



**North East
Derbyshire**
District Council

AGENDA UPDATED

ITEM 7 – LATE REPRESENTATIONS

REPORT NOW PUBLISHED

Contact: Alan Maher

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Date: Monday, 20 June 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 28 June 2022 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Mark Foster
Councillor Roger Hall
Councillor David Hancock
Councillor Lee Hartshorne

Councillor Maggie Jones
Councillor Heather Liggett
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Diana Ruff - Chair

Please notify the Interim Governance Manager, Alan Maher by 4.00 pm on Friday 24 June 2022 of any substitutions made for the meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

A G E N D A

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of the Last Meeting (Pages 5 - 8)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on Tuesday 31 May 2022

4 NED/22/00248/FL - ASHOVER (Pages 9 - 16)

Section 73 application to revise condition 2 (Approved drawings) pursuant of 20/00079/FL on land at Croftonvale, Alton Lane, Littlemoor, Ashover

(Planning Manager – Development Management)

5 NED/21/00690/FL - KILLAMARSH (Pages 17 - 32)

Proposed conversion of existing stable block into a 3 bedroom dwelling, re,submission of application NED/20/00364/FL (Amended Plans), at stables west of Walnut Drive, off Field Lane, Killamarsh

(Planning Manager – Development Management)

6 NED/21/00582/FL - ASHOVER (Pages 33 - 47)

Proposed 2 bedroom / 1 office gatekeeper cottage (revised scheme of application NED/20/00524/FL) at Matlock Farm Park, Jaggers Lane, Darley Moor, Matlock

(Planning Manager – Development Management)

7 Late Representations - Summary Update Report: NOW PUBLISHED (Pages 48 - 50)

(Planning Manager – Development Management)

8 Planning Appeals - Lodged and Determined (Pages 51 - 53)

(Planning Manager – Development Management)

9 Matters of Urgency (Public)

To consider any other matter which the Chair is of the opinion should be

considered as a matter of urgency.

10 Exclusion of Public

The Chair to Move:

“That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972”. (As amended by the Local Government (Access to Information)(Variation) Order 2008).

11 Section 106 (Legal) Agreements Update (Pages 54 - 69)

Planning Manager (Development Manager)

Paragraphs 2 and 5

12 Matters of Urgency (Private)

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

We speak your language

Polish
Mówimy Twoim językiem

Romanian
Vorbim limba dumneavoastră

Urdu
ہم آپ کی زبان بولتے ہیں

Chinese
我们会说你的语言

North East Derbyshire District Council





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If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 31 MAY 2022

Present:

Councillor Alan Powell (in the Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Roger Hall
Councillor Maggie Jones
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Lee Hartshorne
Councillor Heather Liggett

Also Present:

A Kirkham	Planning Manager - Development Management
J Hawley	Principal Planning Enforcement Officer
F Todd	Senior Planning Enforcement Officer
J Edwards	Planning Technician Administrator
J Owen	Chartered Legal Executive
A Maher	Interim Governance Manager
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

1/22-

23 Apologies were received from Councillor D Ruff, Councillor D Hancock and Councillor J Ridgway.

PLA/ Declarations of Interest

2/22-

23 There were no Declarations of Interest.

PLA/ Minutes of the Last Meeting

3/22-

23 RESOLVED - The minutes of the meeting held on Tuesday 17 May 2022 were approved as a true record.

PLA/ NED/22/00198/FL - STRETTON

4/22-

23 The report to Committee explained that a 'Section 73' Application had been submitted to substitute the existing plans, previously agreed by the Committee, with amended plans at Erzamine, High Street Lane, Stretton. Under these amended plans the plot for the new building would be re-located further west on the site, to that originally agreed. The Application had been referred to Committee at request of Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the

recommendations. Re-positioning the plot would not alter the design, scale or massing of the new building. As such, Officers believed that the change would not have an unduly significant detrimental impact on the neighbouring property. Although the new dwelling would be closer to it, they contended that sufficient space would continue to exist between them and that no 'overlook' of the existing dwelling would be created.

Before Members discussed the Application those registered to speak were asked to address the Committee. S Ross objected to the Application. The Applicant, J Rowles, spoke in support of it.

Committee considered the Application. It took into account the previous planning history. Committee heard how the principle of residential development on the site in a countryside location had been accepted when planning permission had been granted for the original application NED/18/00801/FL. Committee considered the impact on the proposed change on the character of the surrounding area. It also took into account the implications of the changed plans on the Residential Amenity of neighbouring properties.

Members discussed the Application. They reflected on the original planning permission granted for the site. They considered the reasons for the proposed changes. In particular, they heard how under the revised plans a larger back garden area to the rear of the new property would be created. Some Members queried why the requirement for a larger back garden had not been taken into account when the original plans had been submitted.

Members also discussed what impact the proposed relocation of the plot would have on the amenity of neighbouring property, including its visual impact. They considered whether this could be ameliorated through the imposition of appropriate conditions, such as the addition of mature vegetation or other appropriate screening. During the discussion some Members expressed their concern that because of the topography of the site, the new dwelling might now appear overbearing to the neighbouring property. They did not think that this would be acceptable. Committee was reminded in this context of policy SDC12, to protect the amenity of existing occupiers when agreeing new developments

At the conclusion of the discussion, Councillor W Armitage and Councillor M Foster moved and seconded a motion to reject the Application, contrary to officer recommendations. The motion was put to the vote and was agreed.

RESOLVED -

That the Application be refused, contrary to officer recommendations.

Reasons

1. The proposal is considered unacceptable as by reason of its scale and location the dwelling proposed on plot 1 would be prominent, overbearing and adversely affect the residential amenity and living conditions of the occupiers of Moorfields contrary to North East Derbyshire Local Plan policies SS1, SS2, SS9, SDC3 and SDC12.

The report to Committee explained that a retrospective Application had been submitted for the construction of a garage with store at Croftonvale, Alton Lane, Littlemoor, Ashover. The Application had been referred to Committee at the request of Ward Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to approve the Application without condition.

The report to Committee explained why Members were asked to approve the recommendation. Officers had concluded that the building did not harm the character of the local area and that it had not impacted significantly on the residential amenity of the neighbouring property. The building was in line with the Development Plan and the relevant national and local planning policies. As such, it constituted an acceptable development. Officers felt that retrospective planning permission should now be granted and that no conditions on this approval would be required.

Before Members discussed the Application T.H Sanderson, who objected to the Application, was asked to address the Committee.

Committee considered the Application. It took into account the Principle of Development and in particular, the site's location in the open countryside. It considered whether the development would be in line with Local Plan Policy SS9, which supports developments that respects the form, scale and character of the landscape and SDC22, requiring new developments to make a positive contribution to the quality of the local environment. Committee also took into account Ashover Neighbourhood Policy APW2, to protect the countryside setting of Littlemoor.

Members discussed the Application. They considered the location of the garage and store. They heard how the rear of the building had been cut into the landscape, which had reduced its visibility and that a new stone wall been constructed, separating the site from the open countryside. Members also heard about the former buildings on the site and, specifically, how the location of the former garage differed from that of the garage store.

Member discussed what impact the garage store had had on the residential amenity of the neighbouring property. They considered the distances between the properties and whether the garage store overlooked the neighbouring property. In this context, Members heard how the building could only be viewed from certain parts of the neighbouring garden because of mature vegetation. Members also heard about other works which had been carried out on the site. They were reminded that these other works were not pertinent to the Committee's determination on this Application.

At the conclusion of the discussion Councillor P Elliot and Councillor W Armitage moved and seconded a motion to approve officer recommendations.

The motion was put to the vote and was agreed

RESOLVED -

- (1) That the Application be approved, in line with officer recommendations.
- (2) That in line with officer recommendations no conditions be placed on the approval.

PLA/ Planning Appeals - Lodged and Determined

**6/22-
23**

The report to Committee informed Members that four appeals had been lodged. No appeals had been allowed, dismissed or withdrawn.

PLA/ Planning Enforcement Service Progress Report

**7/22-
23**

The report to Committee summarised the work of the Council's Planning Enforcement Service. Members were reminded that the Council had provided additional resources, so that additional planning enforcement action could be taken. This had helped to reduce the backlog of outstanding cases which had built up.

The Planning Enforcement Service staff were introduced to the Committee. They explained their work and the enforcement action taken by the Service.

Committee discussed the report. Some Members welcomed the additional resources, which the Council had provided for Planning Enforcement Work. They asked that the Committee put on record its thanks to the Planning Enforcement Officers for the good progress that had been made. Committee assented to this.

RESOLVED -

That the report and workload information on the Planning Enforcement Service be noted (by acclamation).

PLA/ Matters of Urgency

**8/22-
23**

None.

