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**North East
Derbyshire**
District Council

Our Ref:

Contact: Alan Maher

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Email: Alan.maher@ne-derbyshire.gov.uk

Date: Monday, 17 August 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 25 August 2020 at 1.00 pm by Conference Call**. Access credentials to the meeting will be sent to you separately. The public parts of the meeting will be streamed from the Council's website.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- ☐ RA – Return to Work Mill Lane Covid 19 V9
- ☐ Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Skeneberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor Ross Shipman	Councillor Andrew Cooper

Any substitutions required to be made to Alan Maher, Senior Governance Officer by 4.00 pm on Monday 24 August 2020.

For further information about this meeting please contact: Alan Maher 01246 217391

A G E N D A

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of the meetings held on 28 July at 10am and at 2pm (Pages 5 - 13)

To approve as a correct record and the Chair to sign the Minutes of the special meeting of Planning Committee held on 28 July 2020 at **10am**.

To approve as a correct record and the Chair to sign the Minutes of the scheduled meeting of Planning Committee held on 28 July 2020 at **2pm**.

Reports of the Planning Manager - Development Management

- 4(a) NED/19/01174FL - Fleur De Lys Hotel, Main Road, Unstone, Dronfield S18 4AB (Pages 14 - 32)
- 4(b) NED/20/00376/TPO - 156 Holymoore Road, Holymoorside, Chesterfield S42 7DS (Pages 33 - 39)
- 4(c) NED/18/01278/OL - Cottage Farm, Matlock Road, Wessington (Pages 40 - 63)
- 4(d) Late Representations - Summary Update Report
To Follow

5 Appeals - Lodged and Determined (Pages 64 - 66)

6 Matters of Urgency

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

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If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON TUESDAY, 28 JULY 2020 – 10.00 AM

Present:

Councillor Diana Ruff (Chair)
Councillor Jayne Barry (Vice-Chair)

Councillor William Armitage
Councillor Mark Foster
Councillor Maureen Potts
Councillor Tracy Reader
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Carol Huckerby
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Ross Shipman

Also Present:

R Purcell	Assistant Director - Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Senior Planning Officer
P Slater	Principal Planning Officer
J Owen	Chartered Legal Executive
A Maher	Senior Governance Officer
D Stanton	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Bryan	PA to Cabinet and Civic Officer
N Calver	Governance Manager
A Lockett	Planning Officer

PLA/8/20-21 Apologies for Absence and Substitutions

An apology was received from Councillor Peter Elliott.

PLA/9/20-21 Declarations of Interest

No Declarations of Interest were submitted.

PLA/10/20-21 NED/20-00095 - 21 Hogarth Rise, Dronfield

The report to Committee explained that an application had been submitted to erect a detached summerhouse in the rear garden of 21 Hogarth Rise Dronfield S18 1QG for Mr Russ Thorpe, for the use of the applicant and his family. The application had been referred to Committee by a ward Member, who had raised concerns about it.

One objector spoke against the application. No one spoke in support of the application.

Members were directed to the late comments report, which had been issued the afternoon prior to the meeting.

Committee considered the application. In particular, it took into account the

relevant planning issues in reaching its determination on the application. These included the impact on the amenities of neighbouring properties, as well as the character and appearance of the surrounding area.

Members discussed the application. They noted that construction works had already started on site as the applicant had believed that the proposed building would constitute permitted development. Members were informed that although the building's dimensions would otherwise accord with the rules relating to permitted development, consent would be required in this instance since more than 50% of the site would be developed, contrary to those rules.

Members considered the potential impact of the development on the surrounding properties and discussed the ways in which this could be minimised. In this context, they heard of concerns about the possible environmental impact of the development, including the risk of surface water affecting neighbouring properties. They also considered the visual impact of the development and how this could be addressed appropriately.

RESOLVED - That Application NED/20/00095 be approved in line with Officer recommendations:-

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the revised plans and elevations drawing received 23/03/2020; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
- 3 The outbuilding hereby approved shall be for ancillary domestic use only and not for any business use.
- 4 Notwithstanding any other submitted details or other permitted development rights, no fencing or walling shall be erected on or around the site in excess of 2 metres in height.

**PLA/11
/20-21** **NED/20-00371 - Carberry Wood, Kelstedge**

The report to Committee explained that an application had been submitted for a single storey side extension, west elevation, (Amended Plans) at Carberry Wood, Kelstedge Lane, Brockhurst, Ashover S45 0HP for Simon Oxspring.

The application had been referred to the Committee by the ward Member, who had raised concerns about it.

One objector spoke against the application. No one spoke in support of the application.

Committee considered the application. It took into account the relevant planning issues in reaching its determination on the application. These

included the Design and Impact on the Street Scene and the impact on neighbours. The Committee also took into account the implications for Highway Safety.

Members discussed the application. In particular, they considered how the amended application had addressed many of the original concerns about the development. They considered how these might be reduced still further through appropriate landscaping. Members also noted the officer assessment that there would sufficient capacity for vehicles to park and to turn on the site and that the proposed development would not adversely impact on road safety.

RESOLVED - That application NED/20/00371 be approved in line with Officer recommendations:-

- 1 The development hereby approved shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the submitted plans: Proposed Site Plan 04 Rev B received 29th June 2020 and Plans and Elevations 03 Rev A received 12th June 2020 unless otherwise specifically agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any other condition in this decision notice.
- 3 The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Carbery Wood, Kelstedge Lane, Brockhurst, Ashover and shall not be severed from the main house as a separate dwelling.
- 4 From the first occupation of the extension, hereby approved, the area of hedge along the southern boundary, circled in red on the attached plan, shall be maintained at a minimum height of 3m.
5. Within 28 days of the development, hereby approved, commencing a plan, including a timetable for its implementation, showing detailed landscaping within the site, and specifically along the site's southern boundary, shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall then be fully implemented as approved and any trees planted that die or are removed within 5 years of their first planting shall be replaced with plants of a similar size and species.
6. Before the extension, hereby approved, is first brought into use, space shall be created within the site to ensure the parking and turning of vehicles within the site. Once formed, the area so provided shall be retained as such thereafter. The parking and manoeuvring areas formed/created shall not be used for any purpose other than the parking and manoeuvring of vehicles and specifically shall not be used for any storage.

The report to Committee explained that Change of use from a manège to commercial sale of vehicles (Affecting Setting of a Listed Building/Amended Title/Amended Plans) at Town End, Shirland, for Mr Oughton - Rightvan Ltd.

The application had been referred to the Committee by a ward Member, who had had raised concerns about it.

One objector, Councillor Heather Liggett, as a local ward Member, spoke against the application. No one spoke in support of the application.

Members were directed to the recent late comments report which had been issued the afternoon prior to the meeting.

Committee considered the application. It took into account the relevant planning policies in reaching its determination on the application. These included highways access, the street scene and landscaping implications, and the impact on the setting of a listed building.

Members discussed the application. They noted the concerns which had been raised about the possible implications of the change of use for local residents, the visual impact and the possible road safety implications. They also heard of concerns about the potential impact on wildlife. Members discussed the imposition of appropriate conditions on the size and type of vehicles accessing the site. They also discussed how additional landscaping and screening might reduce the visual impact and help to protect wildlife.

RESOLVED - That application NED/20/00285/FL be approved in line with the Officer recommendations.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the submitted plan drawing numbers:
 - o 2204-2 (Site Layout Plan, date scanned 17th March 2020)
 - o 2204-3 (Location Plan, date scanned 17th March 2020)
 - o 2204-3 (Location Plan with Passing Place annotated, date scanned 24th June 2020)unless otherwise specifically agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any other condition in this decision notice.
- 3 The site subject of this application shall be used for the storage and sale of campervan vehicles with a maximum axle weight of no more than 7.5 tonnes only.
- 4 The area for the storage and sales of vehicles shall be surfaced with crushed limestone, and retained as such thereafter.

- 5 Prior to the change of use the subject of the application, the existing access track onto Main Road shall be widened, generally in accordance with drawing 2204-3-3, with the additional removal of the first section of hedge (marked in green for the first 21m into the site and including the 'passing place') located between the highway and proposed passing place, so as to provide space within the site to vehicles to pass should they meet.
- 6 Notwithstanding the submitted details, prior to the change of use taking place, a plan to show vehicle parking, customer parking, manoeuvring areas and revised access track surfacing shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the site. Thereafter the customer parking and turning areas shall be kept clear at all time and not used for any other purpose other than parking and manoeuvring.
- 7 There shall be no vehicular gates or other barriers located within 10m of the highway boundary and any gates shall be designed as to open inwards only.
- 8 The business hereby approved shall be operated by the owner of 2 Town End, Shirland only and there shall be no other persons employed at the site.
- 9 There shall be no more than 5 vehicle deliveries per week.
- 10 Customer appointments to the site shall be limited to a maximum of 6 customer visits per week, with a maximum of 3 on any one day. These shall be made strictly by appointment only and not overlap. A log shall be retained of appointments and submitted to the Local Planning Authority on an annual basis, on or within 28 days of the anniversary of the permission hereby approved being granted.
- 11 No power tools, equipment or machinery shall be used on site, other than the use of portable hand tools is permitted. Manual cleaning and polishing of vehicles is allowed.
- 12 Appointments and deliveries to site shall only take place between the hours of 08:00 and 18:00 Monday to Friday, and 08:00 and 13:00 on Saturdays. There shall be no appointments or deliveries on Sundays or Public Holidays.
- 13 Prior to the commencement of development, a scheme of replacement native landscape planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to mitigate the loss of landscaping on site and include new native landscape planting. The approved landscaping scheme shall be implemented in full prior to the first use of the site and retained as such for the lifetime of the development.

PLA/13 Matters of Urgency
/20-21

There were no matters of urgency.

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 28 JULY 2020 - PM

Present:

Councillor Diana Ruff (Chair)
Councillor Jayne Barry (Vice-Chair)

Councillor William Armitage
Councillor Mark Foster
Councillor Maureen Potts
Councillor Tracy Reader
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Carol Huckerby
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Ross Shipman

Also Present:

R Purcell	Assistant Director - Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Senior Planning Officer
P Slater	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
A Maher	Senior Governance Officer
D Stanton	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Bryan	PA to Cabinet and Civic Officer
N Calver	Governance Manager

PLA/14 Apologies for Absence and Substitutions **/20-21**

An apology for absence was submitted from Councillor P Elliott.

PLA/15 Declarations of Interest **/20-21**

No declarations were submitted.

PLA/16 Minutes of Last Meeting **/20-21**

RESOLVED - The minutes of the last meeting were approved as a true record.

PLA/17 NED/19-00335 - Hallfieldgate Lane, Shirland **/20-21**

The report to Committee explained that an application had been submitted for outline planning permission for up to 90 new residential units and site access with all other matters reserved (apart from access) (amended plans/amended title) (major development/Departure from development plan) on Land south of Hallfieldgate Lane, Shirland, for the Trustees of Ted Speed and Pauline Speed Hallfield Trust

The application had been referred to the Committee by a ward Councillor, who had raised concerns about it.

Nine objectors spoke against the application. These included the ward Members, Councillor Charlotte Cupit and Councillor Heather Liggett.

The Agent for the application spoke in support of it.

No supporters spoke in favour of the application.

Members were directed to the recent late comments report, which had been issued the afternoon prior to the meeting.

Committee considered the application. In particular, it took into account the relevant planning issues in reaching its determination on the application. These included, the impact on the amenities of neighbouring properties, the character and appearance of the neighbouring area, as well as the impact on the environment and on heritage assets. The Committee also considered the impact of the application on local infrastructure and highways safety.

Members discussed the application. In this context, they considered the sustainability of the proposed development, the potential impact on the rural character of Shirland and the implications for the conservation area. They considered the possible impact on the natural environment and wildlife. They also considered the benefits to the District of additional housing and whether these advantages would offset any disadvantages.

