

<b>APPLICATION NUMBER</b>		23/00684/FUL	
<b>SITE ADDRESS:</b>		R P C Commercials, Thurvaston Lane, Longford	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 6 no. commercial / industrial units (Use Classes E(g)(ii) - Research and Development and B8 - Storage and Distribution) (Resubmission)	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	R P C Commercials
<b>PARISH/TOWN</b>	Longford	<b>AGENT</b>	Mr Richard Pigott, Planning & Design Practice Ltd
<b>WARD MEMBER(S)</b>	Cllr. G. Bond	<b>DETERMINATION TARGET</b>	24 <sup>th</sup> August 2023 (EOT agreed until 15 <sup>th</sup> December 2023)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	More than 5 unresolved objections.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To consider the impact of the development on the environment

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Planning policy context and sustainability of location;</li> <li>• Highway safety;</li> <li>• Residential amenity considerations.</li> <li>• Impact on the setting of a Scheduled Monument;</li> <li>• Impact on the character and appearance of this part of the countryside, and;</li> <li>• Ecology and biodiversity net gain considerations.</li> </ul>

<b>RECOMMENDATION</b>
<p>That the application be approved subject to conditions, following the completion of a unilateral undertaking to relinquish 7 tractor unit and 14 trailer unit operator licences and which covenants the landowner(s) not to obtain any additional licences in the future.</p>

## 1. THE SITE AND SURROUNDINGS

- 1.1 The site is located in open countryside on Thurvaston Lane and approximately 1.6 miles south east of Longford. The site extends to 0.79 ha and is occupied by the applicant and in use for truck sales with ancillary offices, workshop and open storage.
- 1.2 The nearest neighbouring properties are Crowtrees Farm and Croft House to the north and New House, Mount Farm and the properties at Thurvaston Mount to the west of the site. New House is occupied by the owner of the site.
- 1.3 The site is accessed from Thurvaston Lane. Longford footpath 54 passes to the north of the site and footpath 53 passes along the eastern site boundary.

## 2. THE APPLICATION

- 2.1 The proposed development comprises six commercial / industrial units falling within use Classes E(g)(ii) research and development and B8 storage and distribution. The new units will operate alongside the existing business.
- 2.2 The application comprises a resubmission of application code ref. 22/00507/FUL and seeks planning permission for the same development in terms of the size, design and siting of the building proposed and associated parking and yard area, however, it does not propose general industrial (Class B2) use and is accompanied by additional information to address the various reasons for refusal, namely:
  1. *The site is located in a remote location in open countryside away from any settlement or public transport such that employees and visitors would be heavily reliant on the private car to access the site. As such the proposal would be an unsustainable form of development contrary to policies S1, S4, PD7, HC19 and EC1 and the National Planning Policy Framework.*
  2. *The development would result in additional commercial traffic on the local highway network of narrow lanes. This additional traffic would conflict with other road users to the detriment of their safety and amenity contrary to policies S4, HC19 and the National Planning Policy Framework.*
  3. *The development would result in noise and light pollution which would harm the amenity and tranquility of the local area and the residential amenity of nearby neighboring properties contrary to policies S1, PD1, PD9 and EC1 and the National Planning Policy Framework.*
  4. *Insufficient information has been provided to assess the impact of the development upon the adjacent Scheduled Monument (Lower Thurvaston medieval settlement, including part of the open field system) or its setting contrary to policy PD2 and the National Planning Policy Framework.*
  5. *Insufficient information has been provided to assess the impact of the development upon biodiversity and the natural environment contrary to policy PD3 and the National Planning Policy Framework*
- 2.3 The units would be located within one building on the southern part of the site and provide 715m<sup>2</sup> of additional floor space. The building would measure 53.7m long by a maximum of 16m deep. The southernmost part of the building would be dug into the ground levels with a maximum height of 5m to eaves and 7.8m to ridge above adjacent ground level. This part

of the building will be slightly deeper, breaking its mass and resulting in an appearance of two conjoined buildings.

- 2.4 Each unit would be provided with a roller shutter door to the west elevation and pedestrian door to the east elevation. A small W.C. block would be located on the north of the building. The roof of the main building would be clad with green metal sheeting as would the upper sections of the walls above concrete panelling. The toilet block would be faced in red brick and plain clay tiles.
- 2.5 The existing access would be utilised and shared with the existing business which would be retained on the northern part of the site. Access would be provided to the front of the units along with 12 parking spaces. A sustainable urban drainage system (SuDS) is proposed through the creation of an attenuation or infiltration basin or swale at the southern part of the site.
- 2.6 It is proposed to limit the business's current operations to alleviate concerns about the existing business intensifying alongside the proposed new business units. At present, the business has an operator's licence for 10 x 44 tonne GVW tractor units and 18 tri-axle trailers but this licence is not fully utilised. It is proposed to relinquish 7 x tractor unit operator licences (retaining 3) and 14 trailer units (retaining 4). This is to be secured using a unilateral undertaking (a form of planning obligation which runs with the land, is legally binding and enforceable). The unilateral undertaking will mean that the existing business will relinquish its existing operator's licences (minus the 3 and 4 to be retained) and will not obtain any more operator's licences in the future.
- 2.7 The resubmitted application is accompanied by an Arboricultural Impact Assessment Survey and Report, Drainage Strategy and Archaeological Desk Based Assessment. These documents have been made available for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

### 3.0 RELEVANT PLANNING HISTORY:

22/00507/FUL	Erection of 6 no. commercial/ industrial units (Use Classes E(g)(ii) - Research and Development , B2 - General Industry and B8 - Storage and Distribution)	Refused	29/06/2022
14/00073/VCOND	Section 73A Application - Removal of occupancy condition 4 of planning permission WED/182/14	Refused	23/01/2015
02/05/0419	Erection of 3 dwellings and conversion of existing barn to dwelling (outline)	Refused	11/09/2002
01/10/0728	Erection of 3 dwellings and conversion of existing barn to dwelling (outline)	Refused	12/12/2001
WED/983/608	Extension to Workshop of Office Accommodation	Granted	15/09/1983
WED/182/14	Erection of Dwelling	Grated	08/01/1982

## 4.0 POLICIES:

### Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles  
S4 Development in the Countryside  
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  
EC1 New Employment Development

### Other:

The National Planning Policy Framework (2023)  
National Planning Practice Guide  
Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

## 5.0 CONSULTATIONS:

### 5.1 Longford Parish Council:

*Comments received 18<sup>th</sup> July 2023:*

Object. The proposed development is contrary to Policy S4 Para (a) and (r).