PLANNING COMMITTEE – 28 June 2022

REFERENCE NUMBER: 22/00248/FLH Application Expiry Date: 04 May 2022
Application Type: Full Planning Permission

Proposal Description: Section 73 application to revise condition 2 (Approved drawings) pursuant of 20/00079/FL

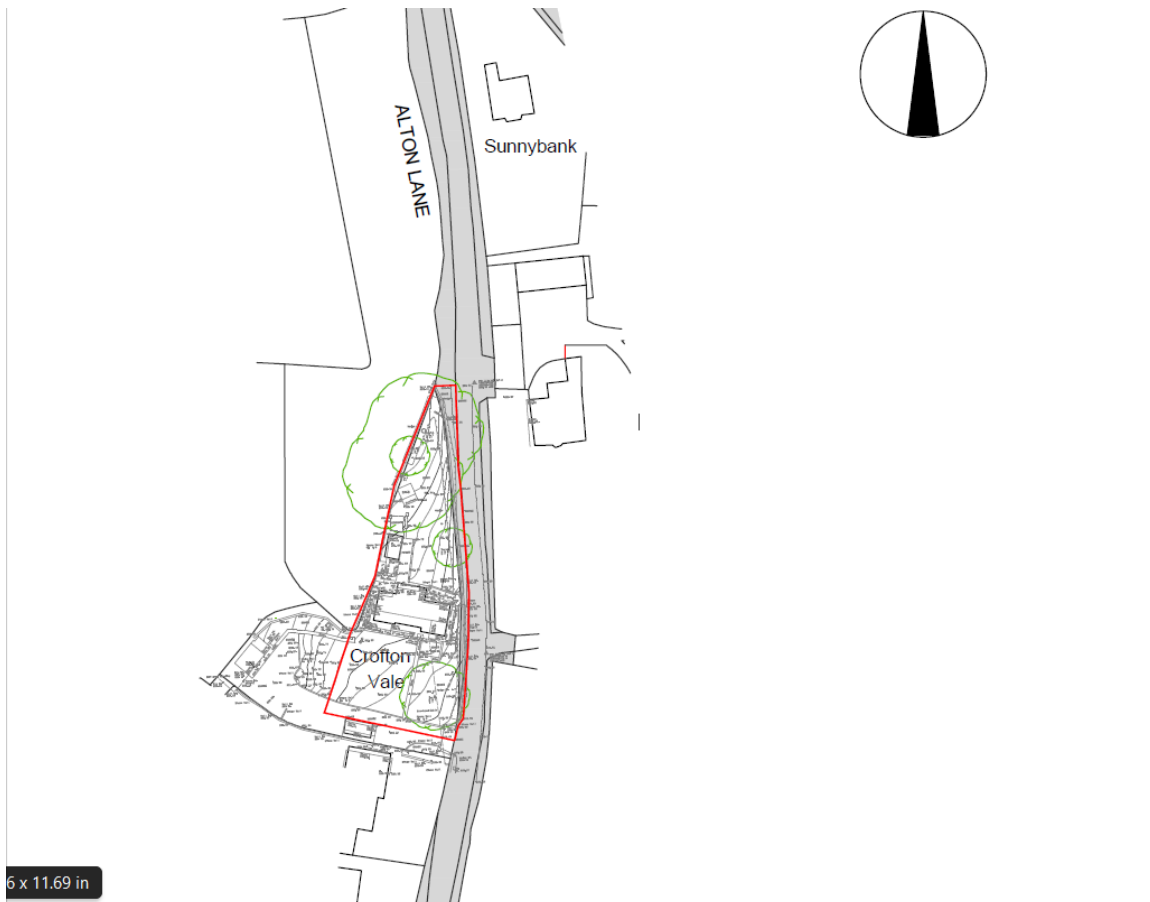
At: Croftonvale Alton Lane Littlemoor Ashover Chesterfield S45 0BE

For: Mr Day

Third Party Reps: 1 **Parish:** Ashover Parish Council
Ward Name: Ashover Ward

Author of Report: Case Officer Aspbury Planning **Date of Report:** 15.06.2022

MAIN RECOMMENDATION (GRANT)



1.0 Reason for Report

- 1.1 The application has been called into Planning Committee by Councillor Armitage in view of the removal of the stone wall and privacy issues with the neighbour

2.0 Proposal and Background

- 2.1 The application site is located to the west of Alton Lane, which runs north to south, within, and at the northern boundary of, the Settlement Development of Littlemoor. The eastern boundary of Croftonvale (adjacent to Alton Lane) comprises of a mix of hedgerow and drystone wall.

- 2.2 Croftonvale is a stone bungalow which was granted planning permission in 2020 under planning reference 20/00079/FL. The garage building, granted retrospective permission 22/00244/FL, is positioned in the northwest corner of the site, between the boundary and bungalow.

- 2.3 To the east is a dwelling under construction and to the south is Oakroyd a detached dwelling and to the north is open countryside. The boundary to Oakroyd is a stone wall with a fence a top. The western boundary of the site is defined by a drystone wall and beyond which is open countryside.

- 2.4 The proposal has been submitted as a Section 73 application and proposes to revise condition 2 (Approved drawings) pursuant 20/00079/FL. The application is retrospective and is submitted in response to correspondence with NEDDC enforcement.

- 2.5 The amended plans propose the following alterations from the previously approved proposal:

- Ridge height 257217 – 6.9m (200mm above the previously approved height)
- North Elevation
 - First floor windows altered to triple instead of double windows
 - Chimney removed
- South Elevation
 - First floor windows altered to a triple instead of double windows
 - Chimney removed
- West Elevation
 - Chimney removed

- East Elevation
 - No changes

3.0 Relevant Planning History

- 3.1 19/00413/FL | Construction of new bungalow | Conditionally approved 11th July 2019
- 3.2 20/00079/FL | Demolition of existing bungalow and construction of new house (Amended Plans) | Conditionally approved 25th September 2020
- 3.3 22/00244/FL | Retrospective application for garage with store | approved 1st June 2022

4.0 Consultation Responses

- 4.1 **Ashover Parish Council** object to the application due to the loss of privacy to an adjacent property 'Oakroyd'.
- 4.2 Retrospective planning applications are part of the Town and Country Planning Act and as a planning application is to be considered against the Development Plan for the area and considered on its own merits.
- 4.3 **Ward Councillor** Armitage supports the Parish Council comments.
- 4.4 **Highways Authority:** No highway objections to the variation of condition 2, on the basis the previous highway comments, conditions and notes relating to the original application continue to apply.
- 4.5 **Environmental Health:** Environmental Protection have no objections to the variation of condition 2, on the basis the previous Environmental Protection comments, conditions and notes relating to the original application continue to apply.
- 4.6 **Derbyshire Wildlife Trust** have commented that changes to the proposed building structure are unlikely to have any bearing on the existing ecological assessment, providing it doesn't affect agreed tree protection measures. The Trust have no further comments.

5.0 Representations

- 5.1 The nearby neighbours were consulted by letter and a site notice posted on the entrance gate to the property displayed on the 25th March 2022. As a result, one objection has been received from a joint executor of the late Kathleen Stevenson of which 50% of Oakroyd estate is included. A

summary of the comments received is provided below, a full copy can be viewed on the Councils Planning Portal.

5.2 The objection is summarised below:

- The proposals are overbearing, the 2-storey dwelling replaces a single storey bungalow with an increased ridge height when compared to the bungalow.
- Overlooking and reduction in privacy, the increased height of the new 2 storey dwelling increases the risk of overlooking the Oakroyd plot. The new dwelling has first floor windows in comparison to the bungalow which only had ground floor windows.

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises of the North East Derbyshire Local Plan (2014-2034) and Ashover Neighbourhood Plan (2016-2033)

6.1 North East Derbyshire District Local Plan

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS8 Development in Very Small Villages & Hamlets
- SDC3 Landscape Character
- SDC12 High quality Design and Place-Making

6.2 Ashover Parish Neighbourhood Plan 2016 - 2033

- Policy AP1: Development within Limits to Development
- Policy AP11: Design
- Policy AP13: Landscape Character

6.3 National Planning Policy Framework

6.4 The overarching aims of the National Planning Policy Framework (NPPF) have been consider in the assessment of this application.

6.5 Other Material Planning Considerations

- Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 The site lies within the Settlement Development Limits (SDL) for Littlemoor where policy SS8 of the adopted Local Plan accepts development that respects the form, scale and character of the existing settlement and surrounding landscape, through careful siting, scale, design and use of materials.
- 7.2 Policy SDC12 requires that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment.
- 7.3 Ashover Neighbourhood Policy AP1 also supports proposals which do not adversely affect neighbouring properties by way of loss of privacy, daylight, visual intrusion or amenity. Policy AP11 is a criterion based policy which expects development proposals to be designed well and sensitively to ensure that the high quality built environment of the Parish is maintained and enhanced. They should respect local character having regard to scale, density, massing, layout, materials and access, as appropriate.

Impact upon the Character of the Area.

- 7.4 The amended plans propose minimal alterations from those previously approved, the increase in the ridge height from that previously approved is 200mm resulting in an overall height of 6.9m, 1.7m over the height of the original bungalow.
- 7.5 The first-floor windows on the south and north (front and rear) elevations have been altered from double windows to triple windows.
- 7.6 The chimney has also been removed from the design of the dwelling. There are no changes to the previously approved materials.
- 7.7 On considering the retrospective proposal including the minimal alterations to the scale and the design of the dwelling it is concluded that it does not have a detrimental impact on the character of the area.

Impact upon Residential Amenity

- 7.8 Policy SDC12 supports proposals which do not have a detrimental impact on the amenities of neighbouring occupiers and ensures adequate standards of privacy and outlook. The Council's SPD, Successful Places includes design guidance for new proposals to protect residential amenity.

- 7.9 Ashover Parish Neighbourhood Plan Policies AP1 also supports proposals which do not adversely affect neighbouring properties by way of loss of privacy, daylight, visual intrusion or amenity.
- 7.10 The amended plans propose an increase in the height of the dwelling of 200mm, there is no change to the siting of the dwelling from that previously approved. The first-floor windows are altered from double windows to triple windows.
- 7.11 Oakroyd is located to the south and is a detached bungalow. In view of the separation distance from subject property, topography and the very minimal increase of only 200mm in the height of the dwelling, it is not considered that the proposed amendments to the dwelling would give rise to an overbearing relationship or loss of privacy in this instance.
- 7.12 It is also noted that there were no objections to the previously approved application 20/00079/FL either from the ward or parish council or neighbours.
- 7.13 The proposal is therefore considered to accord with the North East Derbyshire Local Plan policies SS8 and SDC12 and Ashover Neighbourhood Plan Policy AP1 and AP11.

Highway Safety

- 7.14 There are no changes proposed to the access arrangements or parking situation. The Highways Authority have raised no objection.