RESOLVED -

- (a) That application NED/19/00335/OL be refused, contrary to officer recommendations.
- (b) That the reasons for refusal focus on its adverse impact on the character of the area and on the Conservation Area with any public benefits not outweighing that harm.

**PLA/18
/20-21**

Planning Appeals - Lodged and Determined

The following appeal had been lodged:-

Mr D Cook - Application for proposed first floor extension and two storey rear extension at Ashbank Cottage, Chesterfield Road, Duckmanton (20/00097/FLH)

No Appeals had been allowed or dismissed.

The following appeals had been withdrawn:-

C/O Neil Twigg - Application to vary condition 5 (Construction traffic Management plan) and 7 (timetable to green lane access) pursuant of 14/00901/FL at Land To The Rear Of 14 To 22 Green Lane And 4 To 16 Park Avenue, Dronfield (19/01147/FL)

PLA/19 Matters of Urgency
/20-21

There were no matters of urgency.

PLANNING COMMITTEE – 11 August 2020

REFERENCE NUMBER: 19 / 01174 Application Expiry Date: 30 July 2020
(as agreed)

Application Type: Full Planning Permission

Proposal Description: Erection of two storey building comprising 4no 2 bed flats (Affordable Housing) with parking for 6no cars and associated landscaping all within the curtilage of the former public house

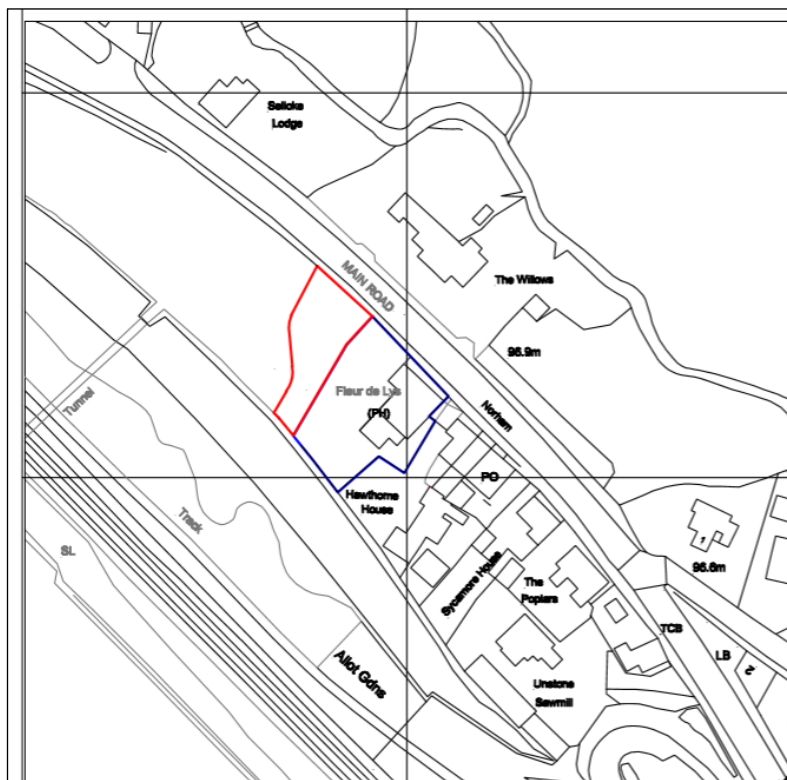
At: Fleur De Lys Hotel Main Road Unstone Dronfield S18 4AB

For: Crispfine Limited Nick Stoddard And Daly

Third Party Reps: 3 **Parish:** Unstone Parish Council
Ward Name: Unstone Ward

Author of Report: Denise Knipe – Aspbury Planning **Date of Report:** 11 June 2019

MAIN RECOMMENDATION: Grant Planning Permission, subject to conditions.

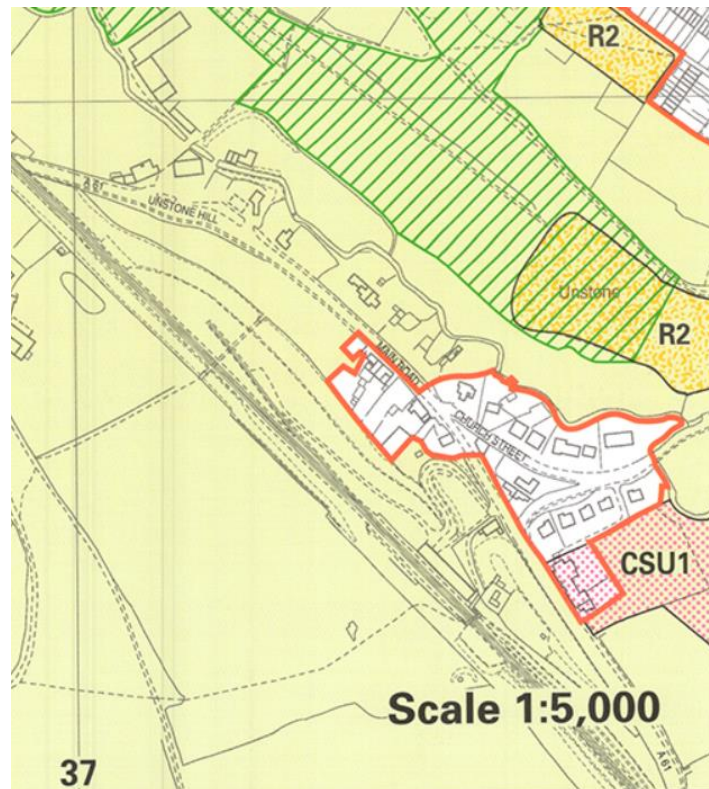


1.0 Reason for Report

- 1.1 Councilor Dale has requested that the Application is determined by the Planning Committee to give members an opportunity to review and consider the concerns around:
- Impact on the green belt
 - Density of the development and impact on parking (particularly when considered alongside the existing approval for 8 x 1-bed flats within the existing Pub building)
 - Impact on pre-existing flooding issues at this location.
- 1.2 The application has attracted 3 objections in relation to development within the Green Belt, flood risk, and insufficient parking provision.
- 1.3 The Planning Committee is required to determine the application.

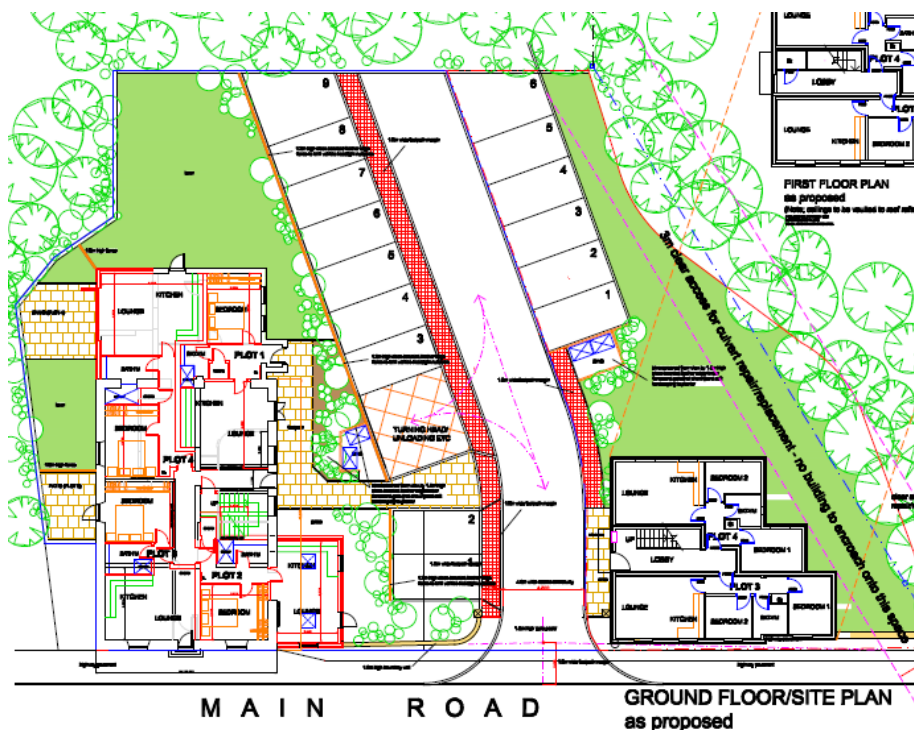
2.0 Proposal and Background

- 2.1 The application site relates to the former Fleur De Lys Hotel site, fronting Main Road (B6057). The building is situated within the Settlement Development Limits for Unstone whereas the car parking area lies outside of the Settlement Development Limits (SDL) and within the Green Belt.



Extract from Adopted Local Plan showing SDL

- 2.2 The former public house is vacant, and has an extant planning permission for the change of use to residential with associated parking to the rear. It is to comprise of 8no. one bedroom flats, and includes an increase in the ridge height of 1.8 metres.
- 2.3 This application is seeking full planning permission to build a two storey building comprising 4no. two bed flats to the northwest of the existing building on the former car parking area.
- 2.4 The flats will be offered as Affordable Housing and discussions are still taking place with the Registered Providers. Interest has been shown but discussions are to commence once planning permission is granted.
- 2.5 The area to the rear of the site will be retained for parking to serve future residents of the converted pub and proposed flats. Access will be taken directly from Main Road.
- 2.6 There will be a total of 15no. parking spaces to the rear of the site with 9no. allocated to the conversion of the former pub for 8no.one bed apartments and 6no. allocated to serve the 4no. two bed flats.
- 2.7 To the northwest of the site is land in the ownership of Derbyshire County Council (DCC). There is also a culverted land drain which is maintained by DCC that runs along the boundary to Main Road.
- 2.8 To the southwest of the site is the elevated railway line. The boundary contains mature trees of considerable height.
- 2.9 Amendments have been submitted during the determination to address land ownership issues, reducing the width of the building to increase separation distance from the culvert and increase parking provision from 5no. to 6no. spaces.



- 2.10 No EIA Screening Directive has been sought from the Applicant. The Development does not fall within the requirements to screen the development for EIA Development.

3.0 Relevant Planning History

- 3.1 NED/06/00522/FL - Redevelopment of site by the construction of 6no. single bedroom apartments and 3 two bedroom two storey town houses and associated car parking. Conditionally approved. The permission was renewed in 2009 and again in 2012.
- 3.2 NED/15/01085/FL - Demolition of the vacant public house and the redevelopment of the site with 7no. dwellings. Conditionally Approved. Two of the dwellings would have been on the footprint of the former pub and be available on the open market. The other five dwellings were said to be affordable dwellings and would have been built on the former car parking site within the Green Belt and outside of the SDL. The dwellings would have been two storeys in scale positioned along the back edge of the highway with a block of two set at the back of the site. Weight was given to the provision of affordable housing and considered acceptable to depart from the Development Plan in terms of building within the Green Belt. The permission has expired.
- 3.3 NED/19/00113/FL - Application for the increase in ridge height by 1.8 metres of the former public house and conversion to 8no. one bed residential apartments. Access is taken from Main Road and parking is to be provided to the rear of the site. The area to the northwest was retained with no identified use. Conditionally Approved. This consent is extant.

4.0 Consultation Responses

- 4.1 **Unstone Parish Council** have not commented on the scheme.
- 4.2 The **Coal Authority** have advised that the site area lies outside of the coal risk area and therefore do not object.
- 4.3 The **Housing Officer** has commented that there is definitely a need for affordable housing of all types in the Dronfield/Unstone area and the 4 x 2 bedroom flats proposed in this development would make a useful contribution. Details on tenure have been requested and it is suggested that they should be available as affordable rental. Discussions with Registered Providers are still on going and no further information has been provided.
- 4.4 The **Highways Authority** have no objection to the use of the access as approved under 19/00113/FL and have requested conditions to secure the

improvements. An amended plan has been submitted to address comments in relation to land ownership which has been accepted. Comments have been received in relation to the number of parking spaces. The proposal falls short for two bedroom properties as two parking spaces would be usually be requested. This is discussed further in section 7.

