**From:**Gee, Rae
**Sent:**6 Sep 2021 13:24:32 +0100
**To:**Development
**Subject:**FW: AVA/2021/0008 - Change of use from stich craft business / log cutting to a holiday let site comprising six holiday lodges; demolition of cow shed at Dalley Farm, Belper (Our Ref: 21/03716/PL01)
**Attachments:**Site Plan as Proposed_SK01.pdf, Location Plan.pdf, Proposed & Historic Arial View_SK06.pdf, Proposed Holiday Lodge_SK02.pdf

**From:** Goodier, Melanie <Melanie.Goodier@ambervalley.gov.uk>
**Sent:** 03 September 2021 15:56
**To:** Penford, Mark <Mark.Penford@ambervalley.gov.uk>
**Subject:** AVA/2021/0008 - Change of use from stich craft business / log cutting to a holiday let site comprising six holiday lodges; demolition of cow shed at Dalley Farm, Belper (Our Ref: 21/03716/PL01)

Afternoon Mark,

I note that a number of objections have been lodged regarding the potential impact of this proposed development on the residential amenity of existing sensitive receptors:

- Noise from the occupants of the holiday lodges (e.g. BBQs, games, eating/drinking, parties, children, dogs), particularly at unsociable hours (evenings/night-time/weekends/24-hours), and amplified by the topography and low ambient noise levels;
- Controls on the use of facilities typically associated with increased noise generation; e.g. hot tubs, 'alfresco dining / pop-up F&B', 'raised decking area with pergola & retractable canvas canopy to form outdoor seating & BBQ space for each lodge' [as shown on the 'Site Plan as Proposed' (SK01, 17.05.2021) - attached];
- Noise from proposed metal cladding on the lodges;
- Noise during construction; and
- Light pollution: on-site and skyglow.

The 'Design, Access and Heritage Statement' states that the proposal involves:

- 'Demolition of the 1960s steel-framed cowshed building, a Dutch Barn and other subsidiary structures. All are thought to be post-1948 structures and they are detached from any of the listed buildings, so their removal does not require consent;
- 'Removal of the existing firewood business on the site, including a log dryer approved under application AVA/2016/0102; and

- 'Use of the cleared site for static caravans for holiday use. Access would be via the existing vehicular access onto the A517 Belper to Ashbourne road.'

The blue line on the 'Location Plan' (attached) indicates that the application site is surrounded by other land in the applicant's ownership, so the nearest sensitive receptors that could be affected by the development are likely to be the existing dwellings to the east (Ashbourne Road / Shireoaks), west and north-west (Dalley Lane).

**Demolition & Construction Activities**

Given the potential for demolition and construction activities to adversely impact the residential amenity of existing dwellings, albeit for a limited period, I would advise that the following condition is attached:

Condition 1 – Demolition & Construction Activities

All site preparation, demolition and construction activities shall comply with the following:

a. Operating hours:

No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;

b. Noise and vibration:

All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.

No piling, blasting, dynamic compaction or use of vibrating rollers shall occur on the site before notifying the Borough Council's Environment Unit;

c. Dust/Particulate emissions:

No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the

Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d. Waste:

No unwanted materials shall be disposed of on site by burning;

e. Lighting:

Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

**Noise**

I have commented in the recent past on similar applications in similar rural locations and have raised concerns similar to those expressed by the objectors above, as well as the difficulties of drafting planning conditions which prevent noise nuisance but also meet the NPPF's six tests. Reliance on environmental health legislation to resolve complaints caused by the approval of new development that does not meet the requirements of paragraph 185 of the NPPF (2021), i.e. new development appropriate for its location taking into account the likely effects of pollution, can be similarly problematic due to the burden of proof required, ineffective mitigation measures limited by heritage constraints, best practice defence etc.).

The application submission is does not adequately address foreseeable noise issues associated with this kind of development:

1. No opening/operating times stated in section 19 of the application form: guest arrival and departure times should be restricted to reduce associated noise;
2. Each lodge can accommodate up to 8 guests (total 42) and the attached drawings, showing the existing Dutch Barn and lean-to, include notes referring to the proposed development of up to 3 additional holiday lodges similar to those on the rest of the site ('exact design and layout to be illustrated separately'). These notes go on to state that this would be achieved by repairing the existing barn or replacing with an identical structure, and replacing the lean-to with a new structure. I'm not clear how it is intended to add three lodges, retain use of the barn/lean-to and allow flexible use of the yard: these proposals appear to add a significant potential for additional activity/noise that has not been clearly described;
3. Outdoor recreational facilities, such as hot tubs, BBQs, games/recreational areas, radios/speakers, can increase noise levels: the nature, location and permitted times of these facilities should be restricted/prohibited.

The descriptions of the 'Alfresco Dining / Pop-up F&B' [Food & Beverage?] facility, the 'Yard (Flexible Use)' and possible alternative uses for the Dutch Barn / lean-to are a cause for concern, as these descriptions are not sufficiently

detailed to allow assessment of impact on amenity outside the site. No development should be permitted in these areas until detailed proposals have been submitted for consideration;

4. Total mitigation, by condition, of the multiple and varied noise sources associated with kind of development is largely impossible. The topography and low ambient/background noise levels of the locality are unlikely to mitigate noise sufficiently to prevent even guests talking, laughing, swearing etc. outdoors in the daytime, evening and into the early hours being clearly audible to nearby residents in their gardens or sleeping with their windows open (I have witnessed such noise as far as 300m away in similar situations).