8.0 Summary and Conclusion

- 8.1 The proposal seeks retrospective planning permission for the amendments to the new dwelling previously approved under application 20/00079/FL. Retrospective planning applications are required to be considered in respect of the policies of the Development Plan and determined on their own merits. Where harm is identified the application should be refused.
- 8.2 In the case of this retrospective S73 application, it is not considered that the minimal increase of 200mm to the height of the dwelling and change in first floor windows on the front and rear elevations causes any adverse or significant impact upon the character of the area or residential amenity of neighbouring properties. Accordingly, it is recommended that planning permission is **Granted** subject to conditions.

9.0 Recommendation

9.1 GRANT Full Planning Permission subject to the following conditions

Conditions

1. The development hereby approved shall be carried out in accordance with the submitted plans:

Existing Site Plan – Ref: 026 18 A001

Proposed Site Plan - Ref: 026 18 A002 Rev A

Site Section - Ref: 004-22 A005

Proposed Plans - Ref: 004-22 A101

Proposed Elevations - Ref: 004-22 A103

Landscaping and tree protection - Ref: 026 18 A007

Stone Head, Cils, Quoins – Ref: 026 18 A104

unless otherwise specifically agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any other condition in this decision notice.

2. All planting, seeding or turfing in the approved scheme of landscaping (landscaping and tree protection - Ref: 026 18 A007) shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
3. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' and visitors' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
4. Prior to the first occupation of the dwelling hereby approved, any Made Ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the local planning authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the local planning authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwelling hereby approved.

5. Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 5 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the local planning authority, to demonstrate that that part of the site is suitable for the use hereby approved.
6. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the local planning authority, the results of which shall be submitted to and shall be approved in writing with the local planning authority.

Notes

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

In the unlikely event of bats being found during the development all works should cease immediately and advice sought from a professional ecologist.

PLANNING COMMITTEE – 28 June 2022

REFERENCE NUMBER: 21 / 00690/FL Application Expiry Date: 14 July 2021
Application Type: Full Planning Permission

Proposal Description: Proposed conversion of existing stable block into a 3 bedroom dwelling (re submission of 20/00364/FL) (private drainage system)
At: Stables West Of Walnut Drive Off Field Lane Killamarsh.

For: Mr and Mrs Bright
Third Party Reps: 1 **Parish:** Killamarsh
 Ward Name: Killamarsh West Ward

Author of Report: Aspbury Planning **Date of Report:** 6 June 2022

MAIN RECOMMENDATION: GRANT



1.0 Reason for Report

- 1.1 The application has been called in for consideration by the Planning Committee by the Ward Councillors Potts and Clough. Both object to the proposal, considering it contravenes Local Plan Green Belt policies.

2.0 Proposal and Background

- 2.1 The site is located close to but beyond the western boundary of the Settlement Development limit drawn for Killamarsh and so within the Green Belt. The site is surrounded by open fields and accessed via Field Lane, which is a narrow gravel track that runs north from Boiley Lane to the south. A public footpath passes close to the site to the north.
- 2.2 The site has been developed for the keeping of horses and there are numerous buildings on site including a blockwork stable, the subject of this application, hay barn, tack room, paddocks and other storage buildings.
- 2.3 The application seeks full planning permission for the conversion of the existing block built stable block (edged green in Fig 1 below) to be used as a three bedroomed residential property with associated access and parking. The stable comprises 4 identical block stable rooms and one smaller room and gained permission in 1999 (Ref: 99/00318/FL).
- 2.4 The existing building is rectangular in shape and is approx. 16.5m wide and 7m deep with a flat felt covered roof which rises to the taller front elevation.
- 2.5 The proposed conversion would retain the existing footprint, scale and massing of the building and largely utilise the existing openings, although the roof would be replaced and the walls raised to accommodate the new roof by up to 600mm at its highest (front) point. There is also some minor modification of one opening proposed to the rear elevation. Internally the property would provide ground floor open plan lounge and kitchen area, study and utility room, bathroom and three bedrooms. The existing and proposed elevations are set out in Fig 2 and 3 below.
- 2.6 The application is supported by a Structural Survey which states that the roof to the main building is constructed with a flat roof laid to falls, finished with bituminous felt. The property has a cast in situ ground supported concrete floor. The external walls are built in 140 mm thick concrete block work in solid construction. Windows are double glazed uPVC, the stable

doors and frames are softwood. It concludes by saying that the building is structurally satisfactory and suitable for conversion to habitable accommodation.



Fig 1: Site Plan

Amendments

- 2.7 Amended plans have been submitted during consideration of the application. Additional information has been provided to satisfy the Highway Authority and a block plan shows the tracking for a delivery/waste collection vehicle as requested by Highways.

For the avoidance of doubt the plans to be considered are:

- 20-01 Site Location Plan
- 20-07b Elevations as Proposed
- 20-03C Block Plan as Proposed
- 20-06B Layout as Proposed



Fig 2 Existing elevations

3.0 Relevant Planning History

3.1 99/00318/FL | Proposed construction of a building containing stables, tack room, goat shed, field shelter and a hay barn (amended scheme) | Status: Conditionally Approved

99/10390/FL | Retention of two storage sheds, retention of extension of a shelter used in association with the keeping of horses on the land, and retention of a goat shed | Status: Refused

04/00326/FL | Retention of extensions to existing stable block to provide an additional stable and enlarged tack room and retention of manege at

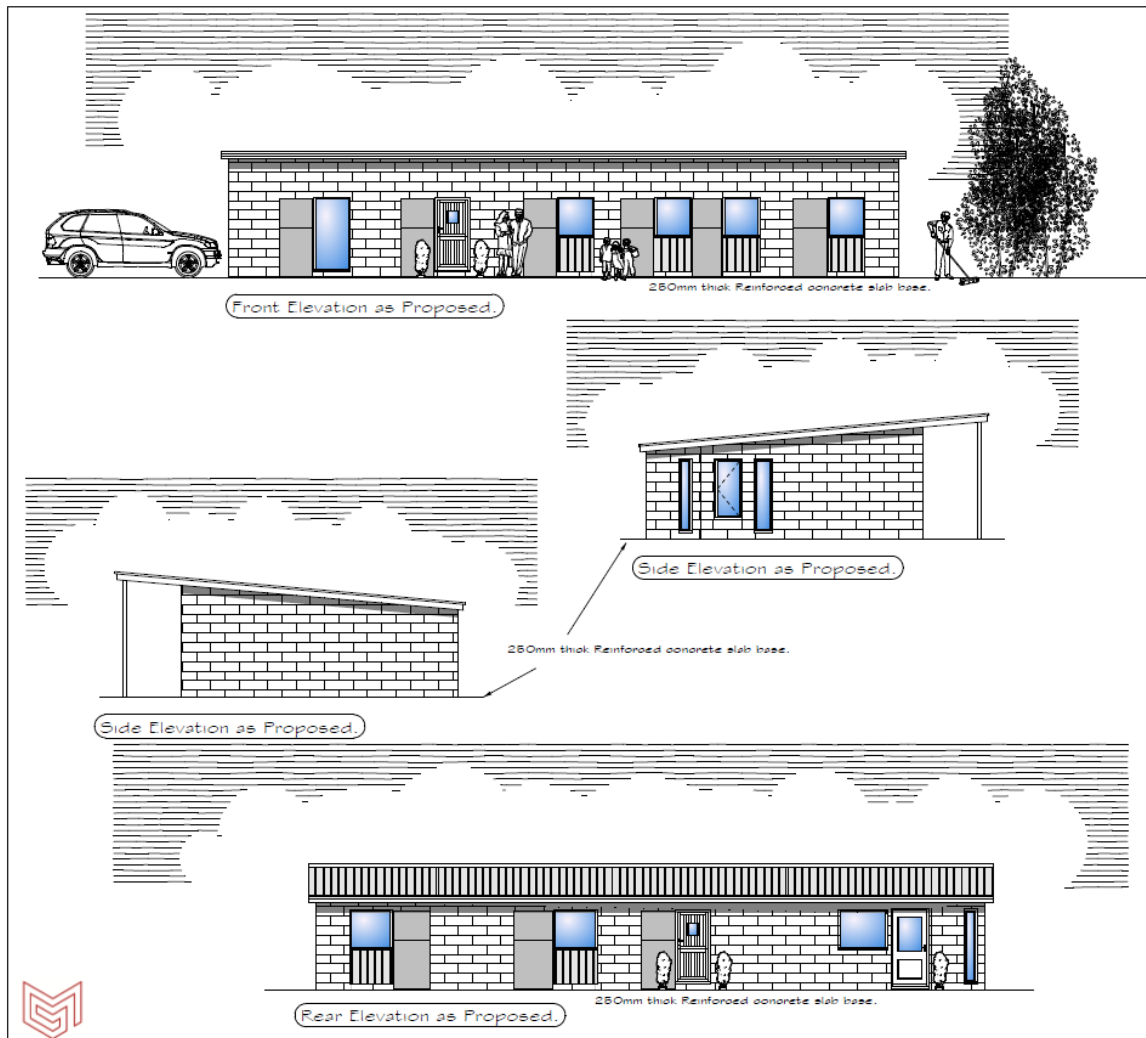


Fig 3: Proposed elevations

land off Field Lane to the rear of 7-9 Walnut Drive (Amended Plan/
Amended Title) | Status: Conditionally Approved

15/00363/FL | Proposed replacement stable block | Status: Conditionally
Approved

20/00364/FL | Conversion of stable block to 3 bed two storey dwelling
(private drainage system) Refused based on impact upon Green Belt,
insufficient information provided to satisfy highways and ecology.

4.0 Consultation Responses

- 4.1 **Highways** – It is not considered that the proposal will necessarily result in a reduction in vehicular movements taking into account everyday household trips, deliveries etc. that would occur to a residential address. It is noted that at the junction of Boiley Lane with Crofters Close, there is a sign indicating that Boiley Lane is unsuitable for motor vehicles, with this 'road' soon narrowing to single width with no pedestrian provision. In view of the nature of Field Lane, it was previously suggested that the applicant liaise with the refuse/recycling collection Authority as to whether suitable arrangements are likely to be able to be made for such collections. Additional information has been submitted in the form of an email exchange with the refuse department who have agreed to collect from the site. It is considered that a suitable condition could be appended to any consent, so as to ensure appropriate refuse collection is provided for the life of the development.

