

PLANNING COMMITTEE 10th MAY 2022
CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 ERECTION OF REAR EXTENSION ACCOMMODATING A SWIMMING POOL AND CONVERSION OF ORANGERY/SHED INTO KITCHEN AND INCORPORATION INTO MAIN DWELLING AND RETENTION OF TIMBER PANELLED GATES, HOT TUB CANOPY AND HOT TUB AT BRADLEY HALL, YEW TREE LANE, BRADLEY, DERBYSHIRE

The following comments have been received from Mr N Sherratt (Secretary to the Diocesan Advisory Committee and the Diocesan Mission & Pastoral Committee

From a quick look at your Council's planning website these works appear to relate solely to the hall and have no connection to the area of the church or churchyard. If that is the case, then I can confirm that this is outside the scope of the Faculty Jurisdiction Rules and therefore not subject to the Ecclesiastical Exemption.

The following objections have been received from Mr A.P Rees Russell and Mrs M Rees Russell:

It has recently come to my notice that the owner of Bradley hall has identified that he supervises the hot tubs associated with his holiday lets and imposes a curfew on their use and also on noise.

As one of the nearest neighbours to Bradley Hall I am uniquely qualified to comment on Mr Staley's statement.

Prior to Mr Staley's ownership the holiday lets at Bradley Hall were never an issue, however, since the addition of hot tubs and active attempts to broaden the clientele it has become something of a lottery as to how visitors behave.

Some people who visit are respectful of both neighbours and the general environment; however many visitors seem to come with the sole intention of getting incredibly drunk and behaving appallingly badly.

Much of this has already been identified in my previous objections so there seems little point in repeating details of the visual and audible assaults that we are entirely unable to avoid during the pursuit of a normal life.

When previously questioned about the levels of noise generated by these lets the present owners response was that people on holiday make noise, this maybe the case, but the neighbours of Bradley Hall are having these disturbances imposed upon them when they are working and attempting to live a normal life.

This is purely and simply a concern about a planning application combined with a desire to maintain a normal rural farming environment and nothing else.

There are no controls over what goes on in the lets as Mr Staley has effectively shielded himself from the noise, he may identify a curfew but I seriously doubt that he enforces this.

As for supervising the hot tubs which are one of the biggest sources of offensive behaviour and noise levels I really don't see how he would achieve this.

A recent example would be visitors that were in one of the lets over the bank holiday, they were incredibly loud upon arrival and on the Monday were significantly inebriated by 17:00 by around 21:20 an ambulance had turned up to the accompaniment of a female violently vomiting, men threatening each other with physical violence and young children screaming at the top of their lungs. The ambulance remained on site until 23:00.

Although the specific need for an ambulance is unknown what was going on in the background point to excessive alcohol consumption.

Last summer the noise levels generated were so bad that the only solution was to stay indoors and shut the windows to block out shouting and loud music. To give you an idea of how this sound carries people at the top of Hadley Lane were phoning up and complaining.

Based on the problems generated by the existing holiday lets there is a great deal of concern around further development of this aspect of Bradley Hall. Although Mr Staley has stated that these alterations are for family use, the nature and configuration of these alterations is something of a concern.

Given that Mr Staley has a portfolio of similarly developed properties I have trouble believing that these alterations are nothing more than an attempt to secure maximum yield on his investment.

I would like to re-state in the strongest terms that any sign off on planning permission should be caveated to restrict usage to domestic purposes only.

Response:

The Local Planning Authority have assessed the impact of the development on the amenity of neighbouring residents with particular regard to the hot tubs in paragraph 8.5 of the officer's report.

The following comments have been received from the applicants Solicitor:

I have can confirm that I acted for you in connection with the purchase of the above property, which is registered with title numbers DY228620 and DY228621.

I can confirm that there are no restrictive covenants contained in your title which would prevent any development of the property. For the avoidance of any doubt, the titles do not refer to any rights or other benefits which will have Ecclesiastical implications.