The development would generate a significant increase in traffic on the lightly used and very narrow access road which is basically a single lane rural road with blind bends and soft verges, well used by local dog walkers, horse riders and cyclists who enjoy the benefits of this lovely quiet route. The barn conversions at Mount Farm will be facing this development and subject to noise, lighting etc which would have an adverse impact on the character and appearance of the rural area.

Also contrary to Policy PD9 Para (a) (b) (c).

This site has been a lorry yard for at least 50 years and therefore will be contaminated ground, the development therefore has the potential for the runoff to be contaminated and impact the surrounding land and watercourses. The fact that RPC Commercial has an operators licence for 10 vehicles and 18 trailers does not mean this is the amount of vehicles going to and from the site on a daily basis. Reducing the 'marginal option' on the licence does not automatically reduce the vehicular movements, if anything allowing 6 units to be built for storage and distribution could significantly increase vehicle movements on a daily basis as by the very nature of storage and distribution units, they need to be serviced by vehicles.

*Comments received 10<sup>th</sup> November 2023:*

We have been contacted by parishioners concerned about the response of the Local Highway Authority (LHA) dated 9th October 2023 to this planning application and we consider that the LHA response is seriously flawed.

1. The LHA clearly does not understand (and does not mention) the road access to the site which is single track for nearly 1km towards the junction with Long Lane (north east of the site). In the other direction towards Longford Lane it is even narrower, with sharp blind bends.

2. It does not assess for itself the potential traffic associated with the application and the suitability of the roads for that traffic. It also carries out a flawed comparison with current traffic based on a misunderstanding of what the current traffic actually is. It takes at face value the applicant's Transport Statement that 161 two-way vehicle movements could be generated at present and says that "the overall decrease in HGV movements will be significant". This is not true, and there are few HGV/LGV movements at present despite the vehicles permitted by the applicant's Operator's Licence. Even against this significant overestimate of the current traffic it says "there is a net increase in peak hour movements" of traffic associated with the application without considering the suitability of the roads for it.

3. It mentions the vehicles permitted by the Operator's Licence. This licence is subject to review every 5 years and the suitability of the Operating Centre is a topic for review. This means that excessive (large) traffic on this lane that is already unsuitable for HGVs/LGVs would be valid grounds for objection.

4. The LHA response says "The applicant has stated that should planning permission for the 6no. commercial/light industrial units should not be granted; the applicant's intention is to reorganise the site to improve productivity of the existing uses. This cannot be controlled under Planning regulations and the resultant traffic particularly for HGV's could increase from this situation which is not ideal". This is not relevant to the LHA assessment of this application and isn't even true – change of use or new buildings would be subject to planning consent and the suitability of the site for HGV/LGV use forms part of the Operator's Licence 5 yearly review. We note that the LHA does recognise that more traffic than at present is 'not ideal'.

We request that this LHA response is revisited. Given the nature of this application this should include a visit to the roads and site, a traffic survey to understand the actual current traffic, an independent assessment of the potential traffic associated with the application and an objective assessment of the suitability of the roads for that traffic. We also request that the application is considered by the Derbyshire Dales Planning Committee.

## 5.2 Local Highway Authority (DCC):

The applicant/agent has submitted a Transport Statement (TS) alongside the planning application to assess the overall traffic impact of the scheme and the potential changes in site conditions when surrendering part of the Operator's Licence.

The TS ensures that a methodical decision is made and is based on a thorough investigation of the traffic/transport information available, whilst also assessing the traffic impact the proposals would have on the existing highway network. The TS identifies that the existing site's operations (vehicle sales and repair) could produce approximately 16 two-way vehicle trips in the morning peak and 11 two-way vehicle movements in the evening peak hour, where a total of 161 two-way daily vehicle movements could be generated. The overall net change in site conditions because of development is a reduction in floor areas as follows: -

- Vehicle sales – reduction of circa 1,200sqm (2,700sqm to remain)
- Vehicle servicing and repairs – reduction of circa 760sqm (1,040sqm to remain)

The TS also identifies that the proposed new units could result in up to 7 two-way vehicle trips during the morning and evening peaks, with up to 61 two-way daily vehicle movements.

The units will have two assigned car parking spaces per unit, with vehicle trips likely to be small vans and transit vans and the occasional delivery and other servicing movements.

It is noted that although there is a net increase in peak hour movements resulting in an overall minor increase in daily trips of lighter commercial traffic. It is noted that the owner/applicant currently has an Operator's Licence at the site for 10 x 44 tonne GVW tractor units and 18 tri-axle trailers, which when fully operational could occupy a significant part of the site and generate a significant amount of HGV traffic.

As part of the proposed development, it is understood that the site owner/applicant is willing to reduce the Operator's Licence at the site to 3 x 44 tonne GVW tractor units and 4 tri-axle trailers. This results in a 70% reduction in HGVs and a 78% reduction in trailers. The overall decrease in HGV movements will be significant.

The owner/applicant is willing to partake in a unilateral undertaking in this regard. The proposed development will reduce the Operator's Licence associated with the site and reduce the size of the area of the existing vehicle repair and vehicle sales space to accommodate 6no. industrial units.

The applicant has stated that should planning permission for the 6no. commercial/light industrial units should not be granted; the applicant's intention is to reorganise the site to improve productivity of the existing uses. This cannot be controlled under Planning regulations and the resultant traffic particularly for HGV's could increase from this situation which is not ideal.