- 4.5 **Environment Health** have raised no objection to the proposal and have requested conditions to ensure that any potential contamination is suitably mitigated. As the development site is located in close proximity to a railway line and there are façade openings to habitable rooms including bedrooms on the rear elevation, Environment Health have recommend conditions to safeguard residents from potential noise impacts. Given that no supporting information was submitted the condition to safeguard from contamination or noise impacts the requested conditions are considered necessary.
- 4.6 The **Lead Local Flood Authority** Initially raised an objection as the development would have been within the 3 metre buffer zone for the culvert. Following a revised plan now showing a 3 metre buffer retained the LLFA have removed the objection. This is discussed further at section 7 of the report.
- 4.7 **Derbyshire County Council** raised land ownership issues. Part of land owned by DCC was included in the application red line. This has since been amended and no further correspondence has been received.

5.0 Representations

- 5.1 One **Ward Council** (Cllr. Dale) has commented on the application and cited the following considerations in relation to the proposal: Impact on the green belt; Density of the development and impact on parking (particularly when considered alongside the existing approval for 8x 1-bed flats within the existing Pub building); and Impact on pre-existing flooding issues at this location.
- 5.2 The application was publicised by way of neighbour letters and the display of a site notice. There have been three letters of objection received from interested parties and these can be summarised as follows:
- 5.3 Flood Risk
- There is a land drain and sump in the top corner of the pub car park which is the responsibility of DCC. Access is required to maintain it to prevent flooding which has been experienced in the past.
 - Flooding occurred from September 2019 through to mid-November.
- 5.4 Over Development

- The proposal falls beyond the built footprint of the original building.
- This development, when taken with the plan to provide eight apartments on the site of the former public house, will mean that the whole site is overdeveloped.

5.5 Green Belt

- New build development is inappropriate development in the Green Belt and contrary to Policies.
- The retained land is Green Belt and any development will set a precedent for further inappropriate development.
- Part of the car park is in the Green Belt, which should be protected from this type of development.

5.6 Outside of the Settlement Development Limits

- The building would fall outside of the SDL and is contrary to Policy.

5.7 Impact upon Highway Safety

- Insufficient parking for the whole development of the site.
- The proposed scheme would cause a reduction in visibility onto the highway between buildings at what is already a dangerous exit point.
- The provision of only five parking spaces for a development of four two bedroomed flats seems to me to be woefully inadequate.

5.8 The subject matters raised are addressed in the assessment below. .

6.0 **Relevant Policy and Strategic Context**

6.1 The Development Plan comprises **The North East Derbyshire Local Plan**
The policies applicable to the development are as follows:

GS1 Sustainable Development
GS2 Green Belt.
GS6 New Development in the Countryside
BE1 General Design Principles
H3 New Housing Outside Settlement Development Limits
H9 Affordable Housing: Exception Sites in Rural Areas
H12 Design and Layout of New Housing
NE9 Development and Flood Risk
CSU4 Surface and Foul Water Drainage
T2 Highway Access and New Development.
T9 Car Parking Provision

6.2 Other relevant policy documents include the Successful Places Interim Design Guide

- 6.3 The Emerging Local Plan (2014-2034) (eLP) is also relevant to this application. The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is anticipated that the Plan will be adopted in early 2021. .
- 6.4 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.
- 6.5 The most relevant Policies are considered to be:
- SS1: Sustainable Development
 - SS9: Development in the Countryside
 - SS10: North East Derbyshire Green Belt
 - LC3: Exception Sites for Affordable Housing
 - SDC11: Flood Risk and Drainage
 - SDC12: High Quality Design and Place making
 - ID3: Sustainable Travel

National Planning Policy Framework

- 6.6 The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with chapters 5 (delivering a sufficient supply of homes), 12 (achieving well-designed places) and 13 (protecting green belt land) considered to be particularly pertinent.
- 6.7 For the avoidance of any doubt, the application site is not affected by a Neighbourhood Plan.

7.0 Planning Issues

7.1 Green Belt Considerations

- 7.2 It is stated in Paragraph 133 of the National Planning Policy Framework (NPPF) that the government attaches great importance to Green Belts.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 7.3 Paragraph 134 of the NPPF sets out that Green Belt serves the following purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. That being said, Paragraphs 145 and 146 of the NPPF identify a number of defined exceptions to inappropriate development in the Green Belt which includes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.5 Local Policy (2005) GS2 and eLP Policy SS10 are particularly relevant to this proposal as they seek to prevent development within the Green Belt unless very special circumstances exist. There are some exceptions to the policy however new build development is not one. Change of use of land is permitted provided they maintain the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 7.6 LP (2005) Policy GS2 predates the advice provided in the Framework and other than referring to the replacement of existing dwellings it is silent on the redevelopment of previously developed sites. Consequently the weight that can be attached to this policy is considered to be limited.
- 7.7 ELP Policy SS10 is more in line with the framework and allows for limited affordable housing for local community needs in accordance with eLP Policy LC3; and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the current use.
- 7.8 The site has a long history of gaining planning permission for the redevelopment, as yet, none have come forward. In its present condition the site does not contribute positively to the area and it has been accepted that the principle of redevelopment is acceptable. However building in the

Green Belt has typically been accepted as a departure to the Development Plan (2005) as it was to promote Affordable Housing in the District.

- 7.9 The proposal seeks to construct a two storey block of flats consisting of 4 no. two bedroom units. The flats will be available as affordable Housing and discussions are in place with Registered Providers. A condition is included to secure the affordable housing.
- 7.10 It is accepted that the proposal is not in accordance with the Local Plan 2005 Policy GS2 however the emerging local plan Policies SS10 and LC3 due to their consistency with the framework can be given weight and the proposal therefore is policy compliant with the eLP and the NPPF and can in principle be supported.
- 7.11 The application site is currently made up of hard standing to support its former use as a patrons' car park and is considered to meet the definition within the annex of the NPPF for previously developed land. Whilst the principle of redevelopment can be accepted, the impact upon openness is still a consideration of significant importance.
- 7.12 The two storey building is to be positioned side on to the former public house to be converted and will command a roadside frontage.
- 7.13 The access to the rear of the site would be between the two buildings which will frame the entrance. The scale and massing of the proposal is less than the existing building and is in a location which has been accepted for residential development (2006, 2009 & 2012) for roadside frontage terrace dwellings.
- 7.14 It is considered that the proposed block of flats, due to the scale and massing would not cause substantial harm to the openness of the Green Belt.

Outside of the Settlement Development Limits

- 7.15 The representations received have all cited that the development is outside of the Settlement Development Limits and therefore contrary to the Local Plan policies.
- 7.16 The proposal is seeking to provide affordable housing and LP (2005) Policies H3, H9 and H12 are applicable. These policies support affordable housing schemes where there is a proven need. The Councils' Housing Strategy Officer has been consulted and has confirmed that there is definite need for affordable housing of all types in the Dronfield/Unstone area and the 4 x 2 bedroom flats proposed in this development would make a useful contribution.

- 7.17 It is considered that the proposal is compliant with the aims and objectives of providing affordable housing subject to meeting other policy objectives relating to impact upon the character of the area, residential amenity and highway safety.

Impact upon the Countryside/Character of the Area

- 7.18 The application site whilst outside of the settlement development limits for Unstone, is a Brownfield site associated with the former commercial use and comprises of hard standing to facilitate the car park use.
- 7.19 The development is constrained by the railway to the southwest that sits in an elevated position with mature trees along the boundary, the B6057 to the northeast and the existing two storey building sitting to the southeast. The land to the northwest is in a different ownership and the presence of the land drain is a further constraint. The boundary trees limit views when approach from the northwest.
- 7.20 The site does not represent an open countryside location and development would not encroach any further outside of the present boundaries. Therefore, the proposal is not considered to represent a prominent intrusion into the countryside (GS6) and the development is supported by other policies in the Local Plan as referred to above.
- 7.21 LP (2005) Policy BE1 seeks to ensure that development is of a density, scale, massing, height and layout, and use materials that respect the character and appearance of the surrounding area. Objectors have cited that the scheme represents an over development of the site, in particular when considered against the conversion scheme approved (19/0113/FL).
- 7.22 The site is considered of a sufficient size to accommodate the two proposals for apartments/flats without having a detrimental impact upon the general character of the area. The buildings are positioned to the front of the site with the car parking and communal amenity areas to the rear. Unlike dwelling houses there is no requirement to meet the amenity land requirements stipulated in the Successful Places Design Guidance.
- 7.23 The proposed building is fronting the main road and would define the entry into Unstone when approaching from the north. The proposed building has a similar width of the principle elevation as the former pub however its bulk is wider than the older host building. The wider gable ends results in a greater expanse of roof and whilst the host building's height is to increase the roof pitch will be different.
- 7.24 The gap between the buildings will be approximately 15 metres, framing the entrance into the site and sets the two buildings apart and therefore the change in roof pitch would not be detrimental.

- 7.25 The principle elevation of the proposed building contains windows, equally proportioned on the front elevation. Similar to the arrangement on the proposed conversion of the host building. Entrance into the flats will be taken from the side gable. The building will be constructed from a timber frame and have a rendered finish. It will have a slate roof covering to match the host building which is also rendered. Whilst the proportions and layout of the proposed flats are different to the conversion proposal it is not considered that there would be a detrimental impact upon the general character of the site.

Impact upon Neighbouring Properties

- 7.26 The nearest dwelling is opposite the site. The Willows is on the northern boundary of the highway. To the southeast, beyond the existing building is Hawthorne House, this is a two storey dwelling sitting along a similar building line to the former public house.
- 7.27 There have been no objections submitted in relation to any potential impact upon existing residents and no issues raised by past planning applications for housing development.
- 7.28 The relationship of the proposal with the existing residents is considered acceptable and therefore comply with the Local Plan Policy H12 and eLP Policy SDC12.
- 7.29 The Council's design guide Successful Places set out guidance on separation distances between habitable rooms. It advises that the minimum separation distances should be applied reasonably having regard to the particular site conditions and context. Where dwellings are not back to back the separation distance can be reduced from the guidance of 21 metres to 12 metres.
- 7.30 The relationship between the proposed block of flats and that proposed by the conversion of the former public house is considered to meet the stipulations of the design guidance. The windows on the proposed gable end would serve the stairwell and would overlook the parking spaces along the side gable of the conversion.

Drainage/Flood Risk

- 7.31 The site is not within the Environment Agency's flood risk areas and is shown as Flood Zone 1, which has the lowest probability of flood risk. The objectors have highlighted that there have been past flooding issues as a result of poor maintenance of the culverted land drain that runs alongside the site boundary. It is also commented that access to the drain is from the former car park area. Matters relating to access across third party land remains a civil matter however the Applicant has left an access point through the site.

- 7.32 The application has not triggered a consultation with the Environment Agency however the Lead Local Flood Authority has been consulted. Their primary concern was that the building would have been within 3 metres of the culvert which they objected to. The building has been amended with the width reduced to ensure that the 3 metre buffer margin is provided. This has satisfied the requirements from the LLFA who have removed their objection.
- 7.33 It is acknowledged that the developer cannot be made accountable or required to put right existing or known flooding issues but has a duty to ensure that over the lifetime of the proposal that they will not add to flooding problems in the area. Local Plan (2005) Policy CSU4 seeks to ensure that adequate drainage of surface water and foul water is incorporated into development proposals. Derbyshire County's flood team have not objected to the proposal and a drainage strategy can be secured by condition.
- 7.34 Officers consider that in view of the above, and subject to the necessary conditions the development would be acceptable from a drainage perspective.