The following comments have been received from Mr D Bratt:

I am writing to you on behalf of All Saints Church Bradley Parochial Church Council. Following our letter of objection about this planning application and our representations at the planning meeting and its deliberations, we wanted to inform you that we no longer object to this planning application which we understand will be granted on: -

1. The basis of a private residence
2. The swimming pool is not to be used for commercial purposes

3. The hot tubs are properly controlled and are not the source of public nuisance.

The PCC wishes Mr and Mrs Staley to know that it is keen for them to feel part of the Bradley village community, that there is nothing personal in its representations and hopes that the successful resolution of their planning application will make this possible.

ITEM 5.2 ERECTION OF REAR EXTENSION ACCOMMODATING A SWIMMING POOL, CONVERSION OF ORANGERY/SHED INTO KITCHEN AND INCORPORATION INTO MAIN DWELLING AND ASSOCIATED INTERNAL ALTERATIONS AT BRADLEY HALL, YEW TREE LANE, BRADLEY, DERBYSHIRE

The late representations outlined above for item 5.1 are also relevant to this item.

ITEM 5.3 CHANGE OF USE FROM AGRICULTURE TO MIXED AGRICULTURE AND CLAY SHOOTING GROUND (RETROSPECTIVE) AT HARBORO ROCKS CLAY SHOOT, MANYSTONES LANE, BRASSINGTON

Ible Parish Council

- responses from Harboro Rocks clay shoot assess the noise impact on Brassington & Carsington but not Ible - think this is a serious omission
- with regard to noise, Harboro Rocks Clay shoot explicitly state that they are shooting away from Brassington/Carsington so must assume that means towards Ible and the PDNP
- if the planning committee is minded to approve this application, would be grateful if they consider the following conditions to mitigate/minimise the noise impact on residential properties:
 1. That all shooting must be in a direction away from the hamlet of Ible
 2. That all shooting must be done from the basin below (i.e. to the South/South West) of the ridge, thus utilising the hill side as a natural sound barrier.
 3. That acoustic shields are positioned to the North/North East of each "shooting station", thus reducing the noise incident on residential properties
 4. That limits are placed on the operating hours to prevent disturbance early mornings, and into the evenings/night time.

Five representations have been received objecting to the proposals and are summarised as follows:

- appears that the applicant has been operating outside the agreed restrictions for the past 10 years - if so, why was this allowed to continue for so long before being addressed
- what guarantees do we have that this flouting of the rules will not continue in future?
- If there is a case to be made for the shoot in its current form, or even expanded, any restrictions need to be checked and rigorously enforced
- applicant appears to be asking to operate on virtually any day of the year in order to give his customers the flexibility and convenience that they want - this commercial reasoning should be given less weight than the concerns of local residents, people who are adversely affected by the shoot
- needs to be fixed times when residents can be guaranteed not to hear the sound of gunfire.

- applicant appears to be asking for far more than what is actually required, a tactic that sure the committee will recognise - guess is that the applicant would be content if the restrictions were amended to allow the shoot to continue to operate as it has been doing for the past few years
- much is made of the supposed benefits to the local community but this is not quantified
- the detriment to the local area cannot be quantified (e.g. those tourist who stay away or fail to return because of the noise and disturbance of the shooting)
- is there a business plan? If not, why not?
- surely such an important application, that has such an impact on the residents in the vicinity, should justify notification to all addresses likely to be affected?
- there are two noise reports that the applicant has submitted in support of their application and both indicate that the noise generated by the shoot is of no consequence - none of the tests were made at a sufficient altitude to comprehensively prove the shoot does not cause a noise nuisance, and they were not performed on a range of days to allow for the impact of different wind vector
- can clearly hear the gunshots from both shoots in that area (both Harbor Rocks and Darley Dale Clay Pigeon Shooting Club)
- in the reports the noise of the gunshots is contrasted with the natural sounds of the countryside such as birdsong and the wind - these are natural sounds that are peaceful and relaxing
- the repetitive sound of gunfire is the opposite of this, it is very intrusive and causes considerable annoyance
- currently subjected to this predominantly on Sunday mornings only - very concerned that the applicant is attempting to gain permission to do this until dusk in the summer on any day of the week which will negatively impact our ability to have quiet enjoyment of our property.
- only became aware of the shoots organised by the Darley Dale gun club after moving in and the shooting is clearly audible, but only occurs once or twice a month - a nuisance, but tolerable
- retrospective application to expand the activity of the Harbor Rocks Clay Shoot so that shooting could potentially occur on any day of the year is on an altogether different scale
- if there is a case to be made for change of use should this not have been done in advance - not by creeping development over the years with an application only after facilities were put in place - something that does nothing to enhance the character or appearance of Harbor Rocks?
- applicant states that no complaints have been received in the last ten years - this is down to the reasonable constraints in place when the applicant moved onto the land and the goodwill of local residents
- would be a massive mistake to remove the former whilst the latter already appears to be evaporating in the face of this application
- applicant further claims that no audible gunshot noise can be heard from the surrounding villages - depending on conditions this may be so on occasion but is not the case the majority of the time when shooting is occurring
- the professional noise assessment required of the applicant confirms that 'distant shooting noise' was discernible at the majority of the test locations chosen - including Carsington but then concludes that the noise measured was of sufficiently low impact as to have no adverse effect on residential amenity and would be unlikely to be disturbing at residential properties in the vicinity - that is a highly subjective statement which, as a resident of just such a property, can absolutely refute
- fact that the noise is distant does not stop it being intrusive, particularly given the random explosive nature of gunfire and especially if it occurs intermittently and