Two car parking spaces are indicated, and it is considered that these can be accommodated along with maneuvering to allow vehicles to be able to enter and exit the site in a forward gear on the assumption that the whole of the area where the parking is indicated is maintained free of any impediment. A plan showing vehicular swept paths has also been provided for smaller service/delivery vehicles e.g. supermarket delivery which shows that these vehicles would be able to enter and exit the site in a forward gear.

In conclusion, the Highway Authority (HA) has no objection to the application subject to conditions to secure the proposed parking and turning, the building remaining ancillary to and used solely in connection with the stables on site and not occupied independently from them and adequate bin storage provision being provided. The HA also seek an on-site compound to accommodate vehicles etc. during any conversion works being undertaken.

Environment Health - no objections subject to pre-commencement conditions to safeguard future residents from contamination.

Derbyshire Wildlife Trust – have reviewed the Bat Survey report (Armstrong Ecology, 2020), which confirms that no roosting bats were recorded based on an appropriate level of survey effort. No further survey is required prior to determination. The inclusion of either an integrated bat box or a triple cavity swift box would provide a net biodiversity gain for the site, in accordance with local and national planning policies, and could be secured through a planning condition.

5.0 Representations

- 5.1 The site notice was correctly displayed on the gate from the lane and expired on 16/07/202. One letter of objection has been received from a member of the public. The objection states the proposal is inappropriate development in the Green Belt, fails to comply with policy GS7 of the Local Plan 2005 (which is now superseded) as a conversion as it needs substantial upgrading to be habitable. There is no electricity on the site and the generator is noisy and the lane is not suitable for vehicles.
- 5.2 **Ward Councillor Clough** objected to the application on the grounds of inappropriate development in the Green Belt, access issues and the increased traffic to the site and requests the application is heard by the planning committee.
- 5.3 **Ward Councillor Potts** objects to the proposal stating that it is in conflict with Green Belt policies and the residential use would have a greater impact upon the openness of the Green Belt and it can be clearly viewed from the lane and public footpaths. It is also stated that the increase in traffic would impact upon users of the lane and discourage walking and cycling.
- 5.3 **Killamarsh Parish Council** – Objects to development in the Green Belt and highway safety. The lane is of a poor condition and an ancient bridleway that is well used by walkers.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the North East Derbyshire District Local Plan 2014-2034. The most relevant policies are considered to be as follows:

SS1 - Sustainable Development
SS2 - Spatial Strategy and the Distribution of Development
SS9 – Development in the Countryside
SS10 - North East Derbyshire Green Belt
SDC1 - Re-use of Building in the Green Belt and Countryside
SDC3 - Landscape Character
SDC4 - Biodiversity and Geodiversity
SDC5 - Development within Conservation Areas
SDC12 - High quality Design and Place-Making
ID3 - Sustainable Travel

6.2 National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application.

The NPPF 2021 states that within the Green Belt inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 outlines that construction of new buildings are inappropriate in the Green Belt, with limited exceptions, one such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Paragraph 150 advises that certain other forms of development would not be considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The re-use of buildings is one of the exemptions identified providing the building is of a permanent and substantial construction.

7.0 Planning Issues

Principle of Development

- 7.1 The site lies within the Green Belt where the National Planning Policy Framework (NPPF) identifies the re-use of buildings is not inappropriate development provided that the buildings are of a permanent and substantial construction and preserve openness. Furthermore, extensions or alterations to a building are not deemed inappropriate provided that they do not result in disproportionate additions over and above the size of the original building.
- 7.2 Policy SS10 of the adopted Local Plan (LP) reflects this and stipulates that planning permission will not be granted within the North East Derbyshire Green Belt other than for certain forms of development including for the conversion of existing buildings providing they are of substantial and permanent construction, preserve openness and don't conflict with green belt purposes and proportionate extensions to buildings.
- 7.3 Policies SS9 and SDC3 of the LP seek to ensure that proposals outside of defined settlements are in keeping with their countryside location and do not represent a prominent intrusion, whilst policy SDC12 seeks to ensure that the design, scale and massing of development is in keeping with the surrounding character of the area. LP policy SDC1 supports the conversion of buildings providing they are of substantial and permanent construction and capable of conversion without the need for major alteration, adaptation or re-construction.

- 7.4 This proposal is seeking to reuse an existing block-built stables to create a three bedroom residential dwelling. A new roof is required along with a limited increase in the height of the building to secure a properly drained roof and some other limited minor modifications to the elevations are also proposed. The existing structure is built on a concrete foundation although the submitted Structural Survey has not done any intrusive investigations and cannot confirm the depth of the foundation although it is satisfied that the building overall is capable of conversion to a dwelling.
- 7.5 The application is seeking to reuse the existing block-built stables to create a residential dwelling. The re-use of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction and the works undertaken preserve openness. There are very minor changes proposed to the fabric of the elevations of the building and the structural survey concludes that the building is capable of conversion. A raising of the roof is also proposed but as this is often proposed when conversions are envisaged it is not considered by Officers to outweigh the fact that otherwise the building would remain largely intact.
- 7.6 The application is therefore considered on balance to represent appropriate development in the Green Belt compatible with the policies of the Development Plan.

Impact upon the Openness of the Green Belt

- 7.7 The proposal relates to the reuse and conversion of a stable. Local Plan policy SS10 make reference to such proposals and subject to wider consideration supports them in principle providing they do not impact on openness. The National Planning Policy Framework (NPPF) states that the essential characteristic of Green Belts is their openness and permanence and that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open. The effect on openness is therefore a material consideration in this case.
- 7.8 The existing building sits within a site comprising of a mix of quasi agricultural and equestrian buildings. The proposal would utilise the existing hard standing areas around the building for parking and use the existing grass area to the east of the stable as associated private amenity space.
- 7.9 The remaining buildings onsite would retain their existing uses and provide ongoing stable accommodation preventing the need for further stable buildings on site. However, the change of use to a residential one would inevitably introduce a permanent domestic use and the associated paraphernalia and this may be appreciated when the site is viewed from

Field Lane and the public rights of way to the east and north east of the site.

- 7.10 However, there is a mature unmanaged hedgerow running the whole length of the eastern boundary which restricts views from that direction. The amended plans would introduce further hedge planting along the access track into the site from the north, which would also aid screening and maintain the privacy of the amenity area. The block plan shows a residential garden area provided close to the existing buildings which would be screened by the new and existing hedge planting. This is considered acceptable and sufficient to mitigate the limited additional impact the introduction of a permanent domestic use would have on openness subject to conditions limiting the domestic use and securing the implementation of the landscaping.
- 7.11 The new roof would result in the raising of the walls, and so the height of the building, by up to 600mm. This will increase the massing of the building. However, the building is single storey and of a low scale and massing and it is not considered, on balance, that this limited increase in the height of the building would impact on openness.
- 7.12 Overall, it is considered that neither the domestic use introduced to the area nor the limited height increase in the building would either individually or cumulatively adversely affect openness or conflict with Green Belt purposes.

Impact upon Neighbouring Properties/Land Uses

- 7.13 The site is located distant from any other residential use. It would not, therefore, give rise to the loss of residential amenity as a result of the change in use proposed or the alterations to the building.
- 7.14 The site is accessed along a track already used to service the stables on the site and so the use of the track to serve a new dwelling is not considered to give rise to additional disturbance adversely affecting any nearby residential user.

Highways

- 7.15 The conversion would be served from the existing access to the east of the collection of buildings. The access serving the property is a single lane gravel track that runs to the south approx. ¼ mile where it joins to Boiley Lane and then onto the public highway at Crofters Close.
- 7.16 Local Plan Policies SDC12 and ID3 outline that planning permission will only be granted for development where the development would be served

by a safe access with appropriate gradient, width, alignment and visibility. The site should also be accessible to a road network of adequate standard to accommodate the anticipated traffic safely and without detriment to the character of the road network.

- 7.17 The HA have commented on the application and noted that at the junction of Boiley Lane with Crofters Close, there is a sign indicating that Boiley Lane is unsuitable for motor vehicles, with this 'road' soon narrowing to single width with no pedestrian provision.
- 7.18 It is understood that the applicant is proposing to live on site for security purposes and claims that this would result in an overall reduction of vehicular movements. This may not actually be the case taking into account everyday household trips, deliveries etc. that would occur to a residential address, however, the HA are satisfied that there would be no overall adverse impact on highway safety from the new use and have raised no objection to the proposal subject to the imposition of conditions.
- 7.19 The proposal seeks to provide a dwelling with 3 no. bedrooms. There is sufficient room within the confines of the site to accommodate parking and maneuvering for at least two domestic vehicles. Additional information has been provided to demonstrate that small trucks and delivery vehicles can also enter the site, turn and exit in a forward gear.
- 7.20 In light of all of the above, it is considered that the proposal has demonstrated that a safe access can be accommodated as required and Officers conclude, based on the advice of the HA, there are no highway reasons to withhold planning permission.

Ecology

- 7.21 The application is accompanied by a Bat Survey report (Armstrong Ecology, 2020), which confirms that no roosting bats were recorded on site. DWT have advised that the report is based on an appropriate level of survey effort and that no further survey is required prior to determination. DWT advise that a condition should be imposed for the inclusion of either an integrated bat box or a triple cavity swift box to provide a net biodiversity gain for the site, in accordance with local and national planning policies. Given the location it is considered reasonable to impose such a condition.

Other Considerations

- 7.21 The comments of the Environmental Health Officer are noted and it is recommended a suitable condition is imposed to address the issues raised.

