

# Public Document Pack



**North East  
Derbyshire**  
District Council

Contact: Alan Maher

Tel: 01246 217391

Email: [alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

Date: Monday, 13 March 2023

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 21 March 2023 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg". The signature is written in a cursive style.

**Assistant Director of Governance and Monitoring Officer**

## **Members of the Committee**

Councillor William Armitage  
Councillor Andrew Cooper  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Roger Hall  
Councillor David Hancock  
Councillor Lee Hartshorne

Councillor Maggie Jones  
Councillor Heather Liggett  
Councillor Alan Powell  
Councillor Jacqueline Ridgway  
Councillor Kathy Rouse  
Councillor Diana Ruff - Chair

**Please notify the Interim Governance Manager, Alan Maher by 4.00 pm on Friday 17 March 2023 of any substitutions made for the meeting.**

**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 Last Meeting (Pages 5 - 11)**

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on Tuesday 14 February 2023.

### **4 NED/22/00574/FL - HOLMESFIELD (Pages 12 - 30)**

Change of use from Agriculture to Dog Exercise Training Facility at land to the south of Little Chatsworth Cottages, Millthorpe Lane, Holmesfield

(Planning Manager – Development Management)

### **5 NED/23/00015/FL - ECKINGTON (Pages 31 - 39)**

Application to install a 4 metre high acoustic fence to air source heat pump compound and to install acoustic wall lining to internal brick work elevations of compound at Eckington Swimming Pool, Gosber Street, Eckington.

(Planning Manager – Development Management)

### **6 Tree Preservation Order (TPO) 192/2022 - WINGERWORTH (Pages 40 - 47)**

Proposed confirmation of Tree Preservation Order (TPO) 192/2022 on land at the Rectory of All Saints' Church, Wingerworth

(Planning Policy and Environment Manager)

### **7 Late Representations - Summary Update Report - NOW PUBLISHED (Pages 48 - 49)**

(Planning Manager – Development Management)

### **8 Planning Appeals - Lodged and Determined (Pages 50 - 53)**

(Planning Manager – Development Management)

**9      Matters of Urgency (Public)**

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

**10     Exclusion of Public**

The Chair to Move:

“That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 3 & 5, Part 1 of Schedule 12A to the Local Government Act 1972”. (As amended by the Local Government (Access to Information)(Variation) Order 2008).

**11     Section 106 Legal Agreements Update (Pages 54 - 64)**

(Planning Manager – Development Management)

(Paragraphs 3 and 5)

**12     Matters of Urgency (Private)**

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

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# North East Derbyshire District Council

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## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 14 FEBRUARY 2023**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)  
Councillor Alan Powell (Vice-Chair)

Councillor Andrew Cooper  
Councillor Roger Hall  
Councillor Maggie Jones  
Councillor Kathy Rouse  
Councillor Tony Lacey

Councillor Mark Foster  
Councillor David Hancock  
Councillor Heather Liggett  
Councillor Pat Antcliff

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
A Lockett	Senior Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Bond	Governance Officer
A Maher	Interim Governance Manager

#### **PLA/ 81/2     Apologies for Absence and Substitutions**

**2-23** Apologies were received from Councillor W Armitage who was substituted by Councillor P Antcliff, and Councillor L Hartshorne who was substituted by Cllr T Lacey. Apologies were also received from Councillor J Ridgway.

#### **PLA/ 82/2     Declarations of Interest**

**2-23** Councillor D Hancock indicated that he had made representations on two of the Appeals referred to at Item 8 on the Agenda: Planning Appeals – Lodged and Determined.

#### **PLA/ 83/2     Minutes of Last Meeting**

**2-23** The minutes of the last meeting held on 17 January 2023 were approved as a true record.

#### **PLA/ 84/2     NED/22/00391/FL - KELSTEDGE**

**2-23** The report to Committee explained that a Planning Application had been submitted for various works to the Kelstedge Inn, Matlock Road, Kelstedge and its surrounding site. In particular: (a) Cladding of Public House, (b) Timber lean-to shelter extension, (c) Alterations to the Porch, (d) Two timber Pergola seating structures, (e) Structures for forecourt sign, (f) Trellis fencing on the top of the stone wall to the west boundary, (g) Extensions to the rear of the Public House and the rear of Smith Barn and detached Hobby Workshop, and (h) Rear 1.8 Metre high close-board fencing, to the northern boundary of the site. The report explained that these changes had now been made and were currently in place. The Application has been referred to Committee by Local Ward Member,

Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the concerns about specific changes. Officers had concluded that the cumulative effect of the cladding, porch and timber structures constructed of a variety of materials with differencing finishes had created a cluttered appearance, which was out of keeping with the character of the area and harmed the character of the surrounding landscape. They felt that the Application would reduce the number of parking spaces while increasing the requirement for parking. Officers contended that this would have a harmful impact on the amenity of neighbouring properties by pushing parking on to the highway.

