



Applicant:
C and E McDonagh

Ref. No. DMPA/2021/1775
Made valid on: 4 January 2022

DECISION NOTICE

Description and location of proposal: Erection of a 4 x stable stableblock, hardstanding manure storage area and associated new access onto Acresford Road all for equine use at Clover Park, Acresford Road, Netherseal, Swadlincote, DE12 8AP

Decision made: In exercise of its powers as the Local Planning Authority under the Town and Country Planning Act 1990 and related subordinate legislation, South Derbyshire District Council hereby gives notice that permission/consent for the proposal as described above is hereby **Approved subject to the following Conditions:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following plans/drawings unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.
 - Application Form
 - Revised Location Plan w/ Flood Risk Zones
 - Final Layout Rev 2 - Drawing No. RY.M.23.1B
 - Final Elevations and Plans Rev 2
 - Flood Risk Assessment (FRA)
 - River Mease Impact Statement
 - Further Letter

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. No development shall commence until details of all external materials for the stable block on the approved drawing no. Final Layout Rev 2 - Drawing No. RY.M.23.1B shall have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Reason: For the avoidance of doubt and in the interests of achieving high quality design inline with Policy BNE1

4. No development shall take place until details of the hardstanding and cover of the area proposed to store manure has been submitted to and approved in writing by the local planning authority.

Steffan Saunders

Authorised Officer of the Council

Date: 13 July 2023

These details shall include an implementation programme drawings and sections of the cover structure and materiality. The development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt, protection of the River Mease from contaminants and in the interests of achieving high quality design inline with Policy BNE1.

5. If separate access than that shown in approved plans Drawing No. RY.M.23.1B is to be used for the purposes of construction, no development, including preparatory works, shall commence until the new vehicular and pedestrian access to Acresford Road has been constructed. The junction shall be laid out in accordance with the approved plans (Drawing No. RY.M.23.1B), constructed to base level and with visibility sightlines of 60m to the north and 120m to the south both measured to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

6. Prior to the construction of any new areas of hardstanding, details of surfacing and hardcore materials shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the source and a chemical analysis of the materials to be imported. The areas of hardstanding shall be constructed in accordance with the approved details.

Reason: To ensure the quality of hard standing material does not give rise to unacceptable impacts on the river Mease given the SSSI Impact Area designation at this location.

7. Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to any above grade works commencing onsite. The details shall also demonstrate the capacity and maximum level of recycled water that can feasibly be provided to the development. Where approved the rain water / grey water recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the roof of the stable block to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.

Reason: To ensure the sustainable use of water.

8. The development hereby permitted shall not be occupied until such time as the access has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

9. The development shall not be occupied until the ground levels previously raised in order to create the 'Track and stable hard standing' shown on Block Plan (Scale 1/500 submitted on 29 Dec 2021), are reinstated to those existing prior to the commencement of the works to implement Block Plan site layout, in order to mitigate the impact of these previous unpermitted works.

The above should include the removal of all material brought onto site and placed in the flood plain, as shown on the Flood Map for Planning (attached, Ref Clover Pk Acr, dated 17 Jan 2022) to a location outside of the flood plain, in Flood Zone 1. In the absence of the removal of this material a Compensatory flood storage scheme would need to be submitted, in order to mitigate any flood plain storage lost within the blue line land ownership (as shown on the Location Plan submitted 29 Nov 2021) as this could result in an increase in flood risk both on and off site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements as agreed under Condition 4. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required.

10. Upon completion of the ground reinstatement works as required by Condition 9 and prior to first occupation, an 'as built' topographical survey of the area of floodplain reinstatement shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: To ensure that the floodplain reinstatement area is returned to the ground levels existing prior to the commencement of the Block Plan (Scale 1/500 submitted on 29 Dec 2021) site layout.

11. All planting, seeding and turfing comprised in the approved Drawing No. RY.M.23.1B shall be carried out in the first planting and seeding seasons prior to the stables being brought into use; and 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.

Reason: To ensure high quality planting inline with Policy BNE4.

12. Tree planting shall follow the approved Drawing No. RY.M.23.1B in terms of location and shall be to the specification of a minimum of 2.5 to 3.0m 8/10cm girth standards.

Reason: To ensure high quality planting inline with Policy BNE4.

13. Demolition or construction works shall take place only between 9am and 5pm on Monday to Friday and between 9am and 12pm on Saturday. Construction work of any kind shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interests of safeguarding amenity.

14. Any entrance gates shall be set back a minimum of 10m from the highway boundary, must open inwards, and maintained at that distance for the life of the development unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure parked vehicles do not overhang the adjoining public highway, thereby adversely affecting highway users.

15. There shall be no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows within the area of floodplain reinstated as part of the development of this site and hereby approved under conditions 9 and 10 above, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: To safeguard the efficient workings of the area of floodplain as shown on the Flood Map for Planning from inappropriate development (attached, Ref Clover Pk Acr, dated 17 Jan 2022).

