



South Derbyshire District Council

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Mr Bryan Wolsey
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Applicant:
Mr Sven Hanson Britt
c/o agent

Ref. No. 9/2017/0133

Local Government Act 1972
Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

With respect to your application received 8 February 2017 for **CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO A RESTAURANT, FORMATION OF A NEW VEHICULAR ACCESS TO JAMES'S LANE AND FORMATION OF CAR PARKING AREA AT HARDLEY HILL FARM COMMONPIECE LANE CROPPER ASHBOURNE**; in exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that its decision is as follows:

PERMISSION IS **GRANTED** subject to the following conditions:

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

Reason: To conform with Section 91(1) 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 plans/drawings F15214/01, P001 Rev B, P002 Rev B, P003 Rev D, P005 Rev B, P006 Rev B & P007 Rev B; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

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

3. The use hereby permitted shall not be open to customers outside the following times: Thursdays 18.00 to 23.00, Fridays 18.00 to 23.00, Saturdays 12.00 to 23.00 and Sundays 12.00 to 18.00.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

4. Prior to any other works commencing on site, the access serving the proposed restaurant shall be provided with visibility sightlines of 2.4m x 51m to the west and 2.4m x 95m in an easterly direction. The area forward of the sightlines shall be cleared and maintained throughout the lifetime of the development clear of any

obstruction exceeding 600mm in height relative to road level. For the avoidance of doubt, this will require the removal/relocation to behind the sightlines of hedgerow to the east of the access and the entire hedgerow to the west between the two accesses into the site.

Reason: In the interests of highway safety, noting that construction vehicles would require adequate means of access/egress.

5. Prior to the premises first being taken into use, the access shall be generally modified in accordance with the approved plans/drawings. The access shall have a width of 6m, be provided with 6m radii and, notwithstanding the submitted drawings, visibility sightlines of 2.4m x 51m to the west and 2.4m x 95 in the easterly direction. The area forward of the sightlines shall be cleared and maintained throughout the lifetime of the development clear of any obstruction exceeding 600mm in height relative to road level.

Reason: In the interests of highway safety.

6. Prior to the premises first being taken into use, the car parking, manoeuvring, and servicing space shall be laid out in accordance with the approved plans and maintained throughout the life of the development free of any impediment to its designated use.

Reason: In the interests of Highway safety.

7. Any gates shall be set back into the site at least 12m from the highway boundary and open inwards only.

Reason: In the interests of highway safety.

8. No removal of vegetation or works to the buildings that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure any works are carried out in a satisfactory manner so not to cause disturbance or harm to European protected species.

9. Prior to the commencement of development a swallow mitigation, compensation and enhancement strategy should be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.

Reason: To ensure any works to the fabric of the building are carried out in a satisfactory manner so not to cause disturbance or harm to European protected species.

10. Prior to the commencement of development details of bat enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.

Reason: To ensure any works to the fabric of the building are carried out in a satisfactory manner so not to cause disturbance or harm to European protected species.

11. The Precautionary Method Statement with respect to reptiles as detailed on page 4 of the FPCR Ecology Report dated 28th April 2017 should be implemented in full during the construction phase of the development.

Reason: To ensure any works are carried out in a satisfactory manner so not to cause disturbance or harm to European protected species.

12. Notwithstanding the approved plans, prior to the first use of the premises hereby approved, details of the location of the new native hedgerow planting to be located behind the visibility splay including a species list and details of management shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to first use of the premises and thereafter maintained as approved.

Reason: To mitigate against the loss of a principal hedgerow.

13. Prior to the installation of any joinery, large scale drawings to a minimum scale of 1:10 of such joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority. The external joinery shall be constructed in accordance with the approved drawings.

Reason: In the interests of the appearance of the building(s), and the character of the area.

14. Other than the new metal faced entrance screens, external joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority. The joinery shall be painted in accordance with the agreed details within three months of the date of completion of the development.

Reason: In the interests of the appearance of the building(s) and the character of the area.

15. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on or adjacent to the site (including those which would have their root or canopy structure affected), and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area, recognising that initial clearance and groundworks could compromise the long term health of the trees/hedgerows affected.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area.

You are advised:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits; please contact 01629 538537 for further information.
3. 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 landowner.

4. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Derbyshire Wildlife Trust state that, should the planning permission not be implemented year (2017) and is delayed then an up to date bat survey will be required to be undertaken to ensure that the most up to date information on bats is available.
6. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Authorised Officer of the Council

Date: 9 June 2017

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

WARNING: This is a planning decision notice. It conveys no approval under any other legislation and does not override or supersede or negate that legislation or the need to comply with restrictive covenants under the 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 highway, including pavement crossing, is to be altered, the Local Highway Authority (01629 580000) should be consulted for its requirements.

APPEALS TO THE SECRETARY OF STATE: If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development 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:

- 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, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission for a minor commercial application (as defined by Part 1 Article 2 of the Town and Country Planning Development Management Procedure Order 2015), if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/appeal-planning-decision.
- 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.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development 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.

PURCHASE NOTICES: If as owner of the land you believe that the refusal of permission or approval subject to an unacceptable condition causes the land to become incapable of beneficial use in its existing state and it cannot be made capable of beneficial use by carrying out any development which has, or would be permitted, you may serve on the Council a purchase notice requiring that the Council purchases your interest in the land (Part VI of the Town and Country Planning Act 1990).

BREACH OF CONDITIONS: Once the permission has been implemented, carrying on the development in breach of any of the conditions imposed on it becomes a prosecutable offence. Therefore you are advised to take careful note of each condition with a view to compliance, including obtaining prior approval where required.

INACCURATE PLANS: If the submitted plans or other information contained in the application referred to in this Notice prove to be inaccurate, the development could be rendered impracticable and any permission granted be made invalid. A further application will be required.

CHANGES IN INTENTION: Any intended variation from the approved plans should be notified to the Council well in advance: a further permission, approval or consent may be necessary. Unauthorised variations may result in enforcement proceedings.

FURTHER INFORMATION: If you have any questions about this notice, please contact Support Services Planning Administration, direct dial (01283) 228706 of the Planning Services Department, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.