Before Committee considered the Application it heard from Ward Member, Councillor W Armitage, the Applicant, S Oxspring and the Agent for the Application, C Stainton, who all spoke in favour of it. No one spoke against the Application.

Committee considered the Application. It took into account the Principle of Development and the site's location within the Settlement Development Limits (SDL) for Kelstedge. It considered the relevant Local Planning Policies. In particular, Committee took into account Local Plan Policy SS1 on sustainable development within the District, Local Plan Policy SS9 on appropriate developments within Settlement Development Limits and Local Plan Policy SDC3, requiring developments not to cause significant harm to the character, quality and distinctiveness of the landscape. Committee also considered the provisions of the Ashover Neighbourhood Plan and the National Planning Policy Framework (NPPF) objective that the Planning and Development process should seek to create high quality and sustainable buildings and places.

Members discussed the Application. As part of this they heard about the role which the Public House plays as a facility for the local community. Members also discussed the advice previously offered by the then Planning Case Officer, suggesting that the proposed cladding would be acceptable. Committee was informed of the context for this and the reasons why the officers felt the cladding would not be appropriate.

Members discussed the specific alterations and their impact on the surrounding area. In this context, they considered the impact on parking on the site and received confirmation that only one parking space had been removed. Committee discussed the wooden structures which had been erected and how these had been installed at the time of the Covid-19 restrictions on indoor gatherings. They also discussed concerns raised about the visual impact of some of the changes, including the rear fencing, and whether these concerns could be addressed through the imposition of appropriate conditions.

At the end of the discussion Councillor M Foster and D Hancock moved and seconded a motion to approve the Application on the grounds it is in accord with the relevant Local Planning Policies. The motion was put to the vote and was agreed.

## RESOLVED -

That the Application be conditionally approved, contrary to officer recommendations.

That the final wording of the conditions to be delegated to the Planning Manager (Development Management).

### Reasons

That the Application was appropriate to the scale and design of the Kelstedge Settlement.

That the Development had not harmed the landscape.

That the Development respected the local identity of the surrounding area.

## **PLA/ NED/22/01164/FL - ASHOVER**

**85/2**

**2-23**

The report to Committee explained that an Application had been submitted for the conversion and extension of an existing barn to form a single residential dwelling and the erection of a new storage barn at Alice Head Farm, Ashover. The Application had been referred to Committee by Ward Member, Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this.

The report contended that although both Local and National Planning Policy supported the appropriate conversion of buildings within the countryside, this would not be possible in this instance. One of the buildings covered by the conversion plans had actually been demolished. Consequently, this aspect of the Application would have to be considered as an extension rather than a conversion. The officers felt the Application would result in an over large extension to the existing stone barn, which would be clearly visible from publicly accessible areas. They had concluded that because of its size and design of the proposed development the Application would fail to meet the requirements of the relevant Planning Policies. The development would not respect the host building and would not be sympathetic to the landscape.

Before Committee considered the Application it heard from Local Ward Member, W Armitage, who spoke in support of the Application. No one had registered to speak against the Application.

Committee considered the Application. It took into account the Principle of Development and in particular, the site's countryside location outside of any Settlement Development Limits, but within the District's most valued and important landscape. It considered the relevant Planning Policies. These included Local Plan Policy SDC1 on Sustainable Development, Local Plan Policy SDC3, requiring new developments not to cause significant harm to the landscape, Local Plan Policy SD12 requiring new developments to preserve and where possible

enhance the quality and local identity of existing communities and their surroundings. Committee also took into account the relevant Ashover Neighbourhood Plan Policies.

Members discussed the Application. They reflected on whether it would be in line with relevant Planning Policies. In this context, they considered whether the new storage building proposed by the Application would be appropriate. Some Members noted the potential benefits of creating an additional home, but recognised that Committee would need to determine the Application in terms of whether it was in line with the appropriate planning policies.

