently, deliveries to the site are via Brookfield Industrial Estate, rather than from Tansley village where road signage advises of the Old Coach Road restrictions. Whilst some customers may decide to access the site along Old Coach Road, this would be unlikely to be regular traffic given the restrictions advised on Old Coach Road and that the principal route to access the site is off the A615 The Local Highway Authority has raised no objection to the proposals.

Nature Conservation and Biodiversity Enhancement

- 7.19 The proposals involve the removal of some trees and hedgerow to facilitate the access to the field and to allow for the extension of the workshop building. There would also be a loss to the use of the field. To offset this, the applicant has proposed tree planting around the south eastern and north eastern areas of the site and some provision within the site between the levels of hardstanding. Derbyshire Wildlife Trust have commented on an update site visit which has been undertaken along with the submission of a Biodiversity Net Gain (BNG) report (Ecology Resources, 2023). The update visit identified the existing grassland on site to be 'other neutral grassland' as per the UKHabs definition. Without securing on-site and off-site enhancements, the proposed development will result in the loss of -0.21ha (-1.22 habitat units) of other neutral grassland, along with a 30 m line of trees (-0.13 habitat units).
- 7.20 It is not possible to achieve a net gain on site and still deliver the required development and, therefore, a combination of onsite planting and offsite habitat enhancement has been proposed. The offsite works comprise the enhancement of 0.2 ha of 'modified grassland' to 'other neutral grassland' within a separate field owned by the applicant. The combination of proposed tree and hedgerow planting, as along with offsite grassland enhancement, will achieve net gain of around +1.00 habitat unit (+47.03%) and +0.42 hedgerow units (+29.13%); DWT consider these proposals to be acceptable if correctly implemented in full. The report states that this combination approach satisfies the trading rules, but advise that a copy of the metric is submitted to the Local Planning Authority.
- 7.21 Management of on-site and off-site habitats can be secured through a condition for a Landscape and Biodiversity Enhancement Plan (LBEMP), which should include management prescriptions and funding mechanisms for at least 30 years post-development, in accordance with the Environment Act 2021. The offsite location for further biodiversity provision will also need to be secured via a planning obligation under section 106.

Flooding and Drainage

7.22 The Lead Local Flood Authority and the Environment Agency have been consulted on the proposals and have raised no objection to the proposals. The proposed hard surfacing would be permeable and there would therefore be sufficient space within the site to dispose of surface water through infiltration across the site.

Climate Change

7.23 The development introduces new built form, which has a carbon footprint, and the introduction of hardstanding on a field which reduces the grassed area. Whilst tree planting is proposed which would offset some of the impact on climate change, it is considered that the use of solar panels, or other means of renewable energy generation, could be incorporated into the proposals and that it is considered reasonable to attach a condition to any grant of planning permission to request details of how the carbon footprint of the development could be mitigated against.

Conclusion

7.24 The redevelopment and extension of the buildings on the site is considered acceptable in allowing for improvements to this established business operation which provides plant and equipment to the rural area. It is appreciated that there is some impact with development extending into greenfield land. However, the field is considered to have limited use given that it is bound by Bentley Brook to the south, residential development to the south and east, and commercial development and Old Coach Road to the north. In allowing for such development, this allows the business to expand beyond its currently restricted site, evident with plant and equipment being stored at Scholes Mill which is also in the applicant's ownership. The original submission has been amended to seek to nestle the development into the landscape and to provide additional planting by way of screening the site, and the existing site, and to meet with the aims of biodiversity enhancement.

7.25 Whilst there is the potential for some harm to the amenity of existing local residents, and future residents of the housing development site approved to the south of the site, it is considered that these can be offset to some extent with the additional planting and through control over the hours of operation associated with the land. The equipment is also proposed to be set on platforms below the upper ground levels to seek to mitigate its visual impact. A condition can also be attached that there shall be no lighting of the proposed storage site.

7.26 Given the above, it is not considered, with the proposals as amended, that the development will have a significant harm on the heritage assets of Scholes Mill and Speedwell Mill and the setting of the Lumsdale Conservation Area and that any such impacts are considered to be offset by the benefits of improving the existing site and providing for employment retention/improvement at the site. As such, it is recommended that planning permission be granted subject to the completion of a Section 106 Agreement to provide for off-site biodiversity enhancement, with conditions on materials, landscaping, hours of operation, the nature of the use of the proposed storage area to the south and measures to mitigate against the carbon footprint of the development.

8. RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement to secure off site biodiversity enhancement, that planning permission be granted subject to the following conditions:

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.

2. The development hereby approved shall not be carried out other than in accordance with the following approved plans except insofar as otherwise required by other conditions to which this permission is subject:

Drawing Nos. (08) 01, 02, 04, 05, 06, 07, 08, 09 and 10 received 13.02.2023
Amended Drawing No. (08) 03 A Rev. D received 21.07.2023

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before the store building is first faced, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a sample of the stone;
- a sample of the proposed cladding, to include its colour and finish;
- details and/or a sample of the roofing material;
- details of the rooflights, which shall be a flush fitting type; and
- details of rainwater goods and pipework.