Access and Parking

- 7.35 It is proposed to utilise the access as approved for the conversion of the former public house. No changes are proposed to the access and the Highways Authority have no objection to the use of the access to serve the proposed block of flats. Local Plan (2005) Policy T2 is considered to be met.
- 7.36 The objectors have raised objections based on the number of parking spaces available. The proposal is seeking to provide 4no. two bedroom flats with parking provided to the rear of the building. Four spaces would be allocated to future flat occupiers and two unallocated.
- 7.37 The Highways Authority have commented on the proposed parking provision and have stated that it would be usual to request two parking spaces per two bed unit giving a total of 8no. parking spaces. The proposal is providing 6no. spaces giving a deficit of 2no. spaces. This is consistent with the parking provision provided for the conversion of the former public house with 8no. one bedroom flats where 9no. parking spaces are to be provided which the Highways Authority accepted.
- 7.38 Local Plan (2005) policy T9 seeks to ensure an appropriate level of parking is made available in relation to the quantum of development. Contained within Annex 4 of the policy it stipulates that 1.5no. parking

space is required for a two bedroom dwelling. The proposal is therefore compliant with the Local Plan.

- 7.39 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Outside of the site on street parking is restricted therefore the development would not result in obstruction of the highway.

Trees

- 7.40 The site boundary trees are to be retained and would not be impacted by the construction of the building. The hard standing areas are to be removed and seeded to provide a green amenity land for the future occupiers. A condition can be imposed to ensure that the tree roots are protected.

8.0 Summary and Conclusion

- 8.1 The proposal has been considered against the requirements of the Development Plan and found to be compliant as an affordable housing scheme, where there is an identified need for all types of affordable housing in the Unstone/Dronfield area.
- 8.2 The proposal makes best use of a brownfield site and completes the redevelopment of the former commercial use for affordable housing..
- 8.3 It is considered that the impact upon the openness of the Green Belt is neutral given the extent of dereliction and made up land. The redevelopment of the site is not considered to be inappropriate development and its positioning outside of the Settlement Development Limit would not harm the character of the area.
- 8.4 It is considered that the proposal for redevelopment of the car parking area provides an acceptable development and would be read in association with the proposed residential use of the site. The design is reflective of the proposed conversion and would not appear as an incongruous addition to the street scene and there would be no greater impact upon highway safety. Accordingly the application is recommended for approval subject to conditions relating to contamination, noise mitigation and securing the Affordable Housing provision.
- 8.5 Human Rights have been considered in the assessment of the application

9.0 Recommendation

9.1 GRANT Full Planning Permission subject to the following conditions.

1. The development hereby permitted shall be started within 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 approved shall be carried out in accordance with the amended plans drawing numbers J1858-03C and the amended Site Location Plan submitted on the 15 January 2020.

Reason: For the Avoidance of doubt

3. Prior to commencement of the development a scheme for the provision of affordable housing, as approved, shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full accordance with approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework, or any future guidance or policy that replaces it. The scheme shall include:
 - i. The tenure.
 - ii. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no RP involved);
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: The site is located within the Green Belt and where market housing would be inappropriate development, in accordance with policies GS2 and H9 of the North East Derbyshire Local Plan.

4. The materials shall be in accordance with the details stipulated within the application.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

5. Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed

during development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

REASON: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan.

6. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a scheme of landscaping for private and open areas, which shall include indications of all existing trees and hedgerows on the land,
- the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- a schedule of proposed plant species, size and density and planting locations; and
- an implementation programme.

REASON: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan

7. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. 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, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the appearance of the areas and in accordance with policies GS1, BE1 and H12 of the North East Derbyshire Local Plan

8. Before development commences a scheme for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

REASON: In the interest of prevent flood risk and in accordance with Policy CSU4 of the North East Derbyshire Local Plan.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

10. Prior to occupation of the first dwelling, the proposed vehicular access to Main Road shall be formed in accordance with the application drawing and provided with a 2.4m parallel visibility sightline across the entire site frontage of the development controlled by the applicant fronting Main Road, the area in advance of this line being kept clear of any obstructions greater than 1m in height (0.6m in the case of vegetation) relative to the nearside carriageway channel level for the life of the development.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

11. Within 28 days of the new access, the subject of Condition 11 above, being formed any existing access to Main Road shall be permanently closed and the existing vehicular crossover(s) reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

12. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. These facilities, once provided, shall be retained free from any impediment to their designated use for the life of the development.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

13. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan

14. The proposed access to Main Road shall be no steeper than 1:20 for the first 10m from the nearside highway boundary and 1:12 thereafter.

REASON: In the interests of highway safety and in accordance with Policies GS1, H12 and T2 of the North East Derbyshire Local Plan.

15. Before the commencement of the development hereby approved:
- a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The land contamination assessment shall include a desk-study with details of the history of the site use including:

- the likely presence of potentially hazardous materials and substances,
- their likely nature, extent and scale,
- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

16. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include

all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

17. The dwellings hereby approved shall not be occupied until:
- a) The approved remediation works required by 16 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described above.
 - c) Upon completion of the remediation works a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

18. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion

of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB L_{Amax} to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full and retained thereafter.

REASON: To protect the aural amenity of future occupiers of the dwellings.

PLANNING COMMITTEE – 25th August 2020

Reference Number: 20/00376/TPO

Application expiry: 31 July 2020

Application Type: Works to protected trees subject of a Tree Preservation Order (TPO)

Proposal Description: Application to fell 2no. Ash and 1no. Sycamore covered by NEDDC TPO No.57 (A1)

At: 156 Holymoore Road, Holymoorside, S42 7DS

For: Mr Trevor Coates

Third Party Reps: 10+ objections and 2 supporting comments

Parish: Holymoorside & Walton

Ward: Brampton & Walton

Report Author: Kevin Figg

Date of Report: 10 August 2020

MAIN RECOMMENDATION: Grant, subject to conditions

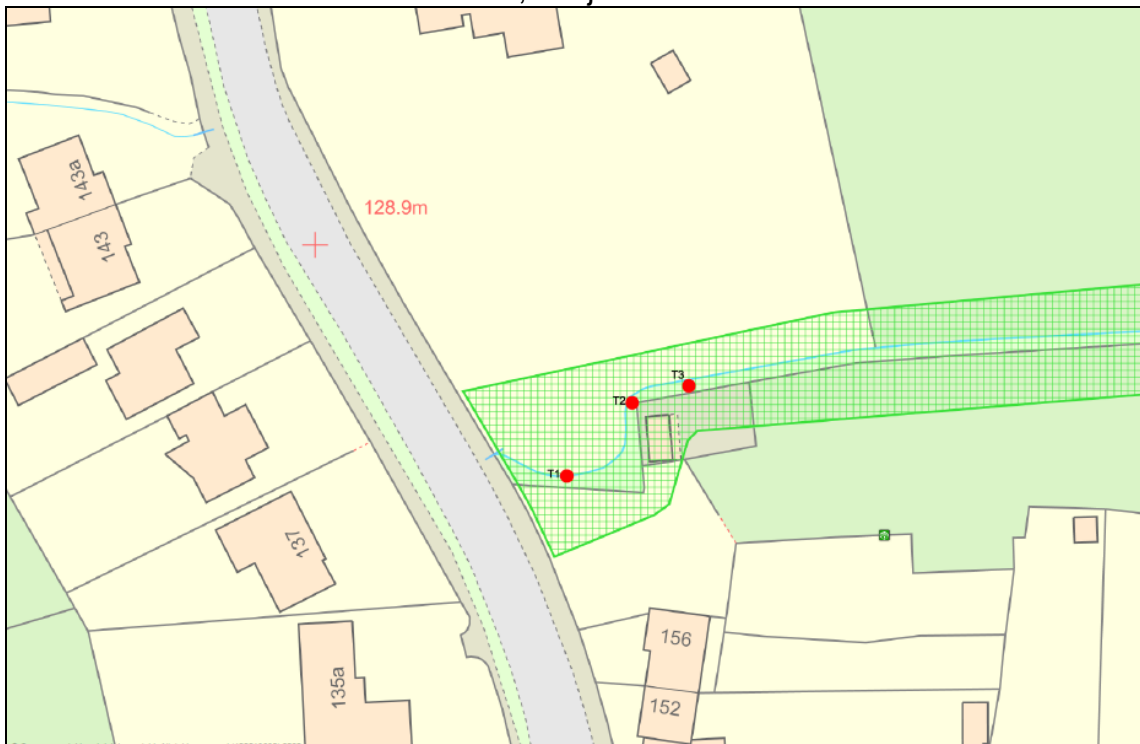


Fig 1: Plan of site with trees identified for works with T1, T2 & T3. The green hatched area is the wider area TPO area.

1.0 Reason for Report

- 1.1 There have been 10 letters of objection received from local residents raising concerns regarding the proposed felling of protected trees and 2 letters in support. A local ward member has requested that the application be decided by planning committee to allow members of planning committee to assess the amenity value of the trees on site. Members of planning committee are therefore required to determine the application in line with the Councils constitution.

2.0 Proposal and Background

- 2.1 The three trees, the subject of this application, 2no Ash and 1no Sycamore are growing adjacent to the watercourse that forms the northern boundary of the applicant's property.
- 2.2 The trees form part of a group of trees (A1) either side of the watercourse that are covered by NEDDC Tree Preservation Order (TPO) 57 made in 1988.
- 2.3 A tree assessment has been submitted by EcoTreeCo Ltd in support of the application describes the three trees as follows:
- T1 – Ash tree – in severe decline with little foliage, tree is in falling distance of highway;
- T2 – Sycamore – exposed roots due to water erosion and the footings of an existing outbuilding, thick Ivy throughout the canopy and the tree has a slight lean towards the newly built property to the north;
- T3 – Ash tree – small cavity and rot at base of tree, a large limb overhangs the outbuilding putting excessive stress on the base, heavy Ivy throughout the tree.
- 2.4 The current proposal is to fell all three trees because of their poor condition.

3.0 Relevant Planning History

- 3.1 08/00134/TPO – an application to fell a Acer tree due to its poor condition was approved and a replacement tree requested - a Hornbeam was subsequently planted elsewhere on site.
- 3.2 19/00801/FL – an application for a new dwelling to the north of the current application site was approved under delegated powers 04/12/2019.

4.0 Consultation Responses

4.1 **Parish Council** – raised no comments.

4.2 **Council Parks Officer** – raised no objections to the felling of the three trees.

5.0 Representations

5.1 The **Local Ward Members** objected to the felling of any trees that is not considered necessary and requested that the application be presented to Planning Committee.

5.2 Comments have been received from neighbouring residents with the following **concerns**:

- An aboricultural impact assessment submitted as part of planning approval 19/00801/FL for the adjacent new dwelling suggested that the three trees the subjects of the current application were category B, with a life expectancy of 20-40 years (*Officer note: Each application is considered on its own merits. An assessment of the trees in question has been made below.*);
- The trees add to the village feel and there is no good reason why they should be felled (*Officer note: This is considered in the assessment below.*);
- Protected trees have already been felled on the adjacent site without consent (*Officer note: This is not material to the determination of this application.*);
- An independent view of the condition of the trees by an appropriately qualified person should be obtained (*Officer note: Comments have been sought from the Councils Parks Officer, these comments are considered in the assessment below.*);
- Is Mr Coates (the owner of 156) the actual applicant for this application (*Officer note: Officers have met with the applicant on site*);
- It is unacceptable that trees should lose their protected status because a new dwelling is constructed near to them (*Officer note: Any replacement trees approved, by virtue of being inside the TPO area, will also be protected.*);
- The trees need to be maintained not felled (*Officer note: The application is for the felling of these trees and has been considered accordingly.*);
- The trees provide a level of privacy for surrounding properties (*Officer note: This is considered in the assessment below.*);
- Removal of the trees will impact on the natural infrastructure (*Officer note: This is considered in the assessment below.*);

- The importance of retaining the rural landscape is set out in the Neighbourhood Plan (*Officer note: This is considered in the assessment below.*);
- If the trees are so dangerous as to require felling, the applicant could have carried out emergency work under procedures set out in the appropriate legislation (*Officer note: This is not the case, as it is not considered that these trees are dead or an immediate danger.*);
- The retention of protected trees is important if NEDDC is to comply with policies GS5 and H12 of the adopted Local Plan (*Officer note: this is considered in the assessment below.*);
- The tree assessment report submitted in support of this application recommends the felling of T1 only (*Officer note: the application is for the felling of these trees and has been considered accordingly.*).