At the conclusion of the discussion Councillor R Hall and Councillor D Ruff moved and seconded a Motion to approve officer recommendations and refuse the Application. The motion was put to the vote and was approved.

#### RESOLVED -

That the Application be refused in line with officer recommendations.

#### Reasons

1. The application is considered unacceptable as, by reason of the size, scale and design of the extension put forward, the proposal would result in major alterations and adaptations taking place to the building in a manner that is not in keeping with its surroundings and be detrimental to the character of the building exacerbated by the prominent and visually prominent location of the building close to the local public right network.

As such, it is contrary to policies SS1, SS9, SDC1, SDC3 and SDC12 of North East Derbyshire Local Plan and policies AP2, AP11 and AP12 of the Ashover Neighbourhood Plan and there are no other material factors that outweigh that consideration.

2. The application is considered unacceptable as, by reason of the size, scale and design of the new storage building proposed and its location away from other built development it would unacceptably impact on the character of the area.

As such, it is contrary to policies SS1, SS9, SDC1, SDC3 and SDC12 of North East Derbyshire Local Plan and policies AP2, AP11 and AP12 of the Ashover Neighbourhood Plan and there are no other material factors that outweigh that consideration.

#### **PLA/ NED/22/01190/FL - BRACKENFIELD**

**86/2**

**2-23**

The report to Committee explained that an Application had been submitted to convert a barn into a dwelling at Moor Grange, Doe-hole Lane, Brackenfield. This was a revised scheme of Application 22/00504/FL. The Application had been referred to Committee by Ward Member, Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to

conditions. The report to Committee explained the reasons for this.

Members were reminded that Local and National Planning Policy supported the conversion of disused buildings in the countryside, when this would not be detrimental to the character of the building or its setting. Officers had assessed the proposed conversion and concluded that it would not be detrimental to the character of the building and would preserve the openness and character of its countryside location. As such, it would meet the requirements of the relevant planning policies and so should be approved.

Before the Committee considered the Application it heard from local ward Member Councillor W Armitage. Councillor W Armitage confirmed that he was now satisfied with the details of the revised scheme and would support approval of the Application.

Committee considered the Application. There was a consensus that it would be an appropriate conversion of the building and that it should be approved.

At the conclusion of the discussion Councillor A Powell and Councillor D Hancock moved a Motion to approve the Application. The Motion was put to the vote and was agreed.

#### **RESOLVED -**

That the Application be conditionally approved in line with officer recommendations

That the final wording of the conditions to be delegated to the Planning Manager (Development Management).

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

**Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the details shown on drawing numbers: R0223-004 Location Plan, R0223-003 Existing and proposed site plan, R0223-007 Proposed Plans received 9<sup>th</sup> December 2022 and R0223 - 008 P3 Proposed Elevations received 15<sup>th</sup> December 2022; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

**Reason-** For clarity and the avoidance of doubt.

3. The premises, the subject of the application, shall not be occupied/ taken into use until space has been provided within the application site in accordance with the plan agreed in writing with the Local Planning Authority for the parking of 2 vehicles and maneuvering of residents, visitors, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

**Reason-** To ensure there is space to adequately park vehicles to maintain highway safety and in accordance with policy SDC12 of the North East Derbyshire Local Plan.

4. Before any other operations are commenced, a construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The agreed plan/statement shall be adhered to throughout the construction period. The construction method statement shall provide information about the construction access, storage of plant and materials, site accommodation, loading, unloading and maneuvering of goods vehicles, parking and maneuvering of employees and visitors vehicles during the construction period.

**Reason:** to ensure that work can be carried out safely within the site so as to ensure the safety of the highway.

5. Notwithstanding the submitted details, before development begins a drawing showing details of conservation roof lights well positioned in relation to the windows below shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall then be installed and retained as approved.

**Reason-** In order to maintain the character of the building and in accordance with policies SS9, SDC1 and SDC12 of the North East Derbyshire Local Plan.

6. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no alterations, improvements or extensions (Part 1 Class A) dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), swimming pool (Part 1 Class E), means of enclosure (Part 1 Class E), hard surfaces (Part 1 Class F), oil storage tanks (Part 1 Class G), means of enclosure (Part 2 Class A), shall be erected/constructed without first obtaining planning permission.