8.0 Summary and Conclusion

- 8.1 The proposal seeks to convert an existing block built stable building to create a three bedroom dwelling to be used by the applicants who wish to live on-site for security purposes and to provide ongoing surveillance for the site. The conversion would entail limited external alteration but it would involve a raising of the roof.
- 8.2 The conversion of existing rural buildings in the Green Belt is supported by both Development Plan policies and the NPPF providing they would not require major reconstruction or alterations and that there would not be a greater impact upon the openness of the Green Belt or affect Green Belt purposes.
- 8.3 It is considered that the building is suitable for residential conversion, can be converted without major alteration or extension and that on balance there would, subject to condition, be no greater overall impact on Green Belt openness. It is, as such, not considered inappropriate development.
- 8.4 There are not considered any technical issues that would point to the application being refused.
- 8.5 Taking into account all material considerations and the comments received, the proposal is considered to be policy compliant and that permission should be granted.

9.0 Recommendation

- 9.1 GRANT Full Planning Permission subject to the following conditions, subject to any alterations to their wording being delegated to the Planning Manager (Development Management):
 - 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
 - 2. The development hereby approved shall be carried out in accordance with the amended plans referenced 20-01 Site Location Plan; 20-07b Elevations as Proposed; 20-03C Block Plan as Proposed and 20-06B Layout as Proposed.

REASON: For clarity and the avoidance of doubt.
 - 3. Before development starts, precise specifications (including the manufacturer,

range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the area and in accordance with Policies SS10, SDC1 and SDC12 of the North East Derbyshire Local Plan.

4. The premises, the subject of the application, shall not be taken into use until space has been provided within the site curtilage for the parking, loading and unloading, manoeuvring and turning of service and delivery vehicles and space for manoeuvring of residents, visitors, staff, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

REASON: In the interest of Highway Safety and in accordance with North East Derbyshire Local Plan Policy SDC12 and ID3.

5. The proposed residential accommodation hereby permitted shall only be occupied in association with the existing stable and shall not be occupied as an independent dwelling house or sold off separately from the stable building(s).

REASON: The operation of the use in a different way could lead to unacceptable impacts on the locality, and would need further assessment in accordance with Policies SS2, SS10 and ID3 of the North East Derbyshire Local Plan.

6. Prior to the first occupation of the dwelling hereby bin storage and a bin dwell area for use on refuse collection days shall be provided in accord with a scheme submitted to and approved in writing by the Local planning Authority. The scheme so approved shall then be retained as agreed thereafter.

REASON: In the interest of Highway Safety and in accordance with North East Derbyshire Local Plan Policy SDC12 and ID3.

7. Any gates where fitted shall open inwards into the site only.

REASON: In the interest of Highway Safety and in accordance with North East Derbyshire Local Plan Policy SDC12 and ID3.

8. Before the commencement of the development hereby approved:
 - a) A Phase I land contamination assessment (desk-study) shall be

undertaken and approved in writing by the local planning authority.

b) The land contamination assessment shall include a desk-study with details of the history of the site use including details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

9. Before the commencement of the development hereby approved:
Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

10. The dwellings hereby approved shall not be occupied until:
a) The approved remediation works required by 9 above have been carried out in full in compliance with the approved methodology and best practice.
b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 1b to

9 above and satisfy 10a above.

c) Upon completion of the remediation works required by 9 and 10a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

11. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

12. The domestic curtilage associated with the dwelling hereby approved shall be restricted solely to the area outlined in red on the approved plan.

REASON: To prevent inappropriate urban intrusion into the countryside in the interests of the appearance of the area and in accordance with Policies SS9, SS10 and SDC3 of the North East Derbyshire Local Plan.

13. Before any development, hereby permitted, starts, the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
- the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- a schedule of proposed plant species, size and density and planting locations and;
- an implementation programme.

REASON - In the interest of the appearance of the area and in accordance with policies SS9, SS10 and SDC3 of the North East Derbyshire Local Plan

14. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON - In the interest of the appearance of the area and in accordance with policies SS9, SS10 and SDC3 of the North East Derbyshire Local Plan.

Prior to first occupation of the dwelling, hereby approved, details of a bat and bird boxes shall be submitted to provide an enhancement on site. Details shall be presented on a plan and include types of features/box, their location and number. Such approved measures shall be implemented in full and maintained thereafter.

REASON: To ensure that the development provides net biodiversity gains and to comply with Policy SDC4 of the North East Derbyshire Local Plan.

- 15 Prior to any work, hereby approved, commencing, a plan detailing all and any works of alteration or reconstruction shall be submitted to and be approved in writing by the Local Planning Authority. No other works of alteration or reconstruction shall then take place other than as shown on the agreed plan.

REASON: For the avoidance of any doubt, as the application is made for the conversion of the building and to ensure that inappropriate development does not take place adversely impacting the Green Belt.

Informatives

- a. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

PLANNING COMMITTEE – 28 JUNE 2022

Reference Number: 21/00582/FL

Application expiry: 30/06/22

Application Type: Full

Proposal Description: Proposed 2 bedroom/1 office gatekeeper cottage (revised scheme of 20/00524/FL)

At: Matlock Farm Park, Jaggers Lane, Darley Moor, Matlock

For: Miss Laura Nash

Third Party Reps: None

Parish: Ashover

Ward: Ashover

Report Author: Denise Knipe (AP)

Date of Report: June 2022

MAIN RECOMMENDATION: Refuse permission.

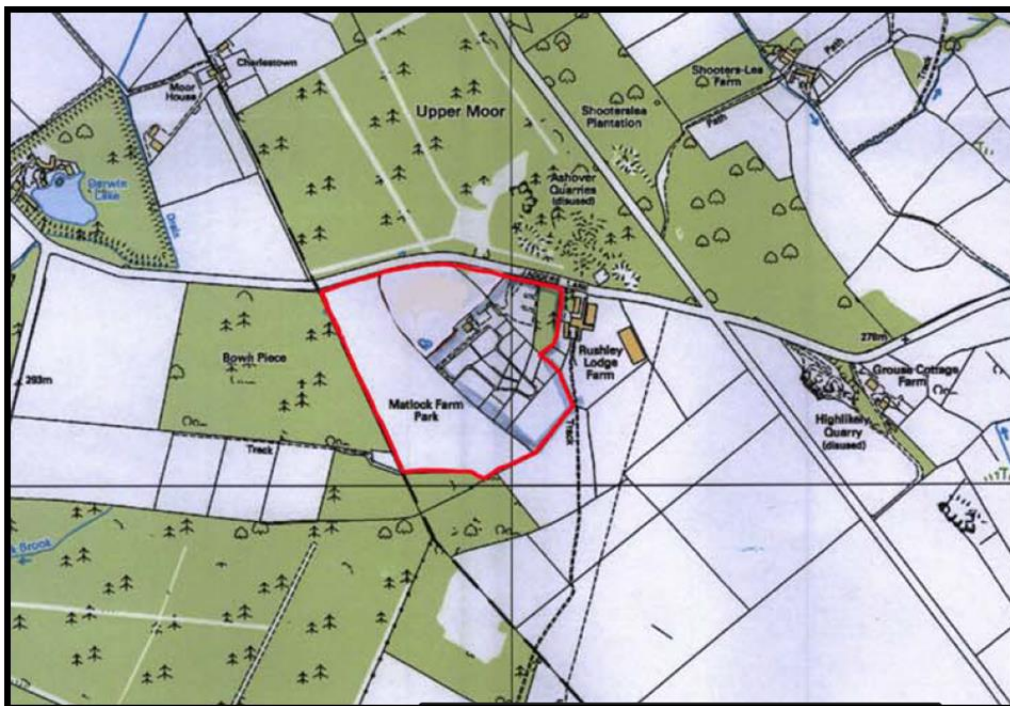


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Renwick has requested that the application be considered by Planning Committee.
- 1.2 The request was made outside the 21 day consultation period and as such agreement has been made between Chair of Planning Committee and the Planning Manager to bring in front of members for consideration. The reasons being so members can assess whether the operational need of the business outweighs the concerns raised by Officer's in relation to its impact on the wider countryside setting.

2.0 Proposal and Background

Site Description

- 2.1 Matlock Farm Park is situated in Darley Moor to the east of Wirestone Lane in the open countryside. It is a tourism attraction and provides a variety of recreational activities including play barns, outdoor play areas, animal petting areas and a café. Two car parks serve the site.
- 2.2 There are a number of tourism related sites within close proximity to the application site including the Two Dales Trekking Centre, Darwin Lake Holiday Village and Darwin Forest Country Park. The nearest residential settlements are Kelstedge which is located approximately 2 miles to the east, Darley Dale which is 3 miles to the west and Matlock which is approx. 4.5 miles to the south.
- 2.3 The site lies in open countryside in an area which is designated as a Secondary Area of Multiple Environmental Sensitivity (AMES) within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area.
- 2.4 Immediately to the west of the site is the administrative boundary of Derbyshire Dales District Council.

Proposal

- 2.5 This proposal is for the erection of a 2 bed dwelling with office that could double up a 3rd bedroom to be tied to the business, and occupied by the manager and family.
- 2.6 The proposed dwelling would sit in the north west corner of the site, as seen in Figure 2 below, and overlook the overflow car park and have a wider view of animal pens to the south.