5.3 Comments have also been received from local residents in **support** of the application:

- For safety and to improve the future visual amenity of the area, these three ailing trees should be removed and replaced with properly spaced younger native trees (*Officer note: This is considered in the assessment below.*);
- The viability and affordability of preserving the three trees as suggested by objectors is questionable;
- It is clear from tree specialist reports and the comments of the Council's Parks Officer that the trees are diseased and decayed and should be removed and replaced by suitable new replacement trees.

6.0 Relevant Policy and Strategic Context

6.1 Adopted North East Derbyshire District Local Plan
NE7 (Protection of trees and hedgerows)

6.2 Emerging North East Derbyshire District Local Plan

The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in Autumn 2020, with Plan adoption by the beginning of 2021. The emerging Local Plan is therefore at an advanced stage and the following policy should be attributed appropriate weight in decision making.

SDC2 (Trees, Woodland and Hedgerows)

6.3 National Planning Policy Framework

The overarching aims of the revised National Planning Policy Framework (NPPF) are also material in the assessment of this application.

6.4 Neighbourhood Plan

The Holymoorside and Walton Neighbourhood Plan (HWNP) was adopted on 23 November 2017 and the following policy should carry weight in any decision:

NE3 (Trees and Woodland)

6.5 The Town and Country Planning (Tree Preservation) (England) Regulations 2012

The above regulations and the purposes for the making of a Tree Preservation Order are material in the assessment of this application.

7.0 Planning Issues

7.1 Policy NE7 of the adopted Local Plan and the equivalent policy SDC2 of the emerging Local Plan require that where trees, woodland or hedgerows are lost to development, and this is considered to be acceptable, suitable replacement planting on site where it is practicable to do so, or off-site where not, will be required.

7.2 Policy NE3 of the HWNP requires that development proposals which may adversely affect trees and hedgerows of good value should be accompanied by an independent survey that establishes the health of any affected tree. Where trees are to be felled, equivalent replacement tree planting will be sought.

7.3 Once a Tree Preservation Order has been made and confirmed, no person shall cut down, top, lop, uproot, willfully damage or willfully destroy any protected tree without the written consent of the Planning Authority and, where such consent is given subject to conditions, in accordance with those conditions.

7.4 An application has been submitted to fell three of the trees, 2no Ash and 1no Sycamore, covered by NEDDC TPO 57 (A1) under the above regulations. The following assessment will consider whether or not the submitted application is acceptable in terms of the potential impact on the public amenity value of the group of trees protected by the above TPO and

whether any identified harm can be offset by appropriate conditions in accordance with the above regulations.

- 7.5 The three trees the subjects of this application, identified as T1, T2 and T3 above, are part of a larger group of trees (A1) located to the east of Holymoore Road, growing on either side of the watercourse that borders the applicant's land, and covering an area of approximately 2000sqm. There are approximately 20 trees in total within the protected group including some large mature trees, such as the ones the subjects of this application.
- 7.6 This group of trees are visually prominent from public viewpoints along Holymoore Road and can be seen from Greendale Avenue, with views northwards between the dwellings, and from the public footpath (PROW 32) that runs east-west to the south of the applicant's property. It is considered that this group of trees have high public amenity value and overall make a positive and important contribution to the appearance and character of this part of Holymoorside village.
- 7.7 Notwithstanding the above, it is considered that the three mature trees subject of this application (T1, T2 and T3) are in poor condition and are all suffering from dieback or decay to some degree and an associated lack of vitality. It has been suggested by third parties that unspecified maintenance of the trees would help prolong their lives and would be preferable to their felling. It is Officer opinion that the trees are not outstanding specimens in their own right and appear to be nearing the end of their productive lives. The Councils Parks Officer is in general agreement and raises no objections to the proposed felling of these trees. Their loss would have some impact on the immediate amenity value of the group as a whole but can be mitigated in the longer term by appropriate replacement planting.
- 7.8 It is therefore considered appropriate in this instance to recommend approval for the felling of these three trees with a condition requiring their replacement with suitable 'heavy standard' native tree specimens. This will help ensure that although there will be a short term loss, the public amenity value of this group of trees will continue to benefit the residents of Holymoorside for many years to come. With appropriate positioning, the three replacement trees would be protected by the existing Tree Preservation Order.

8.0 Summary and Conclusion

- 8.1 The current application is for the felling of three trees, 2no Ash and 1no Sycamore, covered by NEDDC TPO number 57 (A1) and located on the applicant's property. It is considered that, given the overall poor condition

of the three trees, the felling of the trees and their replacement by suitable 'heavy standard' native tree specimens, is appropriate in this instance and should help ensure the continued public amenity value of this group of trees for future generations.

9.0 Recommendations

9.1 Planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be started within 2 years from the date of this permission.

[Reason: For clarity and the avoidance of doubt.]

2. The work shall be carried out in accordance with the appropriate recommendations contained in BS 3998: 2010 (Tree Works).

[Reason: In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire.]

3. Upon completion of the works hereby approved, all branches shall be removed and the site left in a clean and tidy condition.

[Reason: In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire.]

4. Within 28 days of the consent hereby approved and prior to the felling of the three trees, details of the size, location and species of suitable 'heavy standard' replacement trees shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in the next planting season in accordance with the approved details and retained in that position thereafter.

[Reason: In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire.]

PLANNING COMMITTEE – 25th August 2020

REFERENCE NUMBER: 18/01278/OL Application Expiry Date: 31 August 2020

Application Type: Outline Planning Permission

Proposal Description: **Conversion of existing car sales and storage buildings to create a farm shop, garden centre, restaurant and tearoom, erection of a holiday lodge complex with reception facilities, construction of a village hall and formation of a new access (Major Development)**

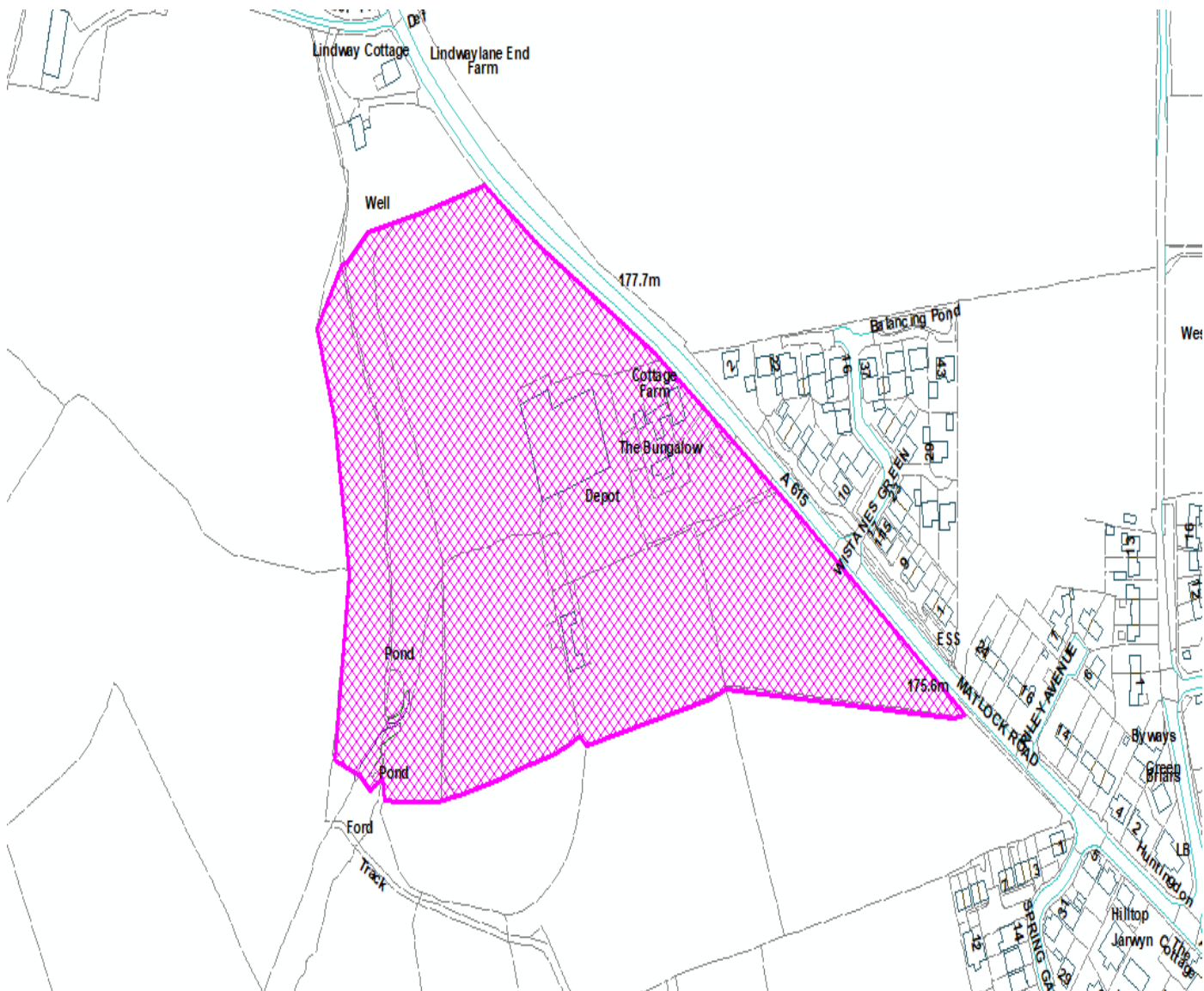
At: **Land Surrounding Cottage Farm Matlock Road Wessington**

For: **Wessington Park Developments Ltd C/O Agent**

Third Party Reps: 48/26 Parish: Wessington
Ward Name: Shirland

Author of Report: Adrian Kirkham Date of Report: 10 August 2020

MAIN RECOMMENDATION: GRANT (Subject to legal agreement and Conditions)



1.0 Reason for Report

- 1.1 Officers consider that the scale and character of the development together with the degree of public interest is such that a Committee determination is appropriate in this case.

2.0 Proposal and Background

- 2.1 The application site comprises an area of land to the north and north-west of Wessington centred on an existing group of buildings that currently serve a variety of uses, most notably an online car sales business and its ancillary operations.

- 2.2 Notwithstanding that, much of the site is currently undeveloped and comprises existing agricultural land. Hedgerows generally bound the site with a denser area of vegetation forming the western boundary as it falls away to a watercourse. The area of land to the north of the site, the area where the new access is proposed, is also open land. The application site is detached from Wessington to its south with an undeveloped field separating it from the development of Spring Gardens,
- 2.3 Wessington itself extends to the east of the site, across Matlock Road, where recently constructed housing has been built. The remainder of the village extends to the east and south east.

Application Details

- 2.4 The application originally sought consent for a larger scheme than now proposed and specifically for a hotel and associated spa facility, holiday lodges and associated car parking, the conversion of the existing car sales and storage building to form a farm shop complex, rural commercial workshops, gallery, restaurant and tea room, a village hall and shop and 32 houses, including 6 affordable units.
- 2.5 Subsequently, following discussion with Officers, the scheme has been amended and scaled down (with a consequent reduction in the red line (application) boundary. Consent is now sought, in outline, for a village hall and associated car parking, a holiday lodge complex (and an area of associated car parking) and the conversion of the existing car sales building to form a farm shop, garden sales area and restaurant/tea room and the visitor reception area for the holiday lodges. All the proposed new uses/development are submitted now in outline save for the new access for which detailed consent is sought and which is proposed to the north of the existing car sales building accessing Matlock Road.
- 2.6 The previously proposed hotel and housing no longer form any part of the scheme being considered.

Applicant's Supporting Documentation

- 2.7 The application is supported by various reports and studies including site condition, trees, ecology, highways, drainage and flood risk and landscape analysis. These are all available to view in full on line.

In addition, and in precis, the applicant states that, although reduced from the original scheme, the application would benefit the local economy, tourism in the District and the residents of Wessington.

