



# South Derbyshire District Council

Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH

Tel: 01283 228706 Email: [planning@south-derbys.gov.uk](mailto:planning@south-derbys.gov.uk)

[www.planning.south-derbys.gov.uk/](http://www.planning.south-derbys.gov.uk/)

Mr Brian Mullin  
Marrons Planning  
1 Meridian South  
Meridian Business Park  
Leicester  
LE19 1WY

**Applicant:**  
Mr D Willshee  
C/O Agent

**Ref. No. 9/2017/1402**

Local Government Act 1972  
Town and Country Planning Act 1990

## **GRANT OF PLANNING PERMISSION**

With respect to your application made valid on 5 February 2018 for **THE ERECTION OF 8 NO HOLIDAY CABINS AT LAND AT SK2923 5475 SHADES FARM BRETBY DERBY**; 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 P03, P04 and P05 and PL40E received as valid on 27 December 2017; plan/drawing HAS/17/019-01 received on 3 April 2018; 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. Notwithstanding the provisions of Part C Class 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, (or any Order(s) revoking or re-enacting either or both Order(s)); the cabins shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority, and:

- i. the building shall not be occupied as a person's sole, or main place of residence;
- ii. the accommodation shall not be occupied by a person or group of persons for a continuous period of more than 28 days and shall not be re-occupied by the same person(s) within 3 months following the end of that period; and

iii. the site operator shall maintain an up-to-date register of the names of all occupiers of the holiday cabins, and of their main home addresses, and shall make that information available at all reasonable times to the Local Planning Authority.

The contact details for the site operator shall be supplied in writing to the Local Planning Authority prior to the first occupation of a cabin on the site, any subsequent change in operator (including their contact details) shall be notified to the Local Planning Authority no later than 5 days following that change.

Reason: The creation of unrestricted dwellings in this location would be contrary to the development plan and the objectives of sustainable development.

4. No removal of vegetation 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: In the interests of safeguarding and enhancing the biodiversity offer of the site.

5. Prior to any other works commencing, the site access shall be modified in accordance with application drawing HAS/17/019-01 rev C. The access shall have a minimum width of 6m, be provided with 6m radii and visibility sightlines of 2.4m x 160m in each direction. The area forward of the sightlines shall be cleared and maintained throughout the life of the development clear of any obstruction exceeding 600mm in height relative to the nearside carriageway edge.

Reason: In the interests of highway safety.

6. No development shall commence until details of the finished floor levels of the holiday cabins and associated surfaces and decking hereby approved, and of the ground levels of the access road and wider site relative to adjoining land levels, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties and the locality generally.

7. No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use. If there is a requirement for a pumping station, full details of this and an assessment of the noise which may be generated by its operation, shall be included with the details submitted.

Reason: In the interests of pollution control, noting that uncontrolled discharges could cause unacceptable impacts if the scheme is not designed correctly from the outset, and to ensure associated features do not generate other unacceptable impacts.

8. No development shall take place until a detailed design, timetable for implementation and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that, as a minimum, suitable capacity is proposed to attenuate peak flows from the site. The scheme shall be

carried out in conformity with the approved details prior to the first occupation of each respective cabin/hard surface served by the surface water drainage system.

Reason: To ensure that it is possible to incorporate sustainable drainage systems before the development begins in the interests of flood protection.

9. No construction of the cabins shall commence until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the buildings and the locality generally.

10. Notwithstanding the approved plans, before any works take place to implement the permission a survey of the boundary hedgerow adjacent to Knights Lane and the proposed access to the development shall be undertaken to conclusively establish whether any of the hedgerow is required to be removed in order to achieve the visibility splays required under condition 5 above. If a section of the hedgerow is required to be removed a replacement hedgerow shall be provided immediately behind the required sightlines which are to be regularly maintained. The variety and mix of species of the new hedgerow shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide certainty that, should part of the hedgerow need to be removed, only the minimum required is lost and to provide a replacement hedgerow in this instance.

11. Prior to the first occupation of a cabin hereby approved, the landscaping framework set out in the Landscape Baseline Report prepared by Golby and Luck Landscape Architects dated September 2017 shall be implemented in full. In addition, the landscaping scheme shall include further planting of areas between Knight's Lane and the main access road and the area immediately to the south west of the main access to the highway.