**Reason** – To maintain the character of the building and the landscape in accordance with Policies SS9, SDC1, SDC3 and SDC12 of the North East Derbyshire Local Plan.

7. The agricultural barn located to the north west (outlined in red on the attached plan) shall remain in the same ownership as the occupiers of the dwelling the subject of this application and shall not be sold separately.

**Reason:** to ensure that the amenity of future residents is not harmed by the agricultural use of the building out of their control in accordance with policy SDC12 of the North East Derbyshire Local Plan.

8. Before development starts, 2no Schwegler 2F bat boxes with double front panel shall be attached to the nearby tree as recommended by the bat report and will remain as such thereafter.

**Reason-** In order to provide suitable roosting places for bats and in accordance with policies SDC1 and SDC4 of the North East Derbyshire Local Plan.

**PLA/ 87/2**     **Planning Appeals - Lodged and Determined**

**2-23**     The report to Committee explained that six Appeals had been lodged. No Appeals had been allowed or dismissed. One Appeal had been withdrawn.

**PLA/ 88/2**     **Matters of Urgency**

**2-23**     None.

<b>PLANNING COMMITTEE – 21<sup>st</sup> March 2023</b>
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•  
**REFERENCE NUMBER:** 22/00574/FL      Application Expiry Date: 05.08.2022

Application Type:                      Full Planning Permission

Proposal Description:                Change of use from agriculture to dog exercise and training facility

At:                                          Land south of Little Chatsworth Cottages Millthorpe Lane Holmesfield

For:                                        Ms. Harriett Wordsworth

Third Party                      Yes      Parish:                      Holmesfield

Reps:                                      Ward Name:              Holmesfield

Author of                      Aspbury Planning                      Date of                      08.03.2023  
Report:                                              Report:

**MAIN RECOMMENDATION:**              **Approve Planning Permission**



Figure.1 Application site

## 1.0 Reason for Report

- 1.1 The application has been called in to Planning Committee by the Local Ward Member to allow Planning Committee the opportunity to consider the appropriateness of the proposed use of land within the Green Belt in terms of its impact on the landscape, traffic and noise.

## 2.0 Proposal and Background

### SITE DESCRIPTION

- 2.1 The application site comprises an agricultural field which is laid to grass. It is approximately 1.66 hectares in area (see Figure 2 below).



Figure 2: Application site

- 2.2 The site is located within the North East Derbyshire Green Belt and within a Primary Area of Multiple Environmental Sensitivity (AMES). The Landscape Character Type is Wooded Slopes and Valleys within the Derbyshire Peak Fringe and Lower Derwent area.
- 2.3 The site lies close to the southern edge of, but outside, the settlement boundary for Holmesfield. The site is accessed via an existing field gate off Millthorpe Lane which abuts the north western boundary of the site, the boundary to the road is defined by a stone wall, metal field gate and hedgerow. The boundary of the wider site is defined by post and rail fencing combined with mature trees and hedgerow.
- 2.4 Neighbouring land uses are agricultural to the western and southern boundaries. The northern boundary abuts the residential curtilage of No.3 Little Chatsworth Cottages. The western boundary abuts an equestrian facility which comprises of stables, parking and paddocks and which is accessed off Millthorpe Lane.
- 2.5 The site falls from north to south and Public Rights of Way FP 26 runs to the east of the site.



Figure 3: View towards the site access and Millthorpe Lane (Taken from the submitted Design and Access statement)

## PROPOSAL

- 2.6 The applicant seeks consent to change the use of the land to a dog exercise and training facility including for alterations to the existing access, a parking area and fencing.
- 2.7 The alteration to the existing access consists of widening it to 6 metres, re-locating the existing gate to a point 6 metres back from the edge of Millthorpe Lane with hard surfacing to the first 6 metres from the Lane, and providing visibility splays from the access in both directions onto Millthorpe Lane of up to 34 metres. The existing access is shown in Figure 4 below.



Figure 4: Existing Access arrangements

- 2.8 Parking provision proposed within the site would comprise of 4 spaces with a turning area as shown in Figure 5 below.