- repeatedly and yet this application seeks to let this happen at any time of day, on virtually any day of the year, all year round
- endorse the objections submitted by Carsington And Hopton Parish Council particularly in relation to the number of permitted operating days and the breadth of operating hours requested
 - are in earshot of this operation even in southerly wind directions and, whilst the current times of operation have rarely been excessively intrusive, feel that the extended operation would impact negatively on ourselves and our neighbours in Carsington, Hopton and surrounds.
 - an entirely new venture and one that would like to operate on a daily basis
 - ride, cycle and walk up on the high peak trail regularly and find the current number of shooting days to be an assault on the ears - as we know when they are being held, can avoid going up there on those days and idea that it could be every single day is untenable
 - too many cars crossing the trail would also be a danger as they may not be aware of cyclists on the trail until they hit one
 - as a horse rider it is a recipe for disaster to have them shooting quite so close to the trail - if a horse got spooked by the abrupt noise they could easily bolt and mow down a pedestrian
 - have had experience in the past of being a rider on a bolting horse and it was terrifying - their mind goes into meltdown and they cannot listen to any commands and, in my case, it was at least a mile before the horse ran out of steam. Along the trail that would equate to a lot of innocent bystanders
 - might be increasing tourism by agreeing to this venture but it is the wrong kind of tourist and may well lose all the current tourists who come to the area for the peace and quiet of the Peak District
 - clay pigeon shooters can shoot their clay pigeons in any environment they do not need to ruin the enjoyment of the surrounding countryside for everyone else.
 - whilst do not have a problem with the current level of activity at the shoot, if the level escalates as projected in the application it will create issues for users of the high peak trail
 - run an equestrian business which relies upon safe passage along the trail past the shoot and, at the present time, have been able to liaise with the shoot manager to negotiate a safe passage through but this would become almost impossible if shooting is almost constant, in line with the application
 - would like to state that the manager has been extremely helpful but can't help but expect my business to be detrimentally affected if it becomes impossible to find times when it is safe to pass, in spite of their help
 - there would be danger to equestrians as few horses will tolerate the noise of shooting so nearby and this would render this portion of the high peak trail unusable
 - tourists often visit and would not be aware of the shooting here and this could lead to there being a very bad accident involving a horse and rider
 - at the very least, please can the application be held in abeyance until more conclusive noise testing is undertaken moved here to enjoy the intrinsic character and beauty of the Derbyshire countryside and, as a shift worker, also needed somewhere peaceful to be able to sleep during the day - was aware of the nearby quarry and works but neither caused any issue
 - interesting to note that, as far as can tell, none of those who write to support the application live within earshot of it.

One representation has been received supporting the proposals and is summarised as follows:

- reiterate original support of this application

Response:

Whilst this is clearly an emotive application, Officers consider that a reasonable assessment of noise nuisance has been undertaken and no objections have been received from the District council's Environmental Health Section having made their assessment of the proposals and the submitted noise assessment.

The District Council cannot contact all residents in earshot of the application site and must follow its standard public consultation procedures.

It is appreciated that no noise measurements were undertaken at Ible but, given the distance, and closer receptors, it is considered that this would demonstrate that the gunshots could be heard but would not be of such a nuisance to justify a recommendation of refusal. The other matters raised are considered to have been assessed and reflected upon in the Officer's report.

ITEM 5.4 RETENTION OF NOISE ATTENUATION BUND AT DARLEY MOOR MOTOR CYCLE ROAD RACING CLUB, DARLEY MOOR AIRFIELD, DARLEY MOOR, ASHBOURNE

Edlaston and Wyaston PC have advised that the report incorrectly states that the site is located within the parish of Yeeveley.

Following a review of the parish boundary officers confirm that the site does lie within the parish of Edlaston and Wyaston, not Yeeveley. As part of the validation process, the application had been plotted incorrectly, based on a property point within the parish of Yeeveley. Both Parish Councils have been consulted on the application and their comments are set out in the consultation section of the officer's report.

ITEM 5.5 CHANGE OF USE AND CONVERSION OF BARNs INTO 3NO. DWELLINGS WITH ASSOCIATED PARKING / LANDSCAPING AND FORMATION OF NEW VEHICULAR ACCESS AT BARNs AT EDNASTON LODGE FARM, EDNASTON PARK, PAINTERS LANE, EDNASTON

The agent emailed on the 5th May 2022 making a comment on the wording of Condition 7 and whether the word 'painted' could be removed from the condition as they are looking at using the black cast iron effect plastic rainwater goods, with is typically accepted in conversion schemes. He also has asked what type of window material would you consider as being acceptable?

Response:

Condition 7 can be amended to read:-

7. All gutters, downpipes and other external plumbing shall be a black finish and so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Condition 8 requires the window and door details to be submitted prior to their installation and they should be timber to match the existing windows and doors.

ITEM 5.9 FORMATION OF VEHICULAR ACCESS AND PARKING AT 42 SMEDLEY STREET EAST, MATLOCK

The following consultation response from the Conservation and Design Officer has been received:

The applicant / agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).

The property (of the later 19th Century) forms the end of row or terrace of houses, on the north side of Smedley Street East. The property has a corner plot (with a footpath to the eastern side). The site is located within the Matlock Bank Conservation Area.

The forecourt to the property has a low, stone curving wall and a footpath to the west side and north side of the 'garden' area. The front garden slopes down to Smedley Street East. The proposal is for the creation of an off road parking area to the frontage and associated dropping of kerb.

It appears that the higher stone walling (to adjacent properties) and which may once have been in front of number 42, has been historically removed and replaced by a modern low stone wall. In this regard, the property and street scene, has already lost a higher enclosure wall to this end property. The proposed removal of the modern low stone wall and associated 'garden' elements would not constitute an adverse loss of historic fabric and detailing to this part of the Conservation Area. It is noted that the new parking area is to be covered with compacted gravel (with ACCO drainage channels to the southern end and corner and a 50mm flat top edging). However, gravel can move by the manoeuvring / turning etc. of vehicle wheels and can fill drainage channels and spill / spread over adjacent land (i.e. the public footway). This should be taken into consideration in the proposed assessment and determination of the application.

ITEM 5.10 CONVERSION OF GARAGE TO DWELLINGHOUSE WITH ASSOCIATED ALTERATIONS INCLUDING THE FORMATION OF A FIRST FLOOR AND CREATION OF A NEW ACCESS (RESUBMISSION) AT SPRINGFIELD HOUSE, ASHBOURNE ROAD, SUDBURY, ASHBOURNE, DERBYSHIRE

The following representation has been received in support of the proposed development from Mr Dale Eames:

We would like to take this opportunity to support this planning application. The new proposed access is on a straight part of the highway, and is further away from the main road than the access that is already there.

We can see no detrimental effects from granting this planning permission as there is no extension to the footprint of the existing building,