Reason: In the interests of the appearance of the area, recognising the need to achieve a suitable level of visual screening to the site by way of native and woodland planting.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the cabins or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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. Thereafter, the landscaping shall be maintained in accordance with the Landscape Management Plan ref. P17-1573 (dated October 2017) with any changes to that Plan as part of the annual or 5-yearly review first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area and the health of protected trees over the lifetime of the development.

13. The development shall be carried out in accordance with the biodiversity enhancement recommendations in Section 5 of the Ecological Appraisal prepared by Ecolocation dated 25th July 2017. Such measures shall be implemented and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the area.

14. Prior to the first occupation of a holiday cabin hereby approved, details of the body or organisation responsible for implementation of the Landscaping, as required under condition 13, along with details of the legal and funding mechanism(s) by which the long-term implementation of the LMP will be secured by the developer/site owner, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent change to that body or organisation shall be notified to and approved in writing by the Local Planning Authority in line with the requirements of this condition.

Reason: In the interests of safeguarding and enhancing the long term visual and biodiversity offer of the site.

15. Prior to the first use of a cabin hereby approved, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme, as a minimum, shall include measures to ensure:

- i) a quiet site policy to be enforced between 10pm and 8am;
- ii) hot tubs, should they be introduced, be switched off and vacated by 11pm;
- ii) that all hot tubs are enclosed according to a design to be provided with the details submitted;
- iii) acoustic screening to all outdoor seating areas sufficient to break line of site with neighbouring residential property, of a design to be provided with the details submitted; and
- iv) no external music is permitted or facilitated.

The physical measures included as part of the noise mitigation scheme shall be installed in full prior to the first use of each respective cabin and thereafter retained/maintained as such, with all other measures in the noise mitigation scheme carried out in accordance with the approved scheme throughout the lifetime of the development.

Reason: To avoid undue disturbance to adjoining property in the interests of safeguarding their present standard of amenity.

16. No external lighting shall be installed until precise details of the intensity, angling and shielding, and the area of spread of the lights have been submitted to and approved in writing by the Local Planning Authority. The lights shall be installed in accordance with these details and thereafter retained in conformity with them. The submitted scheme shall comply with the latest guidance published by the Institute of Lighting Engineers.

Reason: To preserve amenity impacts on adjoining occupiers and in the interests of wildlife and the visual amenity of the area.

17. Notwithstanding the submitted drawings, prior to the premises first being taken into use, space shall be provided within the site curtilage for the parking and manoeuvring of two vehicles per holiday cabin, laid out and maintained throughout the life of the development free of any impediment to its designated use.

Reason: In the interests of highway safety.

18. Any gates shall be set back at least 10m into the site from the highway boundary and open inwards only.

Reason: In the interests of highway safety.

**Informatives/you are advised:**

1. If external lighting is proposed, you are advised that it should be by way of low level bollards and bulkhead lighting only.
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 Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
5. 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.
6. 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 (search for 'Street naming and numbering' at [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)) and you are advised to engage with the Council as soon as possible to enable the issuing of street and property names/numbers 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 developers' responsibility to erect the appropriate signage once the build(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).
 Further advice can be found online at [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk) or by calling (01283) 228706.
7. Notwithstanding the submitted details, a Caravan Site Licence will be required. You will need to contact the Council's Environmental Health Department for further details.
8. The watercourses, attenuation pond(s) and/or swale(s) hereby permitted or which would be incorporated into public areas on the site should be designed to accord with health and safety guidance as set out in the CIRIA SuDS Manual 2015 (C753) or guidance that may update or replace it, and to meet the requirements of the Construction (Design and Management) Regulations (CDM) 2015 through assessing all foreseeable risks during

design, construction and maintenance of the pond, minimising them through an 'avoid, reduce and mitigate residual risks' approach.

In dealing with the application, and following on from pre-application advice where that has been sought in advance; the Council has positively sought to determine the application in a timely fashion in order to promote the delivery of sustainable development in the District. Where practicable, feasible and necessary, and irrespective of the outcome of the application, 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.

Authorised Officer of the Council

Date: 2 May 2018

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



## NOTES

**IMPORTANT:** 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 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 householder development or a minor commercial application (as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), then you must make your appeal within 12 weeks of the date of this notice.
- 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, and 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.
- 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](http://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.