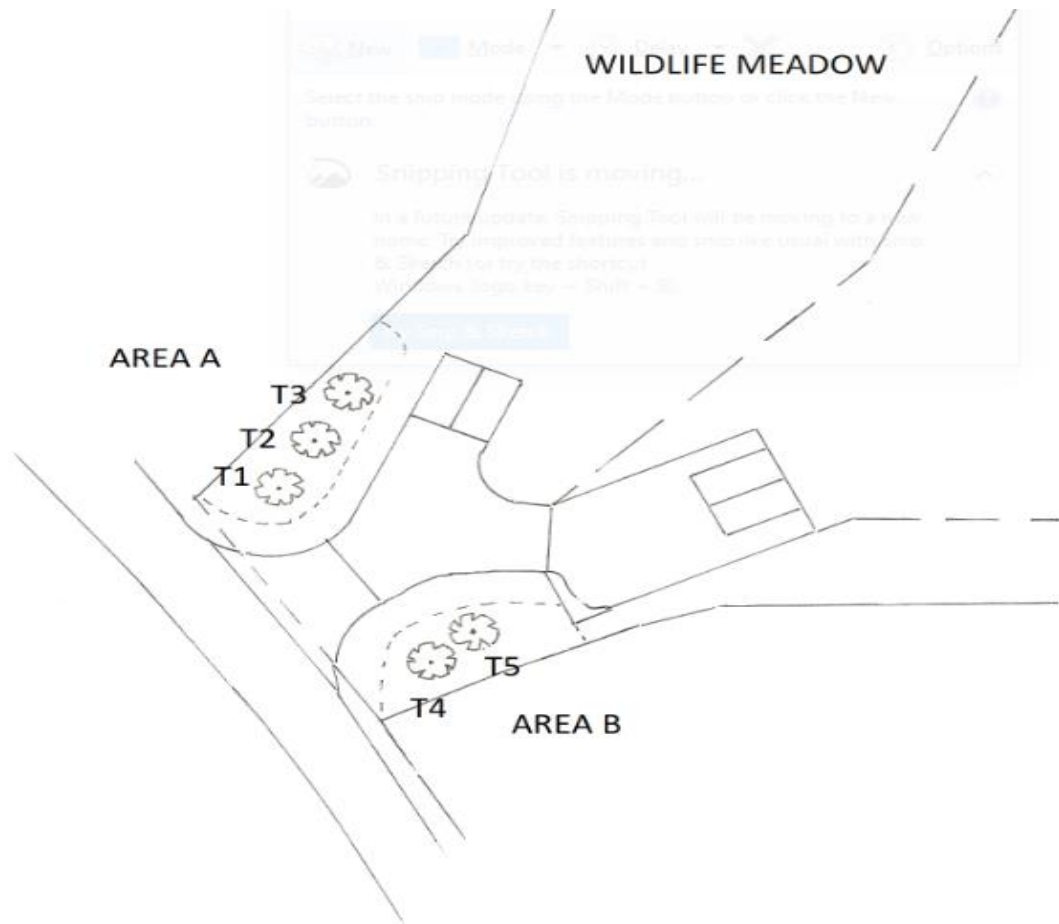


Figure 5: New access and parking proposals

- 2.9 The fencing proposed for the enclosure is described as wire stock/deer fencing with timber posts to a height of 1.82m with 0.9 m of rabbit netting (or similar) around the lower part of the fence. The enclosure would be accessed via a 3.7m wide, 1.86m high meshed deer gate.
- 2.10 The proposal incorporates landscaping proposals including tree planting to the northern part of the site, wildflower meadow, and hedgerow enhancement.

### 3.0 PLANNING HISTORY

- 3.1 There is no relevant planning history for the application site.

### 4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Two neighbouring properties were consulted by letter and a site notice posted at the access to the site on the 17<sup>th</sup> June 2022.

73 objections and 77 letters of support have been submitted. The comments are summarised below.

#### Objection

- Detrimental to those living in the valley as parking will be an issue
- Increased danger due to traffic, noise and antisocial behaviour
- It will affect the views and dog obstacles are brightly coloured
- Risk of attack from dogs
- Dog fouling will become an issue
- Visual impact of fencing will be detrimental
- The road is too narrow and dangerous for increased usage
- In winter there will be serious light pollution due to the site being open until 9pm
- Cyclists will be forced into the road by cars
- This is an already busy bus route, which cars have difficulty passing due to blind corners
- Green belt should be preserved and remain natural
- Dogs barking will cause unnecessary and excessive noise