It is evident from the submitted TS that reducing the Operator's Licence to 3 vehicles and 4 trailers together with the proposed development in place, results in an overall Heavy Goods Vehicle reduction in peak periods and daily movements. The previous highway related concerns and traffic impact has been addressed in the TS. On balance, there are no objections to the proposed development from a traffic and highway point of view subject to the following:

The owner/applicant enters a unilateral undertaking on the reduction of the Operator's Licence HGV/trailer numbers where the parties have agreed to enter into such an agreement with the intention that the obligations contained in the agreement may be enforced by the Council and or the County Council against the developer and the owner and its successors in title.

and a condition to secure parking and informative.

### 5.3 Development Control Archaeologist (DCC):

#### *Initial Comments:*

The proposed development area lies directly adjacent to a designated Scheduled Ancient Monument (NHLE 1017362) recorded in the Derbyshire HER (MDR 2626) the remains of which comprise holloways, building platforms, and fossilised field systems. The standing earthworks at the southern edge of the site have been denuded by field improvement prior to scheduling (in 1976). Brief recourse to publicly available LiDAR demonstrates that a possible holloway and possible crofts lie in the field immediately adjacent (to the west) which I infer are almost certain to extend into the proposal site. The fact that vestiges of the previous occupation of the site are no longer visible as upstanding remains on the site is the reason that this part of the site was not included in the original scheduling. However the juxtaposition of the site to the scheduled areas demonstrates that there are likely to be below ground remains relating to the Ancient Monument present within the PDA. In my previous response I advised that further archaeological work would be necessary pre-determination

and I advised that a tiered approach to the site was necessary, to include a Heritage Impact Assessment (to also include impacts of drainage scheme) followed by archaeological evaluation trenching. I note the inclusion of a Heritage Note with the reapplication, however this does not meet the standard of the appraisal required and the application as it stands falls short of the benchmark outlined by Para 194 of NPPF, the text of which states (*italics my emphasis*).

“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Please also contact your Conservation Officer and Historic England regarding the building design and whether that may impact on the setting of the monument. In terms of the buried archaeology, the applicant has not met the threshold of Para 194 of NPPF and therefore I object to the proposal as it currently stands.

*Comments following receipt of the Archaeological Desk Based Assessment:*

I have previously had sight of the Archaeological Desk Based Assessment for this proposed development which is a good piece of work and correctly identifies the potential for there to be medieval archaeological deposits on the site given its juxtaposition with both the scheduled areas to the west and to the south-east. I am less convinced by the speculation that the potential impacts of the proposed development will affect only agricultural remains of medieval date likewise the speculation that any early medieval remains would be agricultural in origin.

This notwithstanding the desk based assessment highlights the potential for there to be archaeological interest on the site. What we do not yet know is whether levelling of any presumed earthworks on the site involved truncation and removal (levelling down) or the pushing over of any extant banks etc to effectively level the site up and this will have a bearing on the levels of preservation and the quality of preservation on the site. I have no objection in principle to development and in an ideal world I would recommend a further stage of archaeological works pre-determination. I do however accept that siting evaluation trenches within the proposed development area while it is a working business would not be ideal either for the pursuance of the business itself nor the effective execution of pre-determination archaeological works. I am therefore, for the sake of balance, qualifying my previous advice of 10th July and removing my recommendation for pre-determination evaluation works.

Further stages of archaeological works will however be necessary and should comprise:

- a programme of archaeological evaluation trenching and reporting
- any necessary archaeological mitigation works which may range from open area archaeological excavation and recording to scalable archaeological monitoring depending on the results of the evaluation trenching.

These works can be conditioned into any planning consent, should you be minded to grant said, under the provisions laid down under paragraph 211 of the National Planning Policy Framework (as revised in December 2023).

All works should be in accordance with a bespoke written scheme of investigation (WSI), pre-approved by this office in writing before implementation. The WSI should be compiled by the archaeological organisation commissioned to undertake the works in the field and should be undertaken to recognised industry standards, in line with the appropriate qualitative standards of field practice and recording as outlined in the current key methodological literature (for example Barker 1993, Roskams 2001). All archaeological works should be undertaken by a suitably experienced archaeological organisation with suitably and importantly demonstrably experienced archaeologists undertaking the work on the ground.

#### 5.4 Derbyshire Wildlife Trust:

We have checked our biodiversity datasets and we are now aware of any nature conservation features directly associated with this site. The site appears to be in use at the moment and comprises a large area of hardstanding. It seems unlikely that the proposal will impact any protected species or result in a measurable biodiversity loss. Therefore, we do not consider that an ecological assessment is necessary in this instance. The recommendations relating to trees should be implemented in order to avoid an impact on tree/s within the site.

#### *Biodiversity Enhancement / Net Gain*

- The development should include some measures to provide a net gain for biodiversity. This could be achieved through one or more of the following:-
- Inclusion of a brown or green roof – one or more roof or part of the roof of a new building could potentially be used to establish a brown or green roof
- Wildlife friendly landscaping could include planting native trees and shrubs and / or
- an area of pollinator friendly plants could be sown and managed either as a meadow or in tubs or beds.

If the Council is minded to approve the development, a condition for Biodiversity Enhancement and Management Plan and a tree protection condition are recommended.

#### 5.5 Lead Local Flood Authority (Derbyshire County Council):

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 4/7/2023. As this is a minor application the Lead Local Flood Authority (LLFA) has no formal comment to make and would refer the applicant to our informatives.

#### 5.6 Derbyshire County Council Rights of Way:

I can confirm that Longford Public Footpath No. 53 runs adjacent to the east of the proposed development site, as shown in red on the attached plan. Longford Public Footpaths Nos.14 and 54 both emerge onto Thurvaston Lane just north of the site.

In view of the potential for increased traffic, consideration needs to be given to any necessary measures or signage to mitigate risks for Footpath users as they emerge from FP 14 and FP 54 onto Thurvaston Lane. In order to ensure continued enjoyment of FP 53, it would be desirable for the vegetation to the east of the site, between the path and the development, to be sufficient to act as screening.

The Rights of Way Section has no objection to the proposals as it appears that the routes will be ultimately unaffected by the proposed works.

An informative relating to the right of way is recommended.



## 5.7 Peak and Northern Footpaths Society:

No objection provided that the full width of Longford Footpath 53 is unobstructed at all times. The vegetation on the eastern boundary of the site should be augmented as necessary to screen users of the path from the sight of the development and any noise which might be generated.