3.0 Relevant Planning History

3.1 The most relevant planning history in respect of the site is as follows:

3.2 15/00674/FL Construction of new vehicle service workshop and retention of existing lean-to buildings for wash area/storage workshop and extension of domestic curtilages (Amended Title) (Amended Plans): Application Approved.

This submission sought consent for the formalisation of extensions originally approved under 12/00308/FL.

Previously, the planning history for the site related to development in connection with its former use for the repair and maintenance of haulage vehicles and plant.

3.3 On land to the south of the application site the planning history is as follows:

In 2000 an outline application (00/00992/OL) for Residential Development of the existing engineering and plant yard for housing and a site for a village hall was withdrawn but included part of the current application site.

In 2007 an Outline application (07/01139/OL) for 41 dwellings and a village hall was refused. It also included part of the current application site.

In 2011 an outline application for 9 dwellings, a village hall and shop (11/00743/OL) was granted and the Reserved Matters (14/00056/RM) approved in April 2014.

A further outline application (14/00547/OL) for residential development to continue the 2011 permission remains undetermined.

In 2016 an outline application for residential development of up to nine dwellings was approved (16/00749/OL) and a further application for the village hall and shop was approved (16/00750/FL).

4.0 Consultation Responses

NEDDC Housing:	The provision of 2 bedroom bungalows suitable for older people would be an appropriate addition to the affordable housing stock. Amended Plans: The most appropriate affordable housing for this area is 2 bedroom bungalows or 2/3 bedroom houses, preferable for affordable rent. (These comments were made before housing was removed from the application.)
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NEDDC Environmental Health:	Amended Plans: A number of outstanding land contamination issues need to be addressed before agreement to the risk assessment findings and the associated proposed remedial works. If permission is granted conditions are to be attached these will require a more comprehensive remedial strategy for the site.
NEDDC Street Scene:	Advice provided on level of contribution and types of facilities that could be required. Amended Plans: Refer to previous comments, no further comments at this stage.
NEDDC Drainage:	No comments received
NEDDC Employment:	Amended Plans: Condition requested to submit, approve and implement a scheme to enhance and maximise employment and training during the construction phase.
DCC Strategic Planning:	On balance the (original) application proposals are unacceptable in their current form due to the disproportionately large and overwhelming scale of the development in relation to Wessington and the likely adverse impacts on the surrounding countryside contrary to the policies of the NPPF, SLP and ALP. A reduced scale development would be much more compliant.
DCC Planning Policy:	The local primary and secondary schools do not have sufficient capacity to accommodate pupils from this proposed development. Mitigation is required in the form of financial contribution. An advisory note regarding Broadband to be attached to any planning permission granted. Amended Plans: Guidance provided on the likely contributions required.
DCC Landscape Architect:	Due to the large scale of the (original) proposal it would have a Moderate Adverse impact on the landscape. Considers impact on views as Major in places and further viewpoints should be considered.
DCC Urban Design	The (original) masterplan leads to an extension of the village into open countryside. It is too large

in scale and will be perceived as a stand-alone development. It will dominate and significantly change the character of Wessington.

DCC Highways: No objections subject to a number of issues being addressed by submission of revised details to also include obligations, conditions and notes.

DCC Archaeology: Amended Plans: A number of issues still to be resolved. Further details are required before the Highway Authority may be in a position to sanction the current outline application.

A heritage study is required in the form of a professional authored buildings appraisal of the farmstead site and a geophysical survey of the greenfield parts of the site.

Amended Plans: In the light of the reduction of the scheme and retention of the historic farm buildings, on balance, a heritage submission is no longer required.

DCC Flood Risk: No comments received.

Police: Amended Plans: Security concerns over the distance between holiday lodges and their parking as shown on the proposed layout.

Amber Valley Borough Council: Such a scale of development in this rural location would be inherently unsustainable and would cause harm to the rural landscape on the outskirts of Wessington.

Seven Trent Water: Condition to submit drainage plans for the disposal of surface water and foul sewerage. Plans to be approved before the commencement of the development.

Amended Plans: The development shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted and approved.

Derbyshire Wildlife Trust: The level of reporting is not sufficient to determine a planning application. Further

	surveys and an EIA should be submitted. Amended Plans: A number of ecological surveys are still outstanding. All work requested should be undertaken prior to determination of this application.
Health Service:	No request for a health contribution in this case.
Wessington Parish Council:	Many concerns and much opposition from residents. Requests the application to be considered by Committee.
Ward Councillor:	Requests application goes to Planning Committee and Planning Committee visit the site to assess impact on the local area due to the scale of the proposal.
Wessington NP Steering Group:	There is possibility the village would benefit from a village hall and village shop and the redevelopment of the brownfield site within the village would be supported. However, there are many concerns over the viability of running the village hall and over the scale of the proposed development and harmful impact on the surrounding open countryside.

5.0 **Representations**

A Site Notice was posted on 15/02/19. The application was publicised in the local press on 21/02//19 and 80 neighbours were notified by letter. 44 **objection** letters were received raising the following matters:

- No benefit to the village.
- Detrimental to the village and its community.
- Traffic is already increasingly heavy in the village at peak times with no means of safely crossing the main road.
- On the outskirts of the village so would not encourage or facilitate residents to have a social hub.
- The parking at the school drop off and pick up would be adversely affected. This is already an issue with limited parking.
- Already have a pub/restaurant and chip shop.
- People shop online and most people have access to a car, no need for a village shop.
- The road is dangerous, people exceed the speed limit, and there have been many recorded near misses near Winstanes Green due to people

overtaking. This development would increase the traffic and likelihood of accidents.

- Access to and from the site is dangerous and pedestrians will be at risk.
- There is not adequate amenity space within the site considering its scale.
- Local services, specifically Wessington Primary School will suffer.
- The school is already at maximum capacity and applications are already approved for Brackenfield Lane that will also impact upon this.
- The development extends the village envelope even further than previous developments, setting a precedent for future expansion beyond the natural village curtilage.
- There does not appear to be an ecology assessment for the scheme.
- Ponds at the bottom of the site, potential for great crested newts.
- No requirement for hotel and leisure facilities in the village.
- Already hotels in the village and close by.
- Much of the neighbourhood plan factors do not appear to have been considered.
- Is a property developer trying to make some quick cash?
- The ratio of the population envisaged to the current village is too big an increase.
- Potential negative impact on the local hotel and guest houses.
- Police speed traps are used on the road as is already dangerous.
- Already had a lot of development in a short period of time in the village.
- No consideration of wildlife in the area.
- The more buildings the more cash for the developer. Proposal is based on how many buildings can fit onto the site and not whether these buildings are needed.
- The proposal will alter the whole character of the village.
- Increased traffic and congestion on the roads.
- The bus service is poor and a car is needed to access the local towns and doctor's surgery.
- It is green land, the Neighbourhood Plan needs to be considered.
- Devaluation of local properties.
- Add to the increase in noise and pollution levels year on year.
- All 108 of the recent properties developed have been outside the Settlement Development Limit.
- If this is granted the footprint of the village would grow by around another 50% and extend a further 250m beyond the SDL.
- Wessington is a level 3 settlement in the NED Local Plan.
- The NED Local Plan states no housing allocations within level 3 settlements over and above existing commitments.
- The Wessington Neighbourhood Plan states development should be within the SDL.
- Criteria for Policy SS9 are not met.

- Wessington lies to the west of the district in open countryside on the edge of the Peak District. Development according to the Local Plan should be focused on regeneration of urban areas to the north.
- Wessington contains protected wildlife sites, this development would cause considerable impact on the natural environment.
- Limited potential for the school to grow even with funding as is a traditional village school.
- Question viability of the shop plans.
- Query would the leisure facilities be affordable for current residents.
- Cottage Farm is identified as a heritage asset on the Neighbourhood Plan.
- Query over the impact on protected viewpoints 3 and 6.
- Considerable impact on protected views and loss of mature trees.
- Buildings do not appear to be similar to those already existing on the edge of the village.
- Query over estimations for the number of vehicle movements.
- Movement of HGVs and estimated impact is inadequate.
- The visibility and speed of traffic at the additional site access is dangerous and proposals to widen the highway could further increase the issue.
- No evidence to prove the need for additional tourism.
- Accessibility to the village is difficult for various modes of travel.
- No identified current housing need.
- Contradicts Local Plan regarding owner occupied second homes.
- The infrastructure (such as water/sewerage) in the village will not support such a large development.
- Expectation of many visitors to the complex as 200 parking spaces this is not in line with the Neighbourhood Plan as it will not sustain the natural character of the village.
- The area is a rural farming community and is how it should remain.
- The proposal conflicts with criteria, policy GS1(a) and policy GS1(c) of the Local Plan.
- Wessington has increased in size over 60% already, without any supporting infrastructure.
- One stretch of pavement on A615 is only 94cm wide – dangerous for pedestrians.
- The case for more social housing is not proven.
- 150 new jobs created will bring in more traffic from outside the village.
- Report undertaken by Derbyshire County Council clearly shows the school is at full capacity and there is already considerable extra demand for school places from current developments. The site allows **NO** opportunity for further expansion of the school.
- The LEA stated that education infrastructure will be a matter of serious concern in considering all future planning applications.

- The applicant has been met with protest by residents at all public engagements.
- Properties and roads in the village are subject to flooding in times of heavy sustained rainfall. More building in the area will increase this. The drainage system cannot cope.
- People choose to live in Wessington for its small size and character.
- A village hall and shop could easily be accommodated in existing buildings.
- This development is too much – a farm shop, tea room, village hall and community shop would be welcome by residents and visitors. However the hotel, holiday lodges, leisure spa and 26 houses is not a good idea due to remoteness of the village, little to do and size of the land.
- Previous consideration of a village hall shows it would be financially unsustainable even with a bar included.
- The village has already lost its community feel with the influx of new residents.
- NEDDC have exceeded their housing target by 156%.
- Extension of ribbon development beyond the natural confines of the village.
- Shift the village centre northwards. The village is currently centred around the green.
- Concerned that important information regarding the impact of traffic is missing from the application documents including a Stage 1 Safety Audit, speed survey, visibility splays, accidents, spa flow rates, new access.
- Management plan needed for the community buildings should they fail to sustain themselves.
- We are still yet to experience the impact of the Brackenfield Lane site on the village.
- The 45 week let properties would provide second homes to people. This is in conflict with the local plan.
- Approximately 75% of this development would be built on open countryside and would adjoin wildlife sites.
- No room for the return bus stop from Matlock.
- Increased pollution.
- Negative impact on dog walkers and other recreational users and visitors to the countryside around and within the village.
- Concerns over streams and brooks surrounding the village – drying up due to damming, flooding and contamination.
- A completely new process must be instigated to determine the current demand for a village hall and in which location.
- The site is within the Derwent Valley Landscape Partnership area.

4 letters of **support** were received raising the following points:

- The village is currently severely lacking in amenities, especially a shop.
- A social hub for bringing the community together with events at the village hall and tea room for socialising.
- The local shop would benefit mums with young children and older residents who don't want to leave the village for essentials.
- The site is near the Peak District and M1 so holiday lodges would be popular.
- The village has been in support of a village hall for many years and the last questionnaires carried out in 2014 showed there was a lot of support and demand for a variety of clubs and uses.
- There is Lottery Funding available for the village hall and it will be self-sustainable.
- The new location offered by the developer is so the village hall can make use of the parking on the site by the retail units.
- The new landowner is honouring the obligation of the previous landowner to build a village hall on the site.
- There are plenty of volunteers.
- There is a need for employment within the village and to be able to walk to work.
- The project may improve the roads and provide much needed pedestrian crossings.
- The current batch of questionnaires being carried out appear to be showing there is still support for a village hall.
- There is a possibility of GPs using the hall two days a week.
- Recently with 100 new houses to the village the need for a village hall will be increased.
- A village hall would be beneficial for children and young people in the village.
- The Lottery grant should not be lost as it is the only way we can fund a village hall in Wessington.