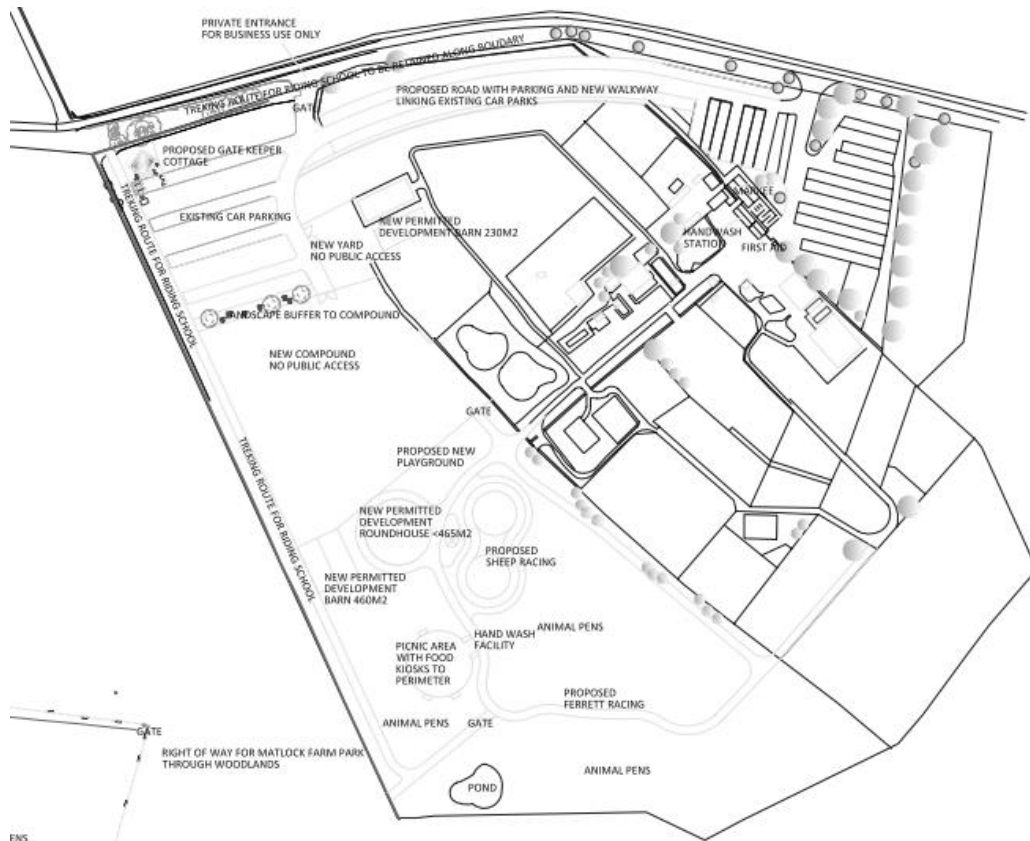


Figure 2: Proposed site plan with proposed managers dwelling in the north west corner of the site

- 2.7 The dwelling is designed over two floors at two storey scale and is to be constructed from natural stone with stone headers and cills; and a natural slate roof. Figure 3 below illustrates the proposed floor plan and elevational details.

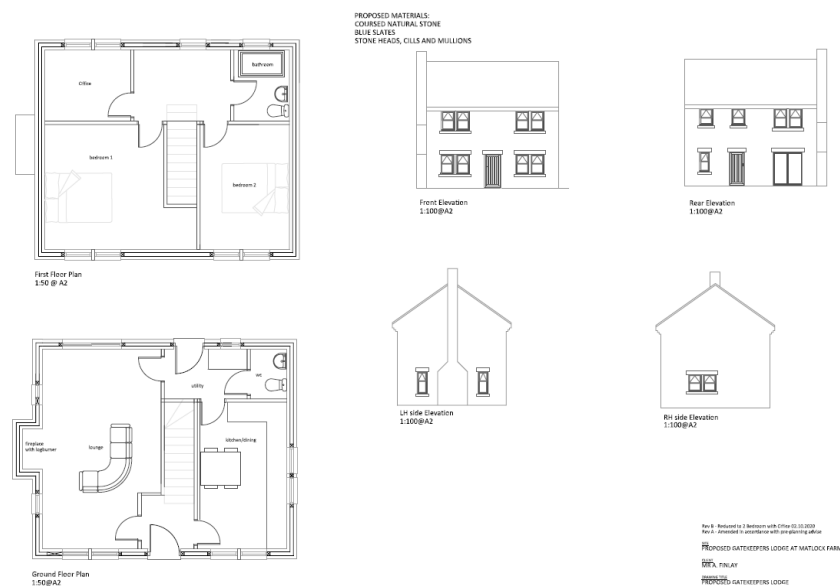


Figure 3: Proposed floor and elevation plans

- 2.8 A new stone boundary wall to the height of 900mm will be constructed to the south and east boundary providing the separation and to create a garden, parking and turning area. The existing landscape buffer to the north and west is to be retained.

Amendments

- 2.9 An updated Planning Statement has been submitted, prepared by Enzygo dated November 2021.

3.0 Relevant Planning History (not the full site history)

- 3.1 98/00043/FL - Change of use of land to form an "open farm", new access, change of use and extension to existing building, erection of agricultural building, porta-toilet unit and septic tank, and car parking area on land (REFUSED)
- 3.2 11/00844/FL - Erection of proposed interactive barn and tearooms (CONDITIONALLY APPROVED)
- 3.3 14/00037/FL - Application for planning permission including a change of use of land to extend the Farm Park into the adjoining field including construction of a manège, animal pens and pathways (CONDITIONALLY APPROVED)
- 3.4 16/00594/FL - Application for extension of existing cafe facilities and addition of a sensory play area and classrooms - two agricultural barns - small animal handling building and a falconry/reptile building and multi-use barn (CONDITIONALLY APPROVED)
- 3.5 18/00506/FL - Application for proposed washroom, extension to existing washroom and change of use of land to extend the farm park into the adjoining field including construction of animal pens and pathways (CONDITIONALLY APPROVED)
- 3.6 20/00524/FL - Application for proposed gatekeepers lodge (WITHDRAWN)
- 3.7 21/00255/FL - Erection of barn, new link road connecting car parks, new pedestrian walkway, new compound areas, sheep racing area, picnic area, children's play area and relocation of ferret racing area (CONDITIONALLY APPROVED)
- 3.8 21/00702/FL | Application for a proposed new roundhouse barn: (CONDITIONALLY APPROVED)

- 3.9 21/01185/FL | New shop and retention of existing kiosk (part retrospective) (amended title): (CONDITIONALLY APPROVED)
- 3.10 22/00171/FL | Proposed 3no. party rooms, new hand wash and kitchen facility and managers office: (CONDITIONALLY APPROVED)

4.0 Consultation Responses

- 4.1 **Parish Council** raised no comments.
- 4.2 **Ward Member** raised no comments.
- 4.3 **Highways Authority** raised no highway safety objections.
- 4.4 **Environmental Health (EHO)** raised no objection to the proposal.
- 4.5 **Cadent Gas** raised no objection, but requested an informative be included in any decision informing the applicant of a twin High Pressure gas pipelines that run diagonally through the center of the development. Cadent will need to be consulted and liaised with before any construction/landscaping/other work commences as we will have restrictions and pipeline protection measures that must be adhered to protect the integrity of these high pressure gas pipelines.
- 4.6 **National Grid** raised no comments.
- 4.7 **Severn Trent Water** raised no objection.
- 4.8 **Derbyshire Dales** raised no comments.

5.0 Representations

- 5.1 The application was validated on 10 June 2021 and was due to expire on 4 August 2021. An extension of time was initially agreed until 15 February to allow statutory consultees to provide comments on the proposal. No further extension of time was agreed. A site visit was undertaken by the case officer and a site notice was placed on a sign at the entrance to the site which expired on 1 October. A further site visit was undertaken by a Principal Planning Officer and Planning Manager on 13th May 2022.
- 5.2 None received.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development
SS9 Development in the Countryside
LC6 Agricultural, Forestry and Other Occupational Dwellings in the Countryside
WC5 Visitor and Tourism Development
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place making
SDC14 Land Potentially affected by Contamination or Instability
ID3 Sustainable Travel

Ashover Neighbourhood Plan (ANP) adopted February 2018

- 6.2 The following policies of the ANP are material to the determination of this application:

AP2 Development Proposals Outside the Limits to Development
AP11 Design
AP13 Landscape Character
AP19 Dark Skies
AP20 Traffic

National Planning Policy Framework (NPPF)

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan policy SS1 considers sustainable development in the District and development proposals will support the local economy by contributing towards business expansion and growth; reduce the need for energy in

new developments and ensure that it can use energy efficiently through the lifetime of the development; create well designed places; protect and enhance the character, quality and setting of heritage assets; and play a positive role in adapting to and mitigating the effects of climate change and take into account land stability risks and where necessary incorporate mitigation measures to address the risk.

- 7.2 Policy SS9 of the Local Plan covers development in the countryside and states that development will be approved where it can be demonstrated that to fall into one or more of the listed categories. The proposal does not fall into one of the listed categories. Nevertheless, in all cases where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.3 Landscape policy SDC3 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES) and contribute, where appropriate, to the conservation and enhancement, or restoration and recreation of the local landscape taking into account its wider landscape character. The policy is clear that planning permission will not be granted for development outside the Peak District National Park which would damage or significantly affect the National Park purposes or its valued characteristics.
- 7.4 Local Plan policy LC6 seeks to ensure that new dwellings in the countryside is based upon the essential needs of rural businesses. It is a criteria based policy and applications are to be supported with appropriate justification for the business case, amongst other criteria the dwelling is to be of a scale appropriate to the functional needs, meets the financial test, design is in keeping with the surrounding area and it is sited on the holding. The applicants are required to enter into a legal agreement tying the dwelling to the business to prevent it becoming separated or sold independently.
- 7.5 Whilst Policy WC5 does not link to consideration of workers accommodation it does support visitor and tourism development of which this proposal supports. The positioning of the dwelling allows views over the whole site and the scale, massing and construction materials respects the sites location and would not have a significant adverse impact on any environmental designation.