## 5.8 Trees and Landscape Officer (Derbyshire Dales District Council):

### *Trees*

The submitted Arboricultural Impact Assessment (AIA) report indicates that the only trees at the site are located around the property boundary and of these all are indicated for retention except 2 low quality ash trees.

The proposed removal of the 2 ash would be required to allow construction of a proposed attenuation pond on site. Their loss would not be unacceptable though I recommend that replacement planting of appropriate native tree species should be required in similar locations to the removed trees.

The AIA indicates that relatively minor pruning of part of the canopy of a high quality mature oak tree will also be needed to facilitate construction works. It is not anticipated that this work would be harmful to the tree, though the pruning should be minimised as far as practical and undertaken to the guidelines provided by BS 3998 (2010) with no cuts exceeding 100mm diameter. This is to protect the health and amenity of the tree. Existing deadwood should be retained where it is considered safe to do so because it can provide valuable biodiversity resource.

The tree protection guidance provided by this document is considered insufficiently detailed. I recommend that detailed site-specific tree protection measures should be submitted for approval in the form of an Arboricultural Method Statement. This should be required to discharge a condition to any grant of planning consent. I am particularly concerned that temporary tree protection fencing be erected in the correct positions and also that no trenching for drainage / services, or ground level change or new surfacing should occur within the root protection areas of retained trees. A Tree Protection Plan drawing to scale and showing lay-off distances between tree stems and tree protection fencing / ground protection should be included.

### *Landscape*

The proposed new building is relatively large and is located within a rural, agricultural and low lying landscape. I recommend that the Planning Officer should consider the potential impact of the proposals to the character and appearance of the local landscape and how it would be perceived by users of the nearby road.

Perhaps its impact may be softened somewhat by planting of several additional appropriate native trees at suitable locations within the site to provide screening and greening.

## 6.0 REPRESENTATIONS:

Twelve representations have been received which raise the following concerns:

### Principle

- Having reviewed the application that was turned down in June 2022 nothing has fundamentally changed, other than the owners offering to give up an operators licence that they are not actually using.
- The proposed development is contrary to Policy S4 Para (a) and (r).
- In our opinion if the owners need to realise profits from the land and subject to the relevant planning it would seem to us a small development of new homes would be the answer, a development like this might produce 8 / 10 additional smaller vehicles coming and going which would be sustainable on the narrow lane.
- Myself and 2 neighbours were shown by the owners son where the proposed buildings would be sited and I have no objection to the proposed location, or to the erection of the buildings. Nor would I object to proposed usage for 'light industrial use', or research and development'. My main concern is the possible use for 'storage and distribution'. This could entail a multitude of different possibilities, from the occasional drop-off and collection, to multiple visits to the units throughout the day which would significantly increase traffic on the narrow lane between RPC and Longford Lane.
- I would actively support the erection of housing on the site which would be classed as 'brown field' anyway, and would not mean the loss of any green field sites in the area.
- I have always stated if warehousing and distribution was not part of the planning I would have no objections, but distribution by its very nature means many many vehicle movements per day and until the units are let it is simply impossible to " Guess " how many movements this might be.

#### Highway matters

- There is no public transport access available for this site which is reached only by narrow lanes, mostly one vehicle width with no proper passing places and pavements. The visibility at the junctions of two of the lanes and Long Lane is very poor. Any increase in traffic created by this development would be detrimental to the existing users, which I am one, and increase the possibility of vehicle and pedestrian collisions. The access roads are totally unusable for any further development.
- The development would result in additional commercial traffic on the local highway network of narrow lanes. This additional traffic would conflict with other road users to the detriment of their safety and amenity contrary to policies S4, HC19 and the National Planning Policy Framework.
- The development would result in noise nuisance and an increase in traffic on narrow country lanes.
- I understand the requirement of the owners to make additional profits from the land but an industrial estate with 6 units all large enough to house significant amounts of freight and storage which would need to be serviced by a significant number of vans, trucks and lorries is simply unsustainable along a single narrow lane which in many places is simply not wide enough for lorries to pass, we will have road users reversing around blind corners which is going to be extremely dangerous to walkers, young families, horse riders and cyclists who all use the narrow lane on a daily basis. Further we have a wide variety of wildlife which will be significantly affected and displaced by the light and noise pollution from a 24/7/365 industrial estate.
- Our main concern is families walking with their children and dogs. There are also children on bikes and ponies using the lane. We keep the verges mown and tidy with no passing

places and sharp blind bends, making it extremely dangerous. To add even more traffic to our already congested lane could prove fatal.

- Thurvaston Lane is completely unsuitable for the amount of traffic that it is dealing with due to new properties having been built recently and also a vast amount of cars and vans using it as a cut through to Long Lane.
- My primary concern revolves around the potential impact on road safety resulting from the proposed development. After careful examination of the plans, it has become evident that the current proposal lacks the necessary measures to address the following critical issues:
  - Increased Traffic Congestion and Insufficient Infrastructure Upgrades: The proposed development is likely to attract a significant influx of traffic on the small country road, with limited passing places and high hedges it will increase the risk of accidents and collisions due to the inadequate road capacity.
  - Pedestrian, Cyclist and Horse Riders Safety: The safety of pedestrians, cyclists and horse riders in the vicinity of the proposed development has not been adequately addressed. With the projected rise in vehicular traffic, there is an urgent need for enhanced measures to safeguard vulnerable road users.
- Our main concern as a neighbour of RPC, would be the added traffic to our already busy narrow country lane and the surrounding lanes. Many parts of Thurvaston Lane are not wide enough for tow cars to pass and in one particularly narrow stretch of lane, with two blind corners, there is not space for a dog walker to meet a car. So the considerable additional vehicles created by the proposal would make it extremely dangerous.
- Roads in the Thurvaston Lane area are too narrow for heavy traffic other than existing farm vehicles.
- There are inadequate passing places on these narrow roads, risking (perhaps serious) damage to vehicles of any size.
- The roads are very winding with blind bends and do not allow good visibility for oncoming vehicle users, especially car drivers, or pedestrians.
- Some road surfaces in the area have major potholes that need to be upgraded for heavy goods vehicles. These would incur considerable expense and maintenance and may cause serious drainage problems, particularly on farmland.
- Road access to Thurvaston via Long Lane itself is unsuitable for HGVs.
- There are no suitable pavements for pedestrians, thus risking serious accidents.
- There will be more and more traffic going down a single lane with no passing places whatsoever. We regularly ride horses down the road and we have had so many near misses already with out the additional traffic. I expect these will also be bigger vehicles such as vans that will be on our lane as well.
- The business operating from the site when it became first known did not cause any problems at the time, as traffic was light the vehicles were smaller and lighter and the road was much better maintained than it is now. Times have changed the road is neglected with only the barest minimum of maintenance. The traffic has multiplied and the vehicles are much bigger, and heavier, sometimes making our house vibrate, some