16. No development shall occur until the accesses for construction purposes have been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The detailed design shall also include appropriate visibility sightlines and measures for warning other highway users of construction traffic entering or emerging from the site access. The access shall be retained in accordance with the approved scheme throughout the construction period free from any impediment to its designated use, and subsequently removed and the adopted highway made good after the construction has ceased.

Reason: To ensure safe and suitable access for all users, in the interests of maintaining highway efficiency and safety, recognising that even initial preparatory works could bring about unacceptable highway safety impacts.

17. Prior to the completion of development including preparatory works the details of any fencing (including temporary) including the specification of suitable mammal gaps shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding against harm to protected species during the period of construction and throughout the life of the development.

18. The premises and access shall be used for equine use and for no other purpose (including any other purpose in any wider Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).

Reason: In the interests of safeguarding against possible unlawful development within the defined countryside.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans or those approved under condition 2 above shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of safeguarding against possible unlawful development within the defined countryside.

20. If, during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants.

You are advised of the following matters:

In dealing with the application, and further to pre-application advice where that has been given, the Local Planning Authority has positively sought to determine the application in a timely fashion and so promote the delivery of sustainable development in the District. Where practicable, feasible and necessary, and irrespective of the above decision, officers have made proactive attempts to find solutions to identified issues or to improve the quality of the development through negotiation with applicants and/or their nominated representatives, in order to foster the delivery of sustainable development and objectives of the Development Plan.

Changes in intention: any deviation from the approved plans/drawings and/or details should be discussed with the Local Planning Authority in advance. This includes circumstances where the applicant/developer subsequently identifies inaccuracies with the approved documents or conflict with other regulatory requirements. A formal application to amend the proposals or secure a revised permission may be necessary. Failure to secure necessary approval may result in the commencement of enforcement proceedings.

Scope of this decision: this is a planning decision notice which, unless expressly applied for and stated in the description of development above, conveys no decision of associated planning consent (such as listed building or advertisement consent); nor does it convey a decision under, or override, supersede or negate, any other legislation or the need to comply with restrictive covenants under Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the adopted highway, including verges and pavements, is to be altered, the Local Highway Authority (Derbyshire County Council) should be contacted to establish its requirements.

Right of appeal to the Secretary of State: if you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent for your proposal or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, subject to the following:

- if this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be made within 28 days of the date of this notice;
- if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your planning application, any appeal must be made within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal, the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015) of the date of this notice, whichever period expires earlier;

- if this is a decision on an application for consent to cut down, top, lop, uproot or otherwise destroy a tree or trees protected by a tree preservation order, or for a decision on a lawful development certificate for proposed works to a listed building, any appeal must be made within 28 days of the date of this notice;
- if this is a decision on an application for advertisement consent, any appeal must be made within 8 weeks of the date of this notice;
- if this is a decision on an application for householder or minor commercial development (the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), any appeal must be made within 12 weeks of the date of this notice;
- in all other cases, except for a decision on a lawful development certificate for an existing or proposed use or development, any appeal must be made within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get online at www.gov.uk/planning-inspectorate or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State need not consider an appeal if it seems to them that the Local Planning Authority could not have granted planning permission or consent for the proposal or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found online at www.gov.uk/planning-inspectorate.

Street naming and numbering: the applicant and/or developer is reminded of the Council's responsibility to issue official addresses for all residential and business premises within South Derbyshire. All new addresses are allocated in line with our street naming and numbering guidance available at www.southderbyshire.gov.uk and you are advised to engage with the Council as soon as possible to enable the issuing of any street and property names/numbers to be created by this development. Any number and/or property name that is associated with identifying individual properties must be displayed in a clear, prominent position that can be read from the roadside. It is the developer's responsibility to erect the appropriate signage once the building(s) is/are ready for occupation. There are two types of the name plate the Council uses: Type A carries the Council's crest, whilst Type B does not. You are advised that the Types are usually expected in the following locations:

- Type A: on classified (A, B and C) roads, at junctions with classified roads, and at the commencement of local distributor roads (roads acting as through routes within developments);
- Type B: intermediate name plates along local distributor roads, on collector roads (roads which run within a development providing access and linking small access roads and access ways), on access roads (roads serving a small number of houses which may also have a surface shared by pedestrians and vehicles), and access ways which have a different name from their access road; all unless at a junction with a classified road (where Type A will be expected instead).

High speed communications: the applicant and/or developer is strongly encouraged, as part of the delivery of any premises on the site, to provide full fibre broadband connections (i.e. from streetside cabinet to the property). Further details of initiatives to support the provision of full fibre connections as part of broadband installation at the site can be obtained from Digital Derbyshire on broadband@derbyshire.gov.uk.

Fire safety in new buildings: the applicant/developer is encouraged to install a sprinkler system in any new premises created on the site in order to reduce the risk of danger from fire to future occupants and property.

Purchase Notices: if permission is refused or granted subject to an unacceptable condition, and the owner of the property claims that the property has consequently become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development/work which has been or would be permitted, the owner may serve on the Council a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Enquiries: Any correspondence or enquiries concerning this decision should be sent to planning@southderbyshire.gov.uk quoting the above reference number.