Following the submission of amended plans a further site notice was posted on 2/3/20 and advertised by a press notice on 12/3/20. 80 neighbours were notified by letter. 26 **objection** letters have been received making comments as set out below:

- Object to the residential buildings and holiday lodges in the proposal.
- The main road is already very busy with traffic.
- Query over building holiday lodges alongside residential dwellings.
- The school cannot cope with further pupils, already exceeding maximum capacity.
- There is already residential development in progress in the village.
- The development is far too large for the village.
- The development would strongly change the character of the village.

- The vision statement for the neighbourhood plan states development should minimise the impact of the landscape character and be small enough to keep the rural aspect.
- Green and open spaces would be taken away dramatically altering views.
- Would endanger wildlife.
- The holiday lodges for sale are unlikely to support a tourist economy.
- Lack of footpaths, cycleways and bus routes connecting to the village.
- A village hall and shop can easily be accommodated in existing buildings.
- Development and expansion of housing away from the centre of the village significantly impacting on the traditional village boundaries.
- The new proposal would develop on high ground to the north of the village impacting on current ponds and water catchment that controls surface water flow into the village.
- Some of the buildings are located on or next to environmentally important drainage land.
- The development will alter the ability to control water flow and have a detrimental impact on the buildings and land below.
- Recent completed developments have seen an increase in surface water moving from the village towards Wessington Hay.
- Long term impact on adjacent land and water flow needs to be assessed.
- There is no opportunity for expansion of the school.
- There is no business plan for the village hall and shop.
- The submitted estimates of vehicle movements grossly underestimate the likely impact of the proposed development on traffic through the village.
- Lack of village services to support an increase in population.
- Concerns over impact of tourists on the village.
- Dangers from the 3 entrances to the site are located on the busy road and the location of the pedestrian crossing and village hall directly at the point of the speed rating change.
- Residents would not welcome a new vehicular fuel station. This may increase traffic and there are already local stations nearby.
- The village residents would like to address the current traffic concerns, pollution and infrastructure.
- The development is not in line with objectives 1 and 2 of the Wessington Neighbourhood Plan and will take away the rural character of the village.
- It is not in line with the District Plan.
- A prominent intrusion into the countryside.
- Significant social and environmental impacts.
- Documents supplied are incomplete.

- Appears to be a reliance on documents previously submitted for a very different scheme.
- Unable to fully assess the merits of this application and submit a detailed objection letter.
- NEDDC have exceeded their housing targets by 156%
- Wessington has already made a significant contribution towards housing in North East Derbyshire.
- Increased traffic on single track lanes creating further damage to the countryside.
- The petrol station will be unsightly, out of character and likely commercially unviable.
- Existing pumps that are there are no longer in use and acceleration of electric vehicles on the roads would possibly lead to the petrol station being unused and abandoned in future.
- 7 existing petrol stations within 5 miles of Wessington.
- Fossil fuels are the main contributor to the climate emergency so additional use must be discouraged.
- The application proposes new largescale development extending approximately 250m outside of the Settlement Development Limit.
- Only a small proportion of the proposed development utilises existing buildings on the site and a significant proportion involves the development of open countryside and outside of the SDL.
- Unclear from the application what additional employment contribution the development would provide to the village.
- The development shows no facility for the provision of deliveries and loading and unloading.
- With limited pedestrian access for the holiday lodges it is unlikely tourism will generate income for existing businesses in the village.
- The application does not include an updated visual or environmental impact assessment.
- The petrol station would have considerable impact on protected viewpoint 3.
- The widening of the highway would require the removal of a large proportion of hedgerow, and significantly alter the approach to the village at the protected view point 3.
- This application fails to meet Wessington's housing need.
- The shop is large in size contrary to the local plan requirements for new retail development.
- Inadequate pedestrian access from the village centre to the farm shop.
- The village hall is outside the SDL and fails to utilise existing structures or developed boundaries.
- The application lacks evidence for the consultation of the new plans with the community.
- The petrol station is not identified as a need within the village in the Neighbourhood Plan.

- Petrol station would create issues including noise and light for neighbouring residents.
- The revised application provides no estimates of expected vehicle movements and impacts.
- The development proposes two additional access points onto an area of the Highway known for dangerous manoeuvres and speeding.
- The additional access point to the northern aspect of the site sits close to the 50mph zone.
- The application contains no measures to support reductions in speed or improve road safety.
- Proposals to widen the highway near the access point could further increase existing issues around speeding and dangerous overtaking.
- The application includes no provision for alternative modes of transport to the site.
- The site would be reliant of people accessing it by car yet the design shows limited vehicle access and limited parking facilities.
- The scale of the tourism site is not in keeping with the character of the village.
- The footprint of each holiday lodge is approximately 10m in length more characteristic of large detached residential properties.
- This application fails to take into account previous concerns expressed by residents or adopted planning policy.
- Limited social and economic benefit for the village.
- This application fails to demonstrate sustainability.
- Given the scale of this development it is likely to have a detrimental impact on the village's infrastructure and character.
- No need for a village shop. Farms shops are expensive and people travel to cheaper shops. The previous shops in the village closed due to lack of demand.
- Query why this application has been put forward given the objections from the previous submission.
- Approximately 75% of the development would be on open countryside and adjoin local wildlife sites.
- Concerns that the proposed businesses would be unsustainable and eventually the unused buildings would be turned into residential properties.
- The application does not meet Policy E10 (Tourist Developments).
- Wessington is identified as a Level 3 settlement in the NEDDC Local Plan. There should be no housing allocations over and above existing commitments in Level 3 settlements.
- People live in the village for its rural setting and lifestyle this would be ruined.
- There is a hotel and bed and breakfast and caravan sites nearby so no further need for tourist accommodation in Wessington.

- This new proposal suggests HGV traffic and holiday traffic will be increased.
- The local wildlife is already under threat from recent developments this will further impact on our wildlife.
- The plan appears to be for phases 1 and 2 as opposed to 1, 2, 3, 4 and 5 on the previous submission.
- Wessington has grown significantly recently and its development will not add to the village and the existing infrastructure is insufficient to cope with the size of the village.
- The A615 is very busy and difficult to join, few observe the speed limit and crossing the road is difficult.
- Drainage is a concern with residents experiencing flooding after rainfall
- Wessington is not a tourist destination. Accommodation already exists and the lodges would add to congestion.
- The village shop would be a shop for the lodges as it is not conveniently located for either a shop or village hall as it is away from the village.
- It is accepted building should be allowed on brownfield land but this development is not in proportion with the needs of Wessington. Building is already taking place on Brackenfield Lane.
- Wessington has limited public transport and no buses connect with major towns or rail services.
- There is no Doctor's surgery in Wessington
- The proposal goes against the Neighbourhood Plan and conflicts with the policies of the Local Plan and the National Planning Policy Framework
- The appeal in respect of development on Back Lane set out the further development in Wessington was unsustainable in transport terms.
- The North East Derbyshire Local Plan identifies Wessington as a Level 3 settlement, and states that there 'will be no housing allocations in such settlements over and above existing commitments'.
- Traffic is already a major problem for this village, with a huge increase in traffic on the busy A615 causing dangerous problems for residents and children crossing this road. There have recently been several accidents including the tragic fatality of a child on the A615. One stretch of pavement on the same side of the road as the proposed development is only 94cm wide and cannot be accessed when lorries are passing. This proposal will bring about a massive increase in traffic, with the continued need for residents and customers to cross the road into the village only increasing the dangers of the A615.
- The proposal also shows approximately 160 new car parking spaces. This would totally transform the Matlock Road traffic problems contrary to the Wessington Neighbourhood Plan
- The development would adversely affect the site's rural setting and lifestyle

- The development would destroy any sense of openness and remove views
- The village school could not cope with the additional pressure placed on it by this development
- The village hall is neither needed nor wanted in Wessington

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises the North East Derbyshire Local Plan and the Wessington Neighbourhood Plan.

6.2 In respect of the **North East Derbyshire Local Plan** the most relevant policies to this application are considered to be as follows:

GS1 Sustainable Development
 GS5 Settlement Development Limits
 GS6 New Development in the Countryside
 GS7 Change of Use and Conversions
 NE1 Landscape Character
 BE1 General Design Principles
 BE2 External Lighting and Floodlighting
 E9 Employment development in the Countryside
 E10 Tourism Developments
 E11 Tourist Accommodation
 SH6 Retail Developments in Out of Centre Locations
 SH11 Farm Shops
 SH12 Garden Centres
 T2 Highway Access and the Impact of New Development
 CSU2 Purpose Built Community Facilities

6.3 In respect of the 2019 **Wessington Neighbourhood Plan** the most relevant policies to this application are considered to be as follows:

NPP1 Sustainable Development and the Settlement Development Limits
 NPP2 Protecting the Natural Environment and Landscape Character.
 NPP3 Design Principles
 NPP5 Protecting heritage Assets
 NPP6 Enhancing the Provision of Community Facilities
 NPP8 Maintaining Local Employment
 AP1 Highway Safety

6.4 The emerging **North East Derbyshire Publication Draft Local Plan 2014-2034 (DLP)** was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March 2019. In May 2019, the Council paused the Plan, pending

consideration of its options around housing numbers and Green Belt release. On 27 February 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected the Plan will achieve adoption in late 2020/early 2021.

In respect of the DLP the most relevant policies to this application are considered to be as follows:

SS1 Sustainable Development
SS9 Development in the Countryside
WC4 Development on Employment Land
WC6 Visitor Economy and Tourism development in the Countryside
WC7 Tourist Accommodation in the Countryside
SDC1 Re-use of Building in the Green Belt and Countryside
SDC3 Landscape Character
SDC12 High Quality design and Place Making
ID4 New Social Infrastructure

National Planning Policy Framework

- 6.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application and are set out in the report below.

7.0 Planning Issues

Principle of Development

- 7.1 The applicant seeks consent to develop an area of land to the north and north west of Wessington for a variety of uses comprising a new holiday lodge facility, a farm shop, garden centre and associated facilities and a village hall. The site(s) would be accessed off two new junctions with the main Matlock Road. One would be to the village hall facility (jointly with the (approved) housing area) whilst the remainder of the development would be accessed via a new standalone “T” junction affording access to a variety of car parking/turning areas supporting the various proposed uses.
- 7.2 The application site is located outside of the settlement development limits for Wessington where generally new development is strictly controlled.
- 7.3 The extant Local Plan sets out that new tourist facilities will be permitted that expand the range of tourist facilities and attractions providing they do not adversely impact on the character of the area, any major attractions are well related to the local transport networks and public transport and retail development is small in scale and ancillary to the main use. This accords generally with the NPPF which seeks to promote businesses in

- rural areas and expand tourism and leisure developments subject to the character of the area being protected and so the policies of the Local Plan are considered by Officers to carry full weight in this case.
- 7.4 In respect of new tourism accommodation the extant Local Plan sets out that, where it is outside settlement limits, it will be permitted where it involves the re-use of a building or the extension of an existing tourist facility only. However, as this policy is far more restrictive than the general aims and policies of the NPPF (as set out above) Officers attach limited weight to this policy and instead place weight on the more permissive policies of the NPPF and the DLP which itself is encouraging of new tourist accommodation providing it is adequately screened, is sensitively designed, does not adversely impact on the amenity of local residents and would not adversely impact on the character of the area.
- 7.5 The Neighbourhood Plan reflects the Local Plan in seeking generally to resist development to that within settlement limits and as such it has similar deficiencies in terms of its compatibility with the NPPF as the Local Plan in respect of this development, and so the weight Officers attribute to it. However, policy NPP8 of the Plan relates specifically to the brown field element of the application site, the existing building and its curtilage, and supports business growth and/or tourism related development within the site's curtilage and any proposals for a café and/or shop which improves services for residents and visitors. In this respect, and on that part of the site the Neighbourhood Plan is supportive of the proposal.
- 7.6 The application submission also seeks consent for a farm shop, although the development is not associated with a farm and is, in the view of Officers, more of a [tourist] destination, and a garden centre [The applicant also makes reference to an ancillary café/restaurant area]. As such, Officers have considered it as a tourist destination rather than as local retail units and have treated it as such. In this respect the policy background is supportive of the application, as it is for the lodges and visitor accommodation themselves.
- 7.7 The exact level of retail offer is unspecified, as the application is seeking consent for the change in the use of the existing on site building, which is otherwise capable of conversion in line with Council policies. In view of the site's location out of any existing town centres it would otherwise be a requirement for a Retail Impact Assessment (RIA) to be submitted showing the impact of this out of centre retail facility on other centres., However, the applicant has agreed that any retail space covering the garden centre and farm shop would not exceed 495sq m (net), approximately one third of the converted building, (not including any café area), which has an internal floor area of 1562 sq m, thereby avoiding the need for RIA. If the application was approved the level of retail space could be controlled through condition. The remainder of the existing

building would be used as the reception area serving the lodges and as the restaurant/cafe area.