of the agricultural ones are so big they will not fit on the tarmac. The lane is quite dangerous and unsuitable for this type of development.

- It can very difficult and dangerous to use the lane, and since I have lived here there have been several accidents, including a collision with the school bus just outside the entrance to my property, and just 20 yards from the entrance to RPC.
- The applicant informed me that they may start to use their operator's licence. I would have no concerns about this, as by their very nature the HGV's would only be able to navigate the lane at slow speed as they do now.
- I would not support the application unless any of the following possible scenarios could occur:
  - 1). 'Storage & distribution' was removed from the application.
  - 2). The speed limit on the lane between RPC and Longford Lane was reduced to 20 mph AND enforced.
  - 3). The section of the lane between RPC and Longford Lane was restricted to residential access only (including essential services etc.) and all traffic to and from the new units at RPC would be required to use the lane from it's junction with Cropper Lane which is wider and has more suitable passing places and verges for pedestrians and horse riders to move off the road.
- The traffic movements in the Transport Statement are exaggerated. Only three licenced drivers operate from the site currently.
- To operate at the level indicated with regard to the available licences the applicant would need to find and secure the employment of 7 more experienced and licensed drivers, and then they would have to generate the business to keep all 10 units running every day, day after day. I have been told that the transport and haulage business at present is very, very hit and miss due to the problems with sourcing experienced drivers, the cost of fuel, other running costs such as insurance, which have also risen, and the competition.
- What concerns me about these units, is there sheer size and storage capacity for 1 business per unit. My fear is that another operator, with an operator's licence elsewhere may rent these large units for storage and distribution due to the obvious easy links to the A38, A50, A52, and M1. Then we could possibly have multiple movements from another(s) operators to and from the site throughout the day to drop-off/collect goods ready for redistribution. This may well be combined with the noise involved in this loading/unloading from forklift trucks etc.
- I have read with horror the transport statement for the above planning application and am amazed at the assumptions that appear to have been made within it, I see no resemblance in this document to the number of movements that happen on a daily / weekly basis along this narrow and in most cases single track road based on my 7 years living here. I have never seem the number of vehicle movements alleged in this report and feel strongly the applicant is using a loop to force through a planning application based on what the "might / could do" rather than what they do.
- No reference in the document has been given to "Warehousing & Distribution" if you're distributing that means vehicles coming and going throughout the day to pick up and drop off, if each units was leased to a haulage company we could easily end up with 6 new haulage companies all operating fleets of vehicles, so how can anyone possible guess

how many 100's of additional movements units this large will bring to this narrow single track lane ?

- I know of several accidents on our lane including one being a car ( the driver still lives on the lane and can confirm this accident happened ) and the school bus with children on board which appears to be absent from the statement along with any mentions of all the other concerns which stopped the planning application last time such as the narrow with no overtaking places, blind bends and the whole lane clearly being unsuitable for significantly more traffic.
- I notice that the Transport Assessment makes no reference to the lack of overtaking spaces, much of the lane is single track, so I would like to understand how vehicles that come face to face with each other are going to pass without going on the grass verges and public walking areas?
- Thurvaston Lane is a single track road with very few places to pass, those that do exist are mainly residents driveways and gateways to fields. In situations when you do need to pass this can involve reversing a considerable distance.
- The road is not only narrow but windy, especially near to the proposed planning area. Visibility is poor and I myself have had an accident on this lane with one of the neighbours, both of us obviously knowing the lane and still it could not be avoided.
- The lane has no pavements and is already relatively dangerous for anyone using it - children, runners, dog walkers, equestrians and cyclists - granting this planning permission would surely lead to fatalities.
- The lane is used by large farm vehicles and I cannot see how vehicles will be able to pass one another, given in some areas there isn't even a verge.
- The lane is in poor condition and could not take the substantial increase in traffic.
- The lane is totally unsuitable for HGVs and large vehicles.
- Surrounding lanes, that will also have to be used, have similar issues.

#### Drainage and wastewater management

- We are still extremely concerned by the lack of sewage provision.

#### Residential Amenity

- The development would result in noise and light pollution which would harm the amenity and tranquillity of the local area and the residential amenity of nearby neighbouring properties contrary to policies S1, PD1, PD9 and EC1 and the National Planning Policy Framework.
- We strongly object to the proposed development creating additional noise and possible night time security lighting.

#### Ecology considerations

- Additional, (especially heavy goods) traffic on these narrow lanes may create serious disturbance to livestock, (for example, sheep at lambing time) and to wildlife.

- Creating passing places (for example by removing well-established hedgerow areas) would mean habitat removal and serious disturbance to existing wildlife.
- The verges are currently well kept and thriving with flowers and wildlife. I expect these will be driven on if these plans go ahead meaning a decline in wildlife.
- Granting planning permission would pose a real threat to wildlife for both animals and plants, with verges being churned up, and animal disturbance, not to mention the increase in pollution

#### Other

- Farmers and some village residents may have increased inconvenience when accessing their properties.
- Additional (heavy) traffic may cause structural damage to residential properties (for example by vibration), and even devalue property values.