The development shall thereafter be undertaken with the approved samples/details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before the store building is first faced, sample panels of the facing materials, to measure 2m x 2m, shall be provided on site for inspection and approval in writing by the Local Planning Authority. The store building shall thereafter be faced in accordance with the approved plans and sample panels.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to installation, detailed plans of all windows and doors, at a scale of 1:10, and details of their finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

6. No means of enclosure or other walling shall be erected until the design, location and materials to be used on all boundary walls/fences/screen walls/retaining walls, etc. have been submitted to and approved in writing by the Local Planning Authority and, sample panels of 2m x 2m of the walls shall be provided on the site for inspection. The boundary treatments so approved shall then be completed prior to the storage area being first brought into use and shall thereafter be retained in perpetuity.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

7. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior the storage area being first brought into use, the details of which shall include:
 - a) details of any vegetation to be retained;
 - b) soil preparation, cultivation and improvement;
 - c) all tree and plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - d) grass seed mixes and sowing rates;
 - e) finished site levels and contours; and
 - f) hard surfacing materials.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

8. All soft landscaping comprised in the approved details of landscaping (condition 7) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To safeguard the character and appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) and positioned such that 100% of the Root Protection Area (as defined by British Standard 5837:2012) of every retained tree on, and adjoining, the site is enclosed by the fencing within construction exclusion zones.

Unless approved in writing in advance by the Local Planning Authority, this fencing will remain in place and intact until all development works at the site have been

completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site and:

1. no ground level change,
2. excavation,
3. underground services installations/removals,
4. surfacing, or
5. construction

shall take place within the fenced areas. Furthermore, unless agreed in writing in advance by the Local Planning Authority, there shall be:

1. no access to the fenced areas for pedestrians/plant/vehicles;
2. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
3. no fires in the fenced areas or within 10m of them; and
4. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to.

In certain circumstances, temporary ground protection may be authorised in writing in advance by the Local Planning Authority instead of tree protection fencing. Where this is the case the same requirements as for fencing of Root Protection Areas as detailed above will apply unless authorised by the Local Planning Authority.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with to comply with Policies S1, S4, PD1, PD2, PD5, PD6 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to any excavations taking place on the site, or building demolished, space shall be provided on site for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors' vehicles in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

11. The development hereby approved shall be carried out in accordance with the recommendations of the Biodiversity Net Gain (BNG) report (Ecology Resources, 2023) and in accordance with management prescriptions and funding mechanisms, for at least 30 years post-development, in accordance with the Environment Act 2021 which shall be submitted to and agreed in writing by the Local planning Authority prior to the approved storage area being first brought into use.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. Notwithstanding the details contained in the submitted documents comings and goings of vehicles, plant and equipment in the approved area to the rear of the buildings shall not commencing before 09.00 and take place beyond 17.00 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).

13. Notwithstanding the Town and Country Planning (Use Classes) Order (1987) (as amended), the storage area hereby approved (vehicle yard) shall not be used other than for the purpose of storing vehicles, plant and equipment relating to purposes associated with agricultural operations unless otherwise agreed in writing by the Local Planning Authority further to an application to be made to it.

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).

14. No external lighting shall be erected in, or directed into, the storage area hereby approved other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

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).

15. Prior to the store building being replaced, measures to mitigate against the carbon footprint of the development shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided prior to the building being brought into use.

To mitigate against the carbon footprint of the building to comply with Policies S1, and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

16. Should vegetation removal or building demolition works take place within the bird breeding season (March to September), then these works shall not commence until a check for nesting birds has been carried out by a suitably qualified ecologist and the findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority, prior to the submission of the application and during its consideration, has engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme, and subsequent amendments, that overcame concerns relating to the character and appearance of the development, residents' amenity and biodiversity enhancement.
2. The Public Rights of Way Section (Derbyshire County Council) advise the following:

- the footpath must remain open, unobstructed and on its legal alignment;
 - there should be no disturbance to the path surface without prior authorisation from the Rights of Way Section;
 - consideration should be given to the safety of members of the public using the path both during the works and after;
 - a temporary closure of paths will be permitted, on application to DCC, where the path(s) remain unaffected on completion of the development; and
 - there should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
4. This decision notice relates to the following documents:
- Drawing Nos. (08) 01, 02, 04, 05, 06, 07, 08, 09 and 10 received on 13th February 2023
Amended Drawing Nos. (08) 03 A Rev. D received on 21st July 2023
Design and Access Statement received on 13th February 2023
Flood Risk Assessment received on 21st July 2023
Tree Survey and Arboricultural Impact Assessment (Tech Arbor) received on 13th February 2023
Preliminary Ecological Appraisal (Ecology Resources) received on 13th February 2023
Biodiversity Net Gain Assessment (Ecology Resources) received on 26th July 2023.