- 7.6 The Ashover Neighbourhood Plan (ANP) includes policy AP2 which states that countryside settings will be protected for the sake of its intrinsic character and beauty. Development proposals will be carefully controlled and limited to that which supports the rural economy and needs to be in the countryside. In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.
- 7.7 Landscape is an important and highly valued environmental resource within Ashover Parish. Policy AP13 of the ANP states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. Impact upon the landscape will be assessed having regard to the extent to which the development would: cause an unacceptable visual intrusion; adversely affect landscape elements which contribute to the landscape character such as landform, field boundaries or settlement patterns; introduce or remove incongruous landscape elements; and disturb or detract from the visual amenity and tranquillity by the attraction of large numbers of people or excessive traffic.
- 7.8 The National Planning Policy Framework (NPPF) supports a prosperous rural economy. At paragraph 83 it states that decisions should enable the the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.9 In view of the above, the principle of development is considered acceptable in this case subject to an assessment against the various strands of planning policy as outlined above.

Justification Assessment

- 7.10 As stated above, Local Plan policy LC6 seeks to ensure that new dwellings in the countryside is based upon the essential needs of rural businesses. It is a criteria based policy and applications are to be supported with appropriate justification for the business case, amongst other criteria the dwelling is to be of a scale appropriate to the functional needs, meets the financial test, design is in keeping with the surrounding area and it is sited on the holding. The applicants are required to enter into a legal agreement tying the dwelling to the business to prevent it becoming separated or sold independently.

- 7.11 The proposed dwelling is to provide living accommodation for the site manager to allow on site security and to overseeing the welfare of the animals.
- 7.12 The earlier proposal for a managers dwelling (ref: 20/00524/FL) was considered to be premature and not supported with a firm business expansion plan. Since then, there have been several planning applications approved showing a firm commitment to expansion of the tourist facility. A full list of the planning history can be seen above in Section 3.
- 7.13 The applicant has confirmed that Matlock Farm Park presently has 119 animals onsite, numerous said to be rare and endangered species such as Vallais black nose sheep, a Shire horse, and a fell pony, which are linked to the Derbyshire area. The resident llamas and alpacas require particularly high levels of support. Currently the Farm Park has 4 Alpacas (1 male, 2 breeding females and 1 new born male), 4 Llamas (3 male, 1 breeding female) and 1 Huarizo new born male (a cross between a female alpaca and male llama). This herd is proposed to increase in the next few seasons as more breeding takes place as the fleece has many uses and families enjoy viewing the animals.
- 7.14 The manager oversees the welfare of the animals and security and a 24/7 presence on site will allow the manager to respond to any security breach. Presently the Manger oversees the site via CCTV but lives 40 minutes away and not able to respond quickly.
- 7.15 The applicant considers that the proposed siting of the dwelling will allow easy 24 hour access to the site and be close to the fields and ark maternity within the farm park. A clear view from the dwelling to these fields is considered important to any site manager to monitor animals on site.
- 7.16 It is accepted by Officer's that there is sufficient justification for such manager's accommodation at the farm park. An assessment of the proposed siting and design of the proposed dwelling is undertaken below.

Landscape/Design Considerations

- 7.17 Local Plan policy SDC3 states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES) and contribute, where appropriate, to

the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character. The policy is clear that planning permission will not be granted for development outside the Peak District National Park which would damage or significantly affect the National Park purposes or its valued characteristics.

- 7.18 ANP Policy AP13 states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. Impact upon the landscape will be assessed having regard to the extent to which the development would: cause an unacceptable visual intrusion; adversely affect landscape elements which contribute to the landscape character such as landform, field boundaries or settlement patterns; introduce or remove incongruous landscape elements; and disturb or detract from the visual amenity and tranquillity by the attraction of large numbers of people or excessive traffic.
- 7.19 ANP policy AP2 states that countryside settings will be protected for the sake of its intrinsic character and beauty. Development proposals will be carefully controlled and limited to that which supports the rural economy and needs to be in the countryside. In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting. Furthermore policy AP19 of the ANP seeks to limit light pollution from artificial externally visible light sources. The site is identified as a “dark skies” area.
- 7.20 Local Plan policy SDC12 states that all development should be of a high quality and make a positive contribution to the quality of the local environment. Proposals will only be permitted providing that they respond positively to local character and context to preserve and where possible enhance the quality and local identity of their surroundings; provide integrated public open space; create good design which is well related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatments, materials, streetscape and rooflines which effectively integrates the building into their local setting; includes boundary treatments and landscaping which are well designed and create strong physical features which provide visual and functional separation from the site’s surroundings. Where appropriate, effective landscape buffers will be required which create appropriate transition between urban and rural environments; Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts; maintains or enhances important existing site features of landscape, ecological, heritage or amenity value as integral elements of the design; includes measures to promote environmental sustainability, including those which address

energy and water efficiency where practicable and viable to do so; makes provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking; incorporates measures to minimise opportunities for crime and anti-social behaviour; and creates good design which can be accessed by, and is inclusive for all users.

- 7.21 Policy AP11 of the ANP similarly states that development proposals should be designed well and sensitively to ensure that the high quality built environment of the Parish is maintained and enhanced. They should respect local character having regard to scale, density, massing, layout, materials and access, as appropriate. Proposals should enhance and reinforce local distinctiveness and show how development responds positively to the characteristics of the site and its surroundings. Development should follow a consistent design approach and have regard to the Council's Successful Places Interim Planning Guidance.
- 7.22 Furthermore policy SS9 of the Local Plan states that all development which is considered acceptable outside the Settlement Development Limits will be required to respect the form, scale and character of the landscape through careful siting, scale, design and use of materials.
- 7.23 The site is identified as forming part of the Dark Peak National Character Area and Landscape Character Type Enclosed Moorland. In addition to this a study of landscape character by Derbyshire County Council identifies the site as being within a Secondary Area of Multiple Environmental Sensitivity (AMES) considered to be the most sensitive areas of landscape, and which are most likely to be negatively affected by change or development. In these areas there will be a strong focus on the protection and conservation of their environmental assets.
- 7.24 The proposal is for a two storey dwelling located in the north west corner of the farm park site (see below Fig 4). The site is framed to the north by Jaggars Lane and to the west by woodland. Its siting is tucked away in the corner of the site away from the main built form on site and also set at a 45 degree angle to Jaggars Lane.

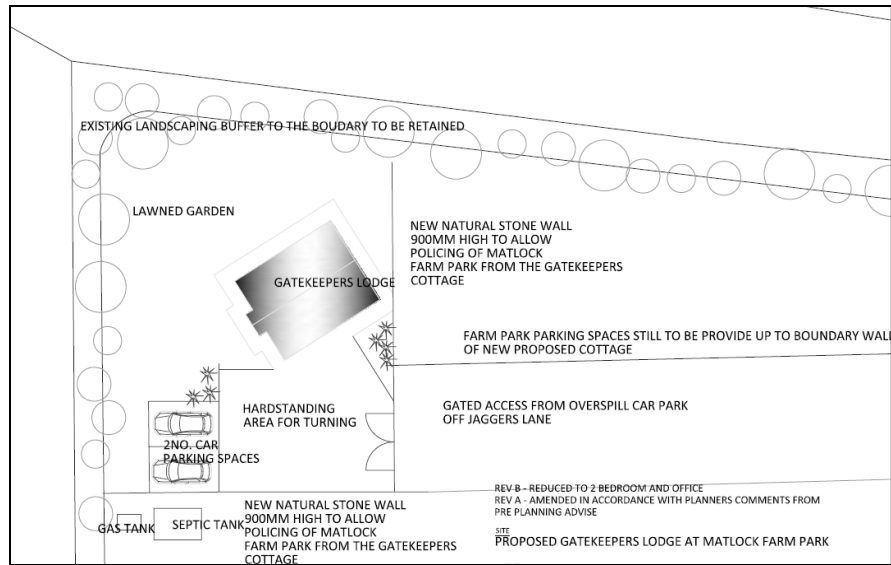


Figure 4: Proposed dwelling

- 7.25 Previous approvals on the wider site have attempted to contain the built form and introduce agricultural style structures in the more open areas of the site. Whilst it is appreciated by Officer's that the proposed dwelling will be constructed from coursed natural stone and blue slate, it is set at a 45 degree angle to the road and in an isolated position which would be at odds with the character and appearance of the site and the surrounding countryside.
- 7.26 Discussions have been ongoing between Officer's and the applicant. A site visit was undertaken by Officer's earlier in May 2022 to assess the site and its wider context. Officer's noted that there is an unauthorised static caravan located in the main car park and it has been confirmed that this is used for 'night watchman' security purposes. The applicant is in discussions with Officer's to retain this static caravan until the proposed dwelling is constructed. Officer's are not convinced that having a clear view and being slightly closer to animals on site would outweigh the harm that would result from the proposed dwellings siting away from the built form of the farm park. However the applicant is keen for the scheme as submitted to be considered.
- 7.27 Officer's conclude that by virtue of the proposed dwellings isolated position on the wider site, its two storey scale and its positioning in relation to the highway would be at odds to the prevailing character of the area and fail to be well related to its site and surroundings. Furthermore its scale, design and siting would in Officer's opinion represent significant harm to the character of the landscape and harm the open views enjoyed on this section of Jaggars Lane, which would fail to be sympathetic to the distinctive landscape character as identified above in the Derbyshire Landscape Character Assessment and the AMES.

Residential and Neighbouring Land Uses Impact

- 7.28 The proposed development is required to provide an onsite presence to manage the facility 24/7 whilst provide security of the isolated site. It is also surrounded by mature landscaping and not within a close proximity to any properties (the nearest being Rushley Lodge Farm to the east and residential properties at Darwin Lake some distance to the north west) or land uses which it may impact upon.
- 7.29 Local Plan policy SDC12 states that development should protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.30 No concerns have been raised by the Council's EHO to the proposal.
- 7.31 Officer's are satisfied that the impact on other residents in the immediate vicinity of the site would not be adversely affected as a result of the proposed development.