### **7.0 OFFICER APPRAISAL:**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2023) is a material consideration in respect of this application.
- 7.2 Having regard to the applicants case, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:
- Planning policy context and sustainability of location;
  - Highway safety impacts;
  - Residential amenity considerations.
  - Impact on the setting of a Scheduled Monument;
  - Impact on the character and appearance of this part of the countryside, and;
  - Ecology and biodiversity net gain considerations.
- 7.3 Although some concern has been raised with regard to the lack of sewage provision, the application is supported by a drainage strategy which does demonstrate that additional surface water run off can be mitigated by a SuDS scheme located to the south east of the site. Therefore the application does demonstrate compliance with policy PD8. If planning permission were to be granted a condition would be required to ensure that full details of the SuDS scheme were agreed before any new impermeable surfaces are created and then implemented prior to occupation. Although the method of foul sewage disposal from the toilet block is unknown, this will need to meet Building Regulations Approved Document H. It is unclear as to whether there is an opportunity to connect to a mains sewer, which is the preference with regard to foul drainage, however, there is sufficient space on site and opportunity to install a package treatment plant which would ensure that there would be no pollution of the local environment. It is recommended that a condition is imposed to deliver the toilet block prior to first use of the commercial units, to ensure the delivery of appropriate amenities. Reference to loss of property value in the representations received is not a material planning consideration.

### *Planning policy context and sustainability of location*

- 7.4 Policies contained within the Development Plan, namely the Adopted Derbyshire Dales Local Plan (2017) which deal with development in the countryside and new and existing employment development are considered to align with national planning policy.
- 7.5 The site is previously developed land located in the countryside. Policies S1 and EC1 are relevant and together allow redevelopment for employment use in sustainable locations provided it does not have an adverse impact on the character and appearance of the area.
- 7.6 The representations received point to the development being contrary to parts a) and r) of Policy S4, which deals with development in the countryside. Part a) states that planning permission will be granted for development where it comprises the redevelopment of a previously developed site and/or conversion or extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area. Whether development is appropriate to its location is a matter of judgement. The application has submitted a transport assessment and presented a mechanism to limit operations from the site to alleviate concerns about the existing business intensifying alongside the proposed new business units to prevent any detrimental impacts on highway safety or the character and appearance of the rural area.
- 7.7 The applicant has pointed to other developments, where businesses have diversified and grown in countryside locations. Policy EC1 of the Local Plan which states that 'the District Council will support proposals that encourage small-scale and start-up businesses, including through the provision of innovation centres and managed workspace and small, modern industrial units' and encourages the redevelopment, intensification and more efficient use of existing employment sites.
- 7.8 The site currently contains the headquarters and workshop for RPC Commercial Vehicles, specialists in used commercial vehicle, plant, machinery and sales. It has a long established use as a vehicle dismantling and repair business. The current use can operate without restriction and has the potential to generate a certain level of activity and employment, based on site area. The redevelopment of part of the site and erection of a series of smaller commercial units would make more efficient use of the site, which is not currently used to its full potential, and deliver modern industrial units. Although the location of the site is an unsustainable one in terms of access to public transport, the existing use and level of employment that could be generated is a material consideration. The reduction in the existing business operational area and the proposal to relinquish the operators' licences would not, it is considered, result in any unacceptable intensification in use, brought about by the commercial units in sustainability terms. Local and national policy is supportive of the sustainable growth of all types of business in rural areas and the efficient use of land for such purposes that does not have an adverse impact on the character and appearance of the area or cause severe impacts on the transport network.

### Highway safety impacts

- 7.9 Part r) of Policy S4 requires that development will have a safe access and will not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network, or require improvements or alterations to rural roads which could be detrimental to their character. Policy HC19 advises that the District Council will seek to ensure that development can be safely accessed in a sustainable manner. It requires that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.

- 7.10 The applicant has submitted a Transport Assessment, which considers the reduction in the operator's licences associated with the existing site and the reduction in the size of the area of the existing vehicle repair and vehicle sales space to accommodate six industrial units.
- 7.11 An assessment of the Trip Rate Information Computer System (TRICS) indicates that there will be a reduction in vehicle trips on the surrounding highway network, when including the operator's licence, with the vehicle trips associated with the proposed development having less HGV movements. This is based on comparable haulage companies. Whilst any haulage would need to be associated with the lawful use of the site as a vehicle dismantling and repair business, the number of licences is such that the existing use could operate at increased scale, notwithstanding any difficulties recruiting experienced drivers as indicated in the representations received.
- 7.12 The TRICS data also considers weekday 12-hour operation. To ensure no disturbance to residents associated with any 24-hour storage and distribution use, the Councils Environmental Health Team have advised that operation hours, including deliveries are restricted to the hours of 08:00 and 18:00 Monday to Friday, which will reduce traffic (including haulage) further. The restrictions in the number of operators licences would apply to the site and future occupants of the commercial units. Any storage and distribution use would therefore be limited in terms of the number of HGVs that could operate from the site.
- 7.13 The Local Highway Authority recognise that vehicle trips associated with the proposed use are likely to be small vans and transit vans and the occasional delivery and other servicing movements and that although there is a nett increase in peak hour movements, resulting in an overall minor increase in daily trips of lighter commercial traffic. Subject to the completion of a unilateral agreement to relinquish the operator's licences as set out in the application documents and a condition to secure appropriate parking, the Local Highway Authority have raised no objections.
- 7.14 Taking into consideration the advice of the Local Highway Authority and the supporting information submitted with this application it is not considered that the development would cause severe impacts on the transport network, require improvements or alterations to rural roads which could be detrimental to their character or materially increase the amount of traffic to and from the site to the extent that it could not be accommodated by the existing highway network. The development would also be served by an appropriate level of off street parking. The development would therefore comply with development plan policies S4, HC19 and HC21.

#### Residential amenity considerations

- 7.15 Policy PD1 of the Adopted Derbyshire Dales Local Plan 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. Policy PD9 states that the District Council will protect people and the environment from unsafe, unhealthy and polluted environments whilst promoting the use of appropriately located brownfield land. This will be achieved by only permitting developments if the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals. This includes noise and light intrusion.
- 7.16 Some concern has been raised about the potential impact on the amenity of neighbouring properties from the development. There are a number of neighbouring residential properties around the site. The siting of the building relating to neighbouring properties and its scale is such that it would not result in unacceptable overbearing or overshadowing effects. The applicant has omitted the general industrial use element of the original proposal and now proposes commercial uses that are either compatible with residential areas or that subject



to controls on operating hours, which can be conditioned, would not result in a loss of residential amenity. Given that the site is in a tranquil rural location, it will be necessary to control any external / flood lights to prevent unacceptable light intrusion in the countryside that could also be detrimental to residential amenity. This was recommended by the Environmental Health Team in the consideration of the previous application. The legal agreement dated 1st February 1983, which tied the approved dwelling to the land prevents this dwelling being sold, assigned, sub let except as one parcel of with the said land. This will allow effective control of the units, which are to be leased by the site owner whilst assisting with the ongoing viability of the business. With conditions the development would, it is considered, satisfy the provisions of Policy PD1 and PD9.

#### Impact on the setting of an adjacent Scheduled Monument

- 7.17 The site is located adjacent to the remains, holloways, building platforms and fossilised field systems of a deserted medieval village. This is a designated Scheduled Monument (NHLE 1017362). Policy PD2 is therefore relevant and requires that development proposals contribute positively to the historic environment. Particular protection is given to designated heritage assets, included Scheduled Monuments and archaeological sites. Planning applications are required to be supported by a heritage statement and archaeological assessment.
- 7.18 The application is accompanied by a comprehensive Archaeology Desk Based Assessment which considers the impact of the development on this Scheduled Monument. The Assessment recognises that the yard is adjacent to the Scheduled Monument of Lower Thurvaston medieval settlement including part of the open field system. It states that the core of the settlement is to the west and it is not certain that it extended further along Thurvaston Lane. This gives moderate to high potential for medieval remains. It is recognised that any remains associated with the settlement could be of national significance as they would contribute towards knowledge of the extent of the asset, although they have been affected by later use of the site and no standing remains survive. The fact that the site has been a commercial yard for many years is a material consideration in this respect.
- 7.19 The Assessment states that construction of the units and excavation for the drainage system would mainly affect agricultural remains to the rear of any enclosures or in the wider surroundings of the settlement. Any such remains would be of local significance. It is identified that there is high potential for agricultural and horticultural remains from the post-medieval period and 19th century which would be of negligible significance. Existing development and storage on site is such that the proposed building would not be harmful to the Scheduled Monument.
- 7.20 The Development Control Archaeologist has advised that a programme of archaeological evaluation trenching and reporting any necessary archaeological mitigation works which may range from open area archaeological excavation and recording to scalable archaeological monitoring depending on the results of the evaluation trenching be carried out and that this can be a condition of any permission to ensure the appropriate recording of any below ground archaeology. This will ensure that any remains are retained and recorded in manner that meets the requirements of Policy PD2 of the development plan and national policy.

#### Impact on the character and appearance of this part of the countryside

- 7.21 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires that all developments should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. To achieve this objective development should be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes and contribute positively to an

area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features amongst other requirements.

- 7.22 The existing site is visually relatively well screened and therefore in principle there is no objection to the design approach, which in the context of the site and its surroundings would appear as a series of portal framed buildings, not dissimilar to a modern farm building grouping.
- 7.23 Policies PD5 and PD6 of the development plan require development to conserve and enhance landscape character and trees. This site is previously developed land, however there are a large number of mature trees and hedgerows around and near to the site. The submitted arboriculture impact assessment states that trees would need to be removed to facilitate the development: one mature and one semi-mature Ash. The Council's Trees and Landscape Officer has indicated that their loss would not be unacceptable. All other trees are to be retained, which will effectively filter views of the development from the wider landscape. A condition to secure replacement tree planting, and other soft landscaping will ensure that there is no net loss of landscape features. It will also be necessary to secure site specific tree protection measures to protect existing trees close to the proposed development. A condition to secure measures to help mitigate the effects of and adapt to climate change is also recommended to address the requirements of Policy PD7.

#### Ecology and biodiversity net gain considerations

- 7.24 Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will seek to protect, manage, and where possible enhance the biodiversity and geological resources of the Plan Area and its surroundings by ensuring that development proposals will not result in harm to biodiversity. This aligns with national policy which seeks to secure measurable net gains for biodiversity.
- 7.25 No protected species report or surveys have been submitted with the application. The application does not explain or provide evidence to demonstrate that ecological assessments are not required.
- 7.26 The proposed development would result in the removal of mature trees and introduce a development which has the potential to generate noise and light pollution which could have a material impact on protected species in the local area, particularly bats and birds.
- 7.27 The applicant points to Derbyshire Wildlife Trust not responding to the earlier application before it was refused, with other reasons, on ecological grounds. Derbyshire Wildlife Trust have reiterated that it is unlikely that the proposal will impact any protected species or result in a measurable biodiversity loss given its current condition. A Biodiversity Enhancement and Management Plan (BEMP) is recommended to deliver measurable net gains for biodiversity.
- 7.28 The applicant has indicated that plans for biodiversity enhancement could be achieved adjacent to the attenuation pond in a Biodiversity Enhancement and Management Plan (BEMP), as requested by DWT. This could include native planting of aquatic and semi-aquatic plants in the bottom of the pool along with marshy grassland seeds or plugs and an appropriate seed mix on the lower banks and a lowland wildflower (of local Derbyshire provenance if possible) seed mix on the upper banks and in the area around the pool. Management of the pool and surrounding grassland would be low intensity (e.g. one late cut (and remove) once per year at the end of the flowering season, once the grassland habitat has been established). It will be necessary to condition a BEMP to satisfy the requirements of policy PD3. With such a condition reason for refusal no.5 can no longer be sustained. The prior agreement of any exterior lighting can also minimise disturbance to wildlife. The

applicant will need to comply with the requirements of the Wildlife and Countryside Act, in terms of the protection afforded to birds and bats, with regard to felling any trees.