   A noise management policy is often suggested in response to noise concerns. Noise from the proposed development has not really been addressed in the submission. I have assumed that the applicant, who appears to live adjacent to the site, would be available on a 24-hour/7-day basis to monitor noise emissions and to deal with any (on- or off-site) complaints arising at the time. It should be noted that, under environmental health legislation, the operator, rather than the guests, would be held responsible for any noise/nuisance/anti-social behaviour on the site, and that enforcement action (by the Borough Council or local residents) could affect the future viability of the business. The applicant's proposed management procedures for protecting neighbouring residents should therefore be submitted in detail. Practical measures to reduce noise levels should also be considered; for example, acoustic screening; amending the layout and orientation of the lodges in two rows either side of the access road and facing inwards to form a noise barrier and enhance self-policing amongst the lodge occupants.

If there is insufficient time or inclination to require the submission of further information prior to determination, and you are minded to approve the application, the following conditions should be attached (where no or inadequate information has been submitted, appropriate suggestions have been made):

Condition 2 – Noise (arrival/departure times – *based on Caravan Club Site Rules*)

Guests shall arrive or depart the site, other than in emergency circumstances, only between 12:00(noon) and 20:00 hours on any day.

Condition 3 – Noise (outdoor spaces)

No outdoor areas, including shared games/recreational areas, shall be occupied between 23:00 and 07:00hrs the following day.

Condition 4 – Noise/Nuisances (outdoor amenities)

No generators, hot tubs, solid fuel appliances (including barbeques, fire pits, camp fires) or motorised recreational vehicles shall be used on site. No musical instruments or devices, speakers, radios or televisions shall be used outdoors at any time.

Condition 5 – Noise (additional guest accommodation)

No overnight visitors, tents, caravans, motorhomes or similar are permitted.

Condition 6 – Noise mitigation scheme

Prior to the use of the premises being brought into operation a noise mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing the measures to be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance to people living and working in the vicinity. The scheme shall include a development layout plan incorporating appropriate measures for the mitigation of noise from sources within the application site. The approved scheme shall be implemented and maintained thereafter.

*Advisory Note: condition [6]*

*The operator of the site is likely to be held responsible, and therefore subject to enforcement action, for any noise/nuisance caused by guests that is found to constitute a statutory nuisance under Part III of the Environmental Protection Act 1990 or other relevant environmental health legislation.*

*The development layout plan should consider the following:*

- *The feasibility of relocating or reducing noise levels from relevant sources;*
- *Options for planning the site or building layout;*
- *The orientation of proposed buildings/structures;*
- *Construction types and methods to maximise acoustic insulation of the buildings/structures; and*
- *Assess external amenity area noise and options for acoustic screening.*

Condition 7 – Noise (approved uses)

The proposed re-development of the existing Dutch Barn and lean-to, and the proposed 'flexible' use of the 'Yard', (as described in the 'Site Plan as Proposed_SK01, 17.05.2021) shall not commence until further details have been submitted to, and approved in writing by, the Local Planning Authority. The proposed use of the existing stone 'wagon hovel' building on the east of the site as an 'Alfresco Dining / Pop-up F&B' is prohibited.

**External lighting**

No information has been provided on the proposals for external lighting of the site, other than 3x 'bulkhead type light fittings' on the front elevation of each lodge. The advice from my colleagues in the Regulation Unit regarding the level of external illumination acceptable to ensure the health and safety of both employees and visitors is that there are no prescriptive levels, but that installations should achieve the reasonably uniform illuminance of all relevant work areas and avoid glare to the users of those areas and to the occupants of nearby areas.

Light nuisance and glare in an area of relatively low district brightness could be significant. Any amenity lighting (e.g. paths and car parks) should consist of low-level bollard-type lighting; high level lighting on columns and buildings should be avoided. I would therefore advise that the following condition is attached:

Condition 8 – External lighting

No external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times (including the use of timers or passive infra-red detectors) have first been agreed with the Local Planning Authority. Where applicable, luminaires shall incorporate a 'dark skies friendly' fitting with an Upward Light Ratio (ULR) of 0% to limit sky glow and minimise visual intrusion in the open landscape.

All works shall be fully implemented in accordance with the approved scheme before use commences. Any external lighting shall be positioned on site to minimise light trespass and glare throughout the working life of the installation.

**Land contamination**

The 'Design, Access and Heritage Statement' states that the application site currently comprises:

- 'A large portal framed building, built as a cowhouse in the 1960s (see Photo 5), part vacant and part occupied by the "Stitchcraft" business of the applicants;
- 'A timber business for the cutting-up and drying of firewood (see Photos 3 and 4). Retrospective permission for the retention of a log dryer was permitted under planning application AVA/2016/0102.'

Given the previous agricultural and current industrial/commercial uses of the application site, my colleague, Rowena Bailey, should be consulted on potential land contamination issues.

Regards,

**Melanie Goodier** | **Principal Pollution Officer**

**Amber Valley** Borough Council
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