Highway Safety Considerations

- 7.32 The site is a farm park tourist facility located in the countryside. Ample parking is illustrated on site. It is illustrated that some spaces will be lost to the proposed development and two spaces will be provided for the dwelling.
- 7.33 The Highways Authority note the 2/3 bedrooms property will be provided with two allocated space. Subject to the property being tied to the farm park and not being sold, let or sub-let as a separate dwelling and conditions relating to site accommodation during the construction period, visibility splays being achieved and allocated parking being provided to the dwelling there is no objections from a highway safety perspective.
- 7.34 The NPPF is clear that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or have a residual cumulative impacts on the road network would be severe.
- 7.35 Officer's consider that the proposed development would have sufficient on-site parking and not lead to an unacceptable impact on highway safety, or have a residual cumulative severe impact on the surrounding road network.

Other Material Considerations

- 7.36 The site falls in Flood Zone 1 with the lowest probability of flooding. No objection has been raised by Severn Trent Water. Matters relating to the disposal of foul and surface water drainage, including sustainable drainage techniques (SuDS), can be dealt with by way of condition if members are minded to grant permission.
- 7.37 The Council's EHO raised no objection to the proposal. A generic land contamination condition could be included on any decision if deemed necessary.
- 7.38 A High Pressure Gas Line crosses the site. National Grid and Cadent Gas were consulted on the proposal and raised no comments.
- 7.39 No ecological information has been provided in support of the proposed development, however Officer's note the proposed dwelling would be within the confines of the park in an area currently used as an overflow car park. As such, any ecological enhancements and biodiversity net gain requirements can be, if deemed necessary, provided by way of condition.
- 7.40 If members of Planning Committee are minded to support the proposed development Officer's would point to Local Plan policy LC6 which states that development for any occupational dwelling shall only permitted where it is subject to a planning obligation to tie the dwelling to the land holding and to prevent them from being sold off separately. As such, it is officer's opinion that a decision should not be issued until such an agreement is in place.

8.0 Summary and Conclusion

- 8.1 The proposal seeks consent for a two storey detached dwelling to serve an on-site manager of the associated Matlock Farm Park. In principle Local and National Planning Policy supports rural businesses and where there is a justified need, workers dwellings.
- 8.2 The evidence provided establishes justification for such a managers dwelling on site in line with the Councils Local Plan policy LC6.
- 8.3 It is the siting and design of the proposed dwelling which concerns Officer's. The site forms part of the Dark Peak National Character Area and Landscape Character Type Enclosed Moorland, and is identified as a Secondary Area of Multiple Environmental Sensitivity (AMES) and considered to be most sensitive to development. Officer's conclude that the justification for a dwelling in this isolated position on site does not outweigh the landscape harm it would cause.

- 8.4 There would be no harm to neighbouring privacy and amenity. Furthermore highway safety would not be adversely affected as a result of the proposed development.
- 8.5 There are no technical drainage, land contamination and ecology matters that can't be addressed by way of condition on any decision.
- 8.6 If members are minded to grant permission, it is Officer's opinion that before a decision is issued a planning obligation to tie the dwelling to the land holding and to prevent it from being sold off separately should be agreed between the Council and applicant.
- 8.7 In conclusion, and in weighing all these issues, the proposed development is, overall, considered to be contrary to the Development Plan and National Planning policy. As such, Officers are of the opinion that the application is refused.

9.0 Recommendation

- 9.1 That planning permission is **REFUSED** for the following reason/s:

1. The proposed managers dwelling would be of a design, scale and siting on site which would be at odds with the prevailing character of the area and fail to be well related to its site and surroundings. It would be of a scale, design and siting that would represent significant harm to the character of the landscape and harm the open views enjoyed on this section of Jagers Lane, which would fail to be sympathetic to the distinctive landscape character as identified above in the Derbyshire Landscape Character Assessment and the Area of Multiple Environmental Sensitivity. Officer's conclude that the justification for a managers dwelling in this isolated position on site does not outweigh the landscape harm it would cause. As such the proposal would be contrary to policies SS9, LC6, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan and the overarching aims of the National Planning Policy Framework.

Planning Committee 28th June 2022

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Killamarsh

APPLICATION: NED/21/00690/FL

CASE OFFICER: Denise Knipe

1. SOURCE OF COMMENTS: Chris/Anna White

DATE RECEIVED: 24.06.2022

SUMMARY:

Disappointed to see the application is recommended to be approved but is unable to attend the committee due to work commitments.

Notes the recent documents submitted in support of the application which suggest waste collections will be handled by a small vehicle travelling to the property, or collecting from a suitable location between the property and Boiley Lane.

Another document submitted is the applicant's assessment and prediction of vehicle movement to the property, stating that vehicle movement will decrease once they are resident at the property. Feels this is likely to be an optimistic assessment by the applicant. Although some journeys will understandably be removed, the normal domestic requirements of post, shopping and parcel deliveries, visits from friends, etc will add up to a significant increase in the vehicles moving on the lane, and in contrast to the current owners of the stables, these new drivers will not know the condition, restrictions and risks of the lane they are travelling on. In contrast to the

current journeys to look after horses, an increased number of journeys are likely to take place during evenings, and when there is no daylight.

Other previously concerns raised are re-iterated.

OFFICER COMMENTS:

No further comments as all material matters are addressed in the Officer report.

PARISH: Ashover

APPLICATION: NED/22/00248/FL

CASE OFFICER: Adrian Kirkham

SOURCE OF COMMENTS: Case Officer

DATE RECEIVED: 27.06.2022

SUMMARY:

The Officer report sets out the alterations between the approved dwelling and that now partially constructed. They should also identify that on both the east and west elevations a single window is removed (see below previously approved scheme and that under consideration).



Figure 1: Approved scheme 20/00079/FL

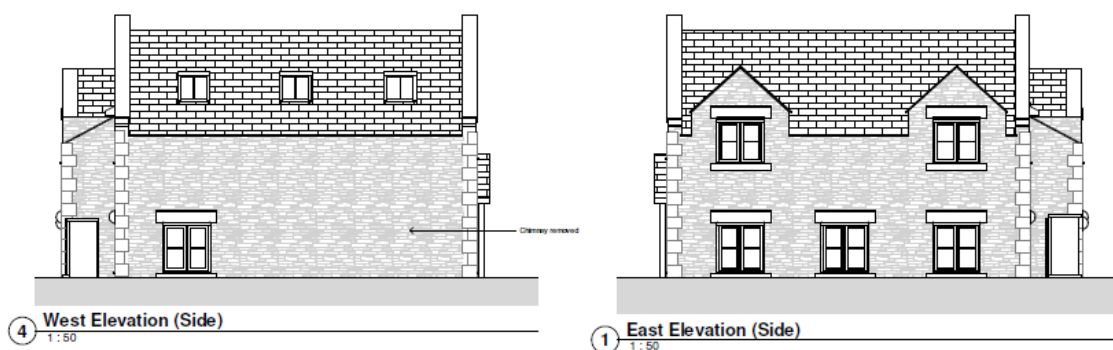


Figure 2: Drawings under consideration (22/00248/FL)

At para 7.1 of the Officer report it is stated the site lies within the Settlement Development Limit of Littlemoor. However, for clarity, the latest North East Derbyshire Local Plan does not identify any Settlement Development Limit to the settlement of Littlemoor, although the Ashover Neighbourhood Plan does. Therefore, policy SS9 of the Local Plan is applicable.

OFFICER COMMENTS:

In view of the planning history of the site, the limited changes identified and the distance of the application property from neighbouring properties these issues are considered as clarificatory only and do not alter the Officer recommendation.

North East Derbyshire District Council

Planning Committee

28 June 2022

Planning Appeals Lodged and Determined

Report No PM/02/22-23/AK of the Planning Manager – Development Management

This report is public

Purpose of the Report

- To inform the Committee of the appeals lodged and determined.

1 Report Details

1.1 Appeal Lodged

The following appeal has been lodged:-

Mr Phil Hurley - Application for erection of a single storey outbuilding to provide 2 no. stables and a tack room/store (Conservation Area)(revised scheme) at Bonny Brook Stables, Horsleygate Lane, Holmesfield (21/00841/FL)

Planning Officer – Susan Wraith susan.wraith@ne-derbyshire.gov.uk

1.2 Enforcement Appeal Lodged

The following appeal has been lodged:-

Mr Atkinson – Appeal against an Enforcement Notice for change of use, building and engineering works at Cartref, Cordwell Lane, Millthorpe, Holmesfield (22/00068/OD)

Planning Officer – Julian Hawley julian.hawley@ne-derbyshire.gov.uk

1.3 Appeals Allowed

No appeals have been allowed.

1.4 Appeals Dismissed

The following appeals have been dismissed:-

Ms Kate Corker - Use of land for keeping horses and construction of a stable building at Cowley Hall Farm, Cowley Lane, Holmesfield (21/00852/FL)

Means of Determination – Delegated

Planning Officer's Recommendation –Refused

Planning Officer – Susan Wraith susan.wraith@ne-derbyshiregov.uk

Mr and Mrs A Spencer - Proposed infill dwelling with detached garage (Affecting the setting of a Listed Building) at Land Between Ashcroft And Cherry Tree Farm, Matlock Road Walton (21/00372/FL)

Means of Determination – Delegated

Planning Officer's Recommendation –Refused

Planning Officer – Alice Lockett alice.lockett@ne-derbyshiregov.uk

1.5 Appeals Withdrawn

No appeals have been withdrawn.

2 Conclusions and Reasons for Recommendation

2.1 N/a.

3 Consultation and Equality Impact

3.1 N/a.

4 Alternative Options and Reasons for Rejection

4.1 N/a.

5 Implications

5.1 Finance and Risk Implications

N/a.

5.2 Legal Implications including Data Protection

N/a.

5.3 Human Resources Implications

N/a.

6 Recommendations

6.1 N/a.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) you must provide copies of the background papers)		
Report Author		Contact Number
Joanne Edwards		01246 217163

Agenda Item 11

By virtue of paragraph(s) 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted