

PLANNING COMMITTEE 12TH APRIL 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 Cllr A. Shirley:

Cllr A. Shirley:

I would like to make the following comments in relation to the two applications at Bradley Hall before the planning committee for decision this evening. I am happy for a copy of this email to be circulated, printed or read out at the meeting.

Bradley Hall occupies a very prominent position in the village of Bradley, and sitting in an elevated position as it does, means that any activity or development at the property can have significant impact on the surrounding properties in the village. Whilst Bradley Hall is listed in its own right it is also directly opposite the historic 14 century parish church and the surrounding tranquil parkland.

There has been for some time concern over the use of Bradley Hall as a large holiday venue. This appears to have gone beyond the use of a property for self-catering accommodation to a full blown holiday business on quite a different scale. The impacts on the village have already been considerable with increased traffic, noise and litter all of detriment to the wider village.

The current applications for extensions for a kitchen, games room, swimming pool and pool lobby together with hot-tubs will all lead to an unacceptable intensification of the use of the site far beyond what a small, quiet village such as Bradley should have to accommodate.

These applications should not be viewed as regularising the use of the property, or the provision of much needed facilities - they are not. These applications represent a significant increase in the facilities at Bradley Hall so that more people can be accommodated, for more of the years and the impact on local residents will be made worse as a result should approval be given tonight. Granting this consent will not be a brave step to support tourism, but a decision that will exacerbate the impact on the residents of Bradley forever, and over which DDDC will have no control.

It should be noted that the Parish Council has objected together with 31 others as detailed in the officers report. Objections from 31 households in a small village such as Bradley should be significant, as will the impact of the proposed intensification of the use of the site and the impact that will inflict on the village.

The Following comments have been received from Mr L Hart (12/04/2022):

Mr L Hart:

The National Planning Policy Framework – “Conserving and enhancing the historic environment” is the government policy document that leads all planning policy relating to listed buildings

Paragraphs 199 states.

” When considering the impact of a proposed development on a listed building, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.....even if the potential harm is..... less than substantial harm.

Para 200 continues Any harm to.....a designated heritage asset (from its alterationor from development within its setting), should require clear and convincing justification.

Substantial harm to

(a) grade II listed buildings.....should be exceptional;

201. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent.....

202. Even where a development proposal will lead to less than substantial harm to the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its “optimum viable use”.

But in this case, there aren’t any public benefits

- The proposal accelerates the journey of Bradley Hall from elegant residence to party house, with associated impacts of noise on neighbours and church goers, without providing any improvement in amenities for residents.
- 2 existing arched windows altered, a pool room added to the Northern elevation, alterations to a store, W.C and yard area amongst 11 proposed alterations.
- Remarkably these changes are considered “acceptable”, although that judgement is wholly inconsistent with the consideration given to other listed building applications in Bradley & Yeldersley, where for example, additional roof lights have been objected to and detailed drawings of proposed windows etc have been required PRIOR to the application being considered. And where removal or alteration of the “historic fabric” of the building has not been acceptable.
- Then again we note owner Jennie McKenna’s Whatsapp post on Bradley Notice Board, “Dream big I always say. Also helps if you have the right contacts”....What are these?
- If this application is approved, DDDC can expect numerous applications from the owners of listed buildings in the area, now they have evidently revised their criteria.

So what is the “Optimum Viable Use” of a listed building referred to in Para 202?

The document explains.

“If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm tothe historic asset.

It also states:-

“The optimum viable use may not necessarily be the most economically viable one” Bradley Hall has a proven range of viable uses, including that of family home. That use requires no alterations to the existing fabric of the building or curtilage, no risk to a heritage asset and is therefore the “optimum viable use” as defined by the Framework Document.

For that reason the application should be refused.

Response:

The District Council have had regard to the sections of the NPPF outlined above and have deemed the proposed development would not result in any harm to the heritage asset. There is therefore no reason to weigh the development against any public benefits to be derived.

Sarah Dines MP, Mrs D Rudd, Mrs S Whitehead and Mr G Potter have requested deferral of the item until a future committee for the following reasons:

Sarah Dines MP (12th April 2022):

I have been contacted by my constituents and have visited in person the site of the proposed projects in Bradley. My constituents have raised issues which on the face of it appear valid and have requested more time to gather evidence of a historical and ecclesiastical nature, which appear relevant to the application. In these circumstances, I would support my constituents' applications for a modest deferment and delay of this decision, until they have had a full opportunity to obtain their evidence.

Mrs D Rudd (11th April 2022)

Further to our telephone discussions today when I explained our concerns regarding the Bradley Hall Development Project that is scheduled for the committee to consider at tomorrow's meeting.

I explained that due to further compelling evidence coming to light over the past few days with some legal implications, it is vital we explore further, we are still awaiting some historical documents from the archives that may be significant to this case. My protected covenant which covers neighbouring ancient and sacred ground around the church is being carefully examined to see if this has an impact on the planned development at Bradley Hall.

In addition to this we have good reason to believe that there are Ecclesiastical implications and again there is good reason to suggest the field and lake formed part of my estate at The Old Rectory House in the past and it would seem entirely possible given the location. I am investigating this to see if this has any bearing on the decision. Therefore, I kindly request the deferment of this decision whilst we collate all this information for your kind consideration.

On another note, a number of residents of Bradley Village have expressed a wish to speak at the meeting, but sadly due to COVID absences and planned Easter holiday breaks are unable to do so. Therefore, we politely request for deferment of this for a few more weeks on this.

Mrs S Whitehead (12th April 2022)

1. A lot of residents would have liked the opportunity to speak at tonight's meeting, however with it being the Easter holidays there are lots of people away that are unable to attend, and I feel that with the level of objections, these people should be able to have their say.
2. I believe that there is more compelling evidence including legal documents, as to why the proposed plans At Bradley Hall should be refused and these need to be reviewed and taken into consideration before a decision is made as there could be legal consequences for the council.
3. I am deeply concerned that there may be serious implications for the council regarding recent comments made by Mr Staley's partner (Ms McKenna) in a

village what's app group with over 100 residents in, (I have included some of the thread, so you can see the context it was written in) As you can see it followed on from an April Fool's day post. Ms McKenna was very quick to jump on board with her comments, that almost seemed to "rub salt into the wounds" with the most concerning one stating "Anything's possible. Dream big I always say. Also helps if you have the right contacts" As you can imagine, residents have expressed their concerns as to what this insinuates regarding the planning application. There have also been other comments made, which are completely inappropriate.

Mr G Potter (12th April 2022):

I understand there is new information being investigated regarding Ecclesiastical restrictions and covenants that may have a bearing on these applications and request they be deferred until the next meeting, by which time either evidence will be produced or will be determined to be irrelevant.

Response:

The item is on the public agenda for consideration at planning committee on 12th April 2022. These late representations and the requests for deferral of the item have been drawn to members attention. Members have the option to defer an item for consideration at a future committee meeting if they feel this is necessary. However, it not considered that there are sufficient reasons for deferral of the applications in this case.

With regard to the comments made by the applicants' partner, this would not constitute a material planning consideration, which can form part of the consideration of this application. If there are concerns that the application is not being considered in a fair and transparent way, this should be raised through the District Council's Committee Team.

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 5.4 PROPOSED VARIATION OF CONDITION 1 (APPROVED DETAILS) OF PLANNING APPLICATION 20/00595/VCOND TO ALLOW FOR ALTERATIONS TO THE APPROVED SCHEME TO INCLUDE THE ADDITION OF A ROOFTOP SALES SUITE AND OUTDOOR PERGOLA AND ASSOCIATED ALTERATIONS TO APPEARANCE AND

Following publication of the agenda Derbyshire Wildlife Trust have commented that the proposals do not raise any additional ecological issues, however, they advise that site layout shows an area identified as wildflower meadow and a dragonfly pond. They advise that if the creation and maintenance of these areas are not covered elsewhere under a separate condition that they be added to condition 13.

Response:

To make it clear that any updated ecology strategy should include the wildflower meadow,

members be minded to approve the application it is recommended that Condition 13 includes details for the creation and management of the wildflower meadow and dragonfly pond, as set out below:

13. Notwithstanding the submitted details, a revised landscaping scheme and ecology strategy which addresses the following:

- Compensatory scrub grassland features for brown hare;
- Protection of the hedgerow along the western boundary during the construction of the earth bund along its eastern side;
- **Details for the creation and management of the wildflower meadow and dragonfly pond;**
- The route of the access road;
- The location of bat hibernaculum;
- Planting on the earth bunds (species types, sizes and numbers to be planted);
- Any external lighting to the car parks and details of the electric charging points;
- The treatment of the surface of the permanent and overflow car park and pedestrian paths, and;
- The long term legal and funding mechanism for management and maintenance of the landscaping and the recommendations in any updated ecology strategy.

shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the minor amendments hereby approved or approved under application code ref. 20/00595/VCOND. The development shall thereafter be carried out and the landscaping / habitats created maintained in accordance with the approved details.

ITEM 5.6 APPROVAL OF RESERVED MATTERS (APPEARANCE AND LANDSCAPING) FOR THE ERECTION OF 1NO. DWELLINGHOUSE (OUTLINE PLANNING CONSENT 21/00887/OUT) AT LAKEWOOD, OLD COACH ROAD, TANSLEY

Ahead of the meeting planning committee members an email from Mr and Mrs Hopkinson (14 Mais Close) has been circulated with an attached photograph. The occupants have expressed concern that the new property will only be sited 15m from their boundary which they believe is in contravention of current building regulations.

Response:

Members visited the site and considered the relationship of the proposed dwelling with the nearest residential properties to the north. The orientation of the dwellings and the inclusion of high level windows in the north west elevation is such that there would not be a significant loss of privacy.