- 7.8 Officers consider that there is no direct impact on any local centre from the proposed retail offer as it is neither close to an existing retail facility or likely to be of the nature to counter traditional retail offerings. In addition, capped at a retail level of 495 sq m, the level of activity would be small. Therefore, Officers do not raise objection to the principle of converting the building to the retail/restaurant/visitor reception as proposed as it would be a tourist destination/facility offer rather than a traditional retail offering. In this respect it would also accord with the aspirations set out in the NPPF, the DLP and Neighbourhood Plan.
- 7.9 The provision of a community facility, a village hall in this case, is also proposed and its provision would generally be supported by the policies of the Local Plan, even though it would be located outside existing settlement boundaries, subject to its wider impact being acceptable. This also accords with the general principles set out in the NPPF and, as such, the proposal for the village hall is otherwise acceptable. Further weight is added to this conclusion by the supportive policies also set out in the draft Local Plan (the "DLP").
- 7.10 The weight that should be given to the provision of the village hall, as proposed by the applicant, and the potential social benefits that follow in particular, is in the view of Officers, complicated by the comments made by the local bodies. There would be social benefits arising from the provision of such a facility, and such proposals have in the past carried significant weight in the decisions taken on development proposals in the area, although the village hall has not yet been constructed. Officers contend that the provision of the village hall carries medium weight in this case.
- 7.11 Reference is made in representations to a relatively recent appeal decision in Wessington for affordable housing which was dismissed on the basis that Wessington was not a sustainable location for new housing development. Officers note that decision but as this application is seeking consent for a tourist related facility, which by its nature does seek to attract visitors, Officers have not placed weight on the appeal decision referred to.

Landscape and character and appearance of the area

- 7.12 The overriding aim in assessing new development in countryside areas is to seek to ensure it is assimilated into its setting without adversely impacting on the character of the area. This is a principle that runs through the Development Plan, the DLP and the NPPF.

- 7.13 In this case, part of the site comprises previously developed land and it is this part of the site that is referred to in the Wessington Neighbourhood Plan. However, the application site extends to the south, west and north of that site and in all cases extends into and onto existing green field land.
- 7.14 The originally submitted Landscape Assessment acknowledged that particularly from close views, i.e. from the road and the important southern viewpoint set out in the Neighbourhood Plan, the development would impact on the area. However, it sets out how as one moves away from the site, either in a westerly direction or to the north, the development would become less prominent.
- 7.15 The site does slope away towards its western perimeter. This also increases its prominence from that direction but this, potentially more prominent area, would be developed as lodges, probably single story in scale, and landscaped to create a particular setting associated with such development. All these factors would mitigate any impact on this more visible edge of the development. It is however recommended that any permission is conditioned requiring the lodges to be single storey only to secure this appropriate landscape impact.
- 7.16 Currently the area to the north of the existing buildings is undeveloped and agricultural in nature. It forms a soft edge to the village as you enter it from the north. Within this area, a new access is proposed to serve the site, with the exception of the village hall. This has the potential to introduce a particularly urban character to this area creating a significant road junction and associated infrastructure. Officers have sought to remove this access point and relocate it closer to the existing access into the site. The applicant has resisted these requests. The impact of introducing this urbanising feature into what is currently the soft entrance into the village is regrettable. However, with additional hedging and tree planting to soften the impact of this access any harmful effect would be mitigated. This has been acknowledged by the applicant and he has agreed to additional landscaping into this area in order to mitigate this impact.

Layout and Detail

- 7.17 The application was originally made in a detailed form with only landscaping reserved for further approval. Further to discussions with Officers the scheme has been reduced in scale and is now made in outline with only the issue of access not being reserved for further approval.
- 7.18 The indicative layout that now supports the application, zones the site into specific development areas. Officers consider this, generally, to be acceptable and, subject to consent being granted, would recommend that the indicative layout, in terms of those zones, is implemented as such.

- 7.19 However, Officers do consider that, in addition to the ecological considerations (see below), the site in its indicative form may present a too intensive a form of development, requiring, in particular, larger areas of landscaping to be provided. Therefore, whilst recommending that the zoning is followed, Officers would also recommend adding a note to any permission granted, that the indicative layout is not necessarily an acceptable form of development when the reserved matters are submitted.

Highway and Traffic Issues

- 7.20 Two new accesses are proposed to serve the development off Matlock Road. One is associated with an existing permission for housing to the south whilst another is to the north.
- 7.21 The Highway Authority has raised issues in respect of the northern access but, whilst final clarification remains to be received, from a highway safety aspect, the new access is acceptable, subject to various details, not least whether or not a protected right turn is required. The applicant is happy to design the new access to include one and the Highway Authority considering whether one is needed. This will be subject to details being agreed and controlled by conditions. Subject to this, there is no highway objection to the new access.
- 7.22 The development will increase traffic on the main road but not to the extent that the Highway Authority is concerned and would recommend refusal of the application. The local highway network is able to accommodate the additional traffic.
- 7.23 Representations are made about the amount and nature of traffic using the Matlock Road currently and how pedestrians will access the development and cross Matlock Road. The Highway Authority wants to see a proper crossing of the A615 formed and footways as necessary to allow pedestrian access to and from Wessington. The applicant has confirmed that he is happy to do this. This can be achieved through conditions or legal agreements.
- 7.24 A pedestrian access from the site to Matlock Road is shown that, subject to the provision of footways and a road crossing, would allow walking access between Wessington and the development.
- 7.25 Subject to final clarification from the Highway Authority and to necessary conditions/legal agreements, the proposal would not result in an unacceptable impact on highway safety.

Ecology issues

- 7.26 The Council's consultees on this matter, the Derbyshire Wildlife Trust (DWT), retain the view that the submitted ecological surveys are not sufficient at this stage as the survey results may have a bearing on the layout of the scheme. DWT do recognise the intention to create a nature reserve to the west of the site which would provide an opportunity to retain and create some high quality habitats.
- 7.27 In noting the comments of the DWT, the reason for the additional information would be to inform the detailed layout of the site. As the application is now made in outline, Officers are of the view that the information could be submitted to inform a reserved matters submission, and so it is not required at this stage.
- 7.28 No objection in principle has been raised. Subject to conditions requiring further ecological information to be submitted to inform any reserved matters applications, the reduction in the scale of the development proposed from that originally made, its outline nature and the part brown field nature of the site, Officers consider that the proposal is acceptable from an ecological point of view.

Other matters

- 7.29 The comments of the Environmental Health Officer are noted. This matter can be dealt with by way of conditions which will safeguard future developers and occupiers of the site.
- 7.30 Comments from Housing and Street Scene teams are noted as is that from the Infrastructure Team at Derbyshire County Council. However, these comments relate primarily to the scheme when it included housing, and so much is now no longer pertinent.
- 7.31 The Street Scene team do consider some contribution to offsite play facilities is appropriate and it is considered relevant to secure some payment towards such provision to cater for the use of such facilities by those visiting the site.
- 7.32 The issues of flooding and archaeology are otherwise addressed acceptably and the concern raised by the police crime advisor could be addressed at any detailed layout stage.

8.0 Summary and Conclusion

- 8.1 The application site lies outside the settlement limits of Wessington and in the countryside for planning purposes. Part of the site is allocated in the

Wessington Neighbourhood Plan for potential redevelopment for, among things, tourism related development.

- 8.2 This tourism based development complies with the policies of the NPPF, in part with the Neighbourhood Plan and also to the evolving policies of the DLP. As such, the development as a whole is considered acceptable in principle.
- 8.3 The application also proposes a local community facility and some retail activity. The community facility adds some weight to supporting the scheme whilst the retail provision is more tourism related in character and so adds little of additional weight in favour of the scheme.
- 8.4 The scale of the proposal is large when compared to the existing village. However, with appropriate landscaping and careful design, it is considered it would not overwhelm the local landscape and or have an adverse impact on it. This would be subject to a number of conditions including requiring implementation as per the zones on the submitted indicative masterplan, the lodges being single storey and the submission of additional ecological information to inform any layout and landscaping.
- 8.5 Access is proposed to the north of the existing buildings. Officers would have preferred that this access point is removed from the scheme. However, with additional landscaping and softening, Officers do not conclude this issue alone sufficient to resist the application.
- 8.6 The Highway Authority does not object to the application in principle. Whilst final clarification on specifics is awaited, Officers conclude that all technical issues can or have been addressed, subject to conditions that would ensure an acceptable form of development could go ahead.
- 8.7 Therefore, in its revised and reduced form, Officers conclude that the development is acceptable and recommend it for approval subject to conditions and the completion of the necessary legal agreements.

9.0 Recommendation

- 9.1 That planning permission is GRANTED subject to conditions, a full list of conditions will be provided in the late update report, and the completion of a legal agreement to cover, at least, the following issues:

Section 106 Legal agreement:

- 1. Provision of road crossing, speed restraints and pavements
- 2. Provision of contribution to play facilities

Conditions:

1. Outline planning permission (except access)
2. Submission of RM details.
3. Implement approved landscaping
4. Development in accord with zoning plan.
5. No development over single storey in height.
6. Submission of all boundary treatments.
7. Restriction on uses within the existing building including no more than 495m² retailing/details of the subdivision of the existing building.
8. Drainage conditions
9. Recommended access/highway conditions.
10. Highway conditions controlling the detailed design of the access points, construction compounds, construction management plan including hours of operation.
11. Ecological conditions to inform the detailed design, a landscape and biodiversity enhancement and management plan (LBEMP).

North East Derbyshire District Council

Planning Committee

25 August 2020

Planning Appeals Lodged and Determined

Report No PM/6/20-21/AK of the Planning Manager – Development Management

This report is public

Purpose of the Report

- To inform the Committee of the appeals lodged and determined.

1 Report Details

1.1 Appeals Lodged

No appeals have been lodged.

1.2 Appeals Allowed

No Appeals have been allowed.

1.3 Appeals Dismissed

The following appeal has been dismissed:-

Mr T Brooks – Application for prior approval for the change of use of an existing agricultural barn to two dwellings (Resubmission of 16/01049/CUPDMB) at Bacons Springs Farm, Mill Lane, Clay Cross (19/01117/CUPDMB)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – AP/Susan Wraith – susan.wraith@ne-derbyshire.gov.uk

Mrs Denise Greenhough – Application for the construction of a new dwelling (revised scheme of 18/00848/FL) at 24 Caldey Road, Dronfield (19/00764/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – AP/Susan Wraith – susan.wraith@ne-derbyshire.gov.uk

1.4 Appeals Withdrawn

No appeals have been withdrawn

2 Conclusions and Reasons for Recommendation

2.1 N/A.

3 Consultation and Equality Impact

3.1 N/A.

4 Alternative Options and Reasons for Rejection

4.1 N/A.

5 Implications

5.1 Finance and Risk Implications

N/A.

5.2 Legal Implications including Data Protection

N/A.

5.3 Human Resources Implications

N/A.

6 Recommendations

6.1 N/A.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Katie Spelman	217172