## Summary

- 7.29 The proposals, in their amended form and with a unilateral undertaking to relinquish 7 tractor unit and 14 trailer unit operator licences would not materially increase the number of HGV and other vehicle movements to and from the site based on TRICS data and the Local Highway Authority assessment, to the extent that a recommendation of refusal could be sustained on highway safety or sustainability grounds. The development would meet the District Council's employment aspirations to support small, modern industrial units' and the redevelopment and more efficient use of existing employment sites.
- 7.30 The omission of general industrial use, and with conditions to control hours of operation and deliveries to the site and any external lighting the development would not give rise to any unacceptable impacts on the residential amenity of the occupants of nearby residential properties. The applicant would retain a smaller part of the site for vehicle dismantling and repair for which a functional need to be resident in a nearby dwelling was demonstrated. The redevelopment of the site will help support the ongoing viability of the business.
- 7.31 With an archaeological written scheme of investigation and condition to secure a biodiversity and ecological management plan to secure net gains for biodiversity and enhanced conditions for wildlife, the previous archaeology and ecology related reasons for refusal can no longer be sustained.
- 7.32 Taking the above into consideration, the application in its revised form has satisfactorily addressed all of the previous reasons for refusal and, with conditions, would be in accordance with the relevant provision of the development plan. There are no material considerations that indicate otherwise and recommendation of approval is put forward on this basis.

## **8.0 RECOMMENDATION**

8.1 That the application be approved subject to conditions, following the completion of a unilateral undertaking to relinquish 7 tractor unit and 14 trailer unit operator licences and which covenants the landowner(s) not to obtain any additional licences in the future, and 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 permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates, namely:

- Site Location Plan ref. 3167 001A
- Site plan (as proposed) ref. 3167 003C
- Plans and Elevations Drawing ref. 3167 004A
- RPC Commercials heritage Note – June 2023
- Arboricultural Impact Assessment Survey & Report Ref: BG21.275.1 REV1 - April 2022

- Drainage Strategy Version 1.1 February 2022
- Planning, Design and Access Statement by Planning Design referenced 3167\_PDAS\_V5
- Archaeological Desk-based Report Ref. YA/2023/269

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. No part of the development shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for parking have been permanently marked out or demarcated in accordance with the details as shown in drawing ref: 3167-003C. The parking areas shall be retained as such thereafter.

Reason:

To ensure that adequate provision is made on the site for the traffic generated by the development to comply with the requirements of Policies HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

4. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with the aims of Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats and shall include the following:-

- a) Details of type and location of biodiversity enhancements
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a five-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 enhancement measures.
- h) Requirement for a statement of compliance upon completion of planting and enhancement works.

The approved plan shall thereafter be implemented in accordance with the approved details.

Reason:

To deliver net gains for biodiversity in accordance with the requirement of Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policy contained within the National Planning Policy Framework (2023).

6. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site without the prior approval in writing of the Local Planning Authority.

Reason:

In the interests of the appearance of the site and the amenities of the area and highway safety in accordance with the aims of Policies S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. The development hereby permitted does not extend to the erection of any security / floodlights without first obtaining the prior written approval of the Local Planning Authority on an application submitted to it.

Reason:

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

8. A scheme for the provision of foul and surface water drainage which, in the case of the land drainage scheme, shall follow the parameters of the Drainage Strategy Version 1.1 dated February 2022 and include a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority before any building operations commence. The drainage works shall be completed in accordance with the approved scheme.

Reason:

To prevent flooding and pollution of the water environment in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

9. No machinery shall be operated on the premises, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 08:00 to 18:00 hours Mondays to Friday, 08:00 to 13:00 on Saturdays or at any time on Sundays and Bank Holidays.

Reason:

To preserve the amenities of the surrounding area in accordance with Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

10. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 as amended, (or any Order revoking or re-enacting that Order with or without modifications), the premises hereby approved shall be used for E(g)(ii) and B8 and only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason:

For the avoidance of doubt, to protect the residential amenity of the occupants of nearby dwellings and in the interests of highway safety in accordance with the aims of Policies S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to first use of the commercial units hereby approved, the toilet block shall be provided and available for use and connected to an approved foul drainage system.

Reason:

To prevent pollution of the water environment and to ensure the delivery of appropriate amenity facilities in accordance with the aims of Policies PD1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to works commencing on the superstructure of the building, details of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local planning Authority. The measures shall thereafter be provided prior to first use of the units.

Reason:

To help minimise the impact of the development on global warming in accordance with the aims of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

13. A scheme of hard and soft landscaping and protection of existing landscape features shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, the details of which shall include :-

- a) indications of all existing trees, hedgerows and other vegetation on the land;
- b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works and details of tree protection and construction methods;
- c) measures for the protection of retained vegetation during the course of development informed by a site specific arboricultural assessment;
- d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection (including compensatory planting for any trees to be felled);
- e) grass seed mixes and sowing rates;
- f) finished building floor and site levels and contours;
- g) means of enclosure;
- h) car park layouts;
- i) other vehicle and pedestrian access and circulation areas;
- j) hard surfacing materials;

- k) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc), and;
- l) retained historic landscape features and proposed restoration, where relevant.

In respect of the hard and soft landscaping details submitted, a timetable for delivery shall also be provided. The development shall thereafter be carried out in strict accordance with the approved details. 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.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

### **NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission and during the consideration of the application have engaged in a positive and proactive dialogue with the applicant which resulted in the submission of additional information and proposals to address a number of concerns relating to the sustainability of the development, highway safety and the impact of the development on the adjacent Scheduled Monument.

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 £43.00 per householder request and £145.00 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

A Public Right of Way runs close to the site – Footpath number 53. The route must always remain unobstructed on its legal alignment and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.

The applicant's attention is drawn to the Lead Local Flood Authority's informatives regarding land drainage as set out in their consultation responses dated 9<sup>th</sup> August 2023.

This Decision Notice relates to the following documents:

- Site Location Plan ref. 3167 001A
- Site plan (as proposed) ref. 3167 003C
- Plans and Elevations Drawing ref. 3167 004A
- RPC Commercials heritage Note – June 2023

- Arboricultural Impact Assessment Survey & Report Ref: BG21.275.1 REV1 - April 2022
- Drainage Strategy Version 1.1 February 2022
- Planning, Design and Access Statement by Planning Design referenced 3167\_PDAS\_V5
- Archaeological Desk-based Report Ref. YA/2023/269