There is a full height corner window approximately 14m (window to window) from 14 Mais Close. This window will serve a bedroom and it is likely that blinds will be installed to maintain the privacy of the future occupants and existing residents. Reflecting on the intervening boundary vegetation the use of the space and the orientation of the existing

dwelling to the application site it is not considered to result in unacceptable overlooking effects to the extent the refusal would be justified on such grounds.

ITEM 5.7 INTERNAL LAYOUT ALTERATIONS AT 12 SYDNOPE HALL, SYDNOPE HILL, TWO DALES, MATLOCK, DERBYSHIRE

1. The following comments have been received from the Director of Sydnope Hall Apartments Ltd:

We are writing to express concern that in a letter to DDDC re the above planning application from Chedburn Codd Architect's dated 8 April 2022 (a copy of which we received on the morning of 11 April 2022) they state:

“ We have been liaising with the both the agent managing the apartment, and the management company, Sydnope Hall Apartments Ltd (SHAL) for a number of months now and it was our understanding that these plans were being shared with the leaseholders since we did not have contact details for each individual property owner.”

This statement is incorrect.

SHAL were not requested at any point to share information with leaseholders until receipt of the copy of Chedburn Codd's letter to yourselves was received on 11 April 2022.

SHAL only became aware of the planning application and its proposals upon receipt of the planning application advisory communication from Derbyshire Dales.

2. The following comments have also been received from the applicant's agent:

As you are aware, we are acting on behalf of the applicant who has not yet purchased the above property and therefore this application was submitted only with the intention of determining whether or not the proposals would be permitted under Listed Building Consent. Ms Hollis has also prepared her own thoughtful and carefully considered response to the neighbouring residents which will be sent directly to all those concerned.

We have been liaising with the both the agent managing the apartment, and the management company, Sydnope Hall Apartments Ltd (SHAL) for a number of months now and it was our understanding that these plans were being shared with the leaseholders since we did not have contact details for each individual property owner.

1. **Kitchen relocation:** The newly located kitchen will be sited directly over the communal storage hall below, and between solid walls, so any noise heard from the flat below is likely to be very much reduced. The neighbouring flat at first floor level is unlikely to be affected due to existing solid walls existing between the proposed kitchen and neighbouring bedroom. Most white goods are planned to be housed in an adjoining utility, and extract fan and boiler flue will be specified to minimise noise. The new utility room planned will be formed with additional sound insulation within

partition walls, and the inclusion of anti-vibration sound absorbing mats under appliances if required.

2. **Bathroom alterations:** All work altering bathrooms within apartment 12 are to be carried out with utmost care and respect to neighbours, with drainage all following existing vertical routes.
3. **Access:** Access to neighbouring apartments will remain at all times. Careful planning will ensure minimal disruption to circulation routes ensuring safety at all times.
4. **Internal works:** Careful planning and a detailed schedule of works developed with the contractor will ensure efficiency and respect to neighbours. Any apartment could be subject to upgrading at any time, which will consequentially add value to all residential units.
5. **External works:** Due care and attention will be applied at all times with any external work. All areas to be made good on completion and no damage will be caused to building foundations or historic gardens. All proposals will firstly be submitted to SHAL for comment and approval, before being submitted to the Local Planning Authority.
6. **Listed Building:** All provision has been made to comply with works proposed to a Listed Building. Any contractor or delivery vehicle route will be managed carefully with a full methodology drawn up before work commences.
7. **Internal structure:** Any structural alterations would be subject to advice from a qualified structural engineer.
8. **Storage cupboard swap:** The drawing will be amended to include the correct existing cupboard arrangement, the rear door to the garden terrace and the external landscaping. Any swap would of course be subject to private agreement between the applicant and the existing owner.
9. **Impact on wildlife:** This will be carefully considered in the detailed methodology for carrying out any external works, in order to minimise any impact.
10. **Damage:** No significant harm is proposed to the existing building. Most alterations are to internal lightweight stud walls, being replaced with matching partitions and finishes. The only external alteration will be the new location of the boiler flue – subject to approval by the Case Officer.

We would like to reassure all parties that, on behalf of the applicant, and subject to Listed Building Consent, our intention is to develop plans which respond sensitively to the historic character of this wing of Sydnope Hall, whilst enabling much needed modern improvements to apartment 12 which will suit any future residents for many years to come. Any work necessary would be planned very carefully to minimise noise and disruption, and all areas of work would be made good on completion.

We will ensure that SHAL receive an emailed copy of this response to share with residents.

Response:

Officers advise that members note the comments of the agent. As set out in the officer's report the assessment of this application only concerns the impact of the works on the heritage asset. The grant of listed building consent would not give the applicant the authority to carry out the works. These would need to be agreed with the property owner(s), which have been specified on the application form and appropriate notice of the intention to carry out the works served. This will be a matter for the applicant to resolve following the grant of any listed building consent.