#### Support

- Great idea, I would definitely use this facility. There is nowhere in the local area for people to properly exercise and train their dogs
- This is an opportunity to train dogs in a safe space. Training facilities promote responsible dog ownership and are a valuable asset in any community. Dogs would not be allowed to practice behaviours such as barking at horses or sheep. The point of the facility is to teach our dog acceptable social behaviour not to allow him to run wild.
- Due to the increase of dog thefts, it would be a safe place to let your dog off the lead.
- More pleasant for people who aren't dog owners, to have them in one place
- This sounds like a great idea. It can be very hard to find a good place to train my nervous dog
- It is a perfect solution for land not being used for agriculture any more
- Adults/ children with mental health issues can find walking their pet in busy areas very stressful and would find using a field much easier to walk the family pet

Officer Note: The representations received have been summarised for the purposes of this report and can be viewed in full via the Council's website.

## **Consultation responses:**

- 4.2 Highways Authority:** A speed-reading survey was submitted which showed an acceptable average approach speed of 28mph towards Main Road to the north and 23mph towards New Road to the south, further information was required by the Highway Authority in respect of traffic generation, access, parking and visibility. The applicant responded to the Highways Authority's original comments with the Bancroft Consulting response of 3rd October 2022. Additional information including visibility splays, access and a swept path assessment was provided as shown on plan F22119/01 within the Bancroft Consulting letter. This was considered acceptable by the Highway Authority and it was recommended that the submitted details are conditioned. The parking provision shown on plan F22119/03 Rev A is considered acceptable subject to a condition requiring a Parking Management Strategy to be submitted and approved by the Local Planning Authority prior to the commencement of operations and to include details of the booking and management of the proposed parking spaces and the monitoring of parking. The generation figures submitted were also considered acceptable subject to a condition requiring a Traffic Monitoring Programme/Traffic Management Strategy to be submitted and approved by the Local Planning Authority prior to the commencement of operations.

The Highways Authority has no objections to the proposal subject to conditions.

- 4.3 Environmental Health:** The original comments of the Environmental Health Officer raised concerns in relation to land contamination, drainage and statutory nuisance in terms of noise and odour. The response from the applicant published 1<sup>st</sup> September 2022 addressed the concerns relating to land contamination and drainage, and referred to the Terms and Conditions and Code of Conduct submitted as part of the application documents in response to the concerns regarding noise and odour. Following negotiations amended versions of the above documents were submitted to include a noise management plan comprising of limitations on the numbers of cars and dogs per session, and prohibiting the use of loud training aids.

The Environmental Health Officer suggested that should permission be granted; it should be for a temporary period of two years to allow for an evaluation of the effectiveness of the noise management plan.

- 4.4 Derbyshire Wildlife Trust (DWT):** The Ecology report submitted on 30<sup>th</sup> May 2022 lacked sufficient information on the ecology of the site and the potential impact of the development on protected species and grassland. A Preliminary Ecological Appraisal (PEA) was requested, and it was

advised that losses and gains are demonstrated using the Defra Biodiversity Metric. Following the submission of the PEA, DWT commented that the proposals appeared to be acceptable as the fencing is proposed to be set in by several metres from the field boundary. It was recommended that the field margins are allowed to grow taller to enable a more diverse sward to establish at the site perimeters. A Biodiversity Net Gain report was also submitted which stated that a BNG of +54.08% could be achieved with the on-site mitigation proposals in the form of tree and hedgerow planting, and that biodiversity enhancement is achievable with the provision of bat and bird boxes. DWT stated that on balance, the proposals appear acceptable but a copy of the metric should be submitted with the application to enable a full review of the BNG calculations. A condition was recommended requiring a Biodiversity Enhancement Plan to be submitted and approved prior to first use.

- 4.5 Ward Councillor:** Ward Councillor Trafford-Stephenson submitted an objection stating the proposal is not an appropriate use of the land. The area where the land is situated is amongst green belt land, the proposal would harm the nature of the locality with its proposed development, use, operating times and increased traffic to the site. This will also contribute to noise issues.

- 4.6 Parish Council:** No comments received.

## **5.0 PLANNING POLICY CONSIDERATIONS**

- 5.1** The Development Plan comprises of the North East Derbyshire Local Plan 2014-2034.

The following policies are those considered most important to the determination of the application:

- SS1 - Sustainable Development
- SS2 - Spatial Strategy and the Distribution of Development
- SS9 - Development in the Countryside
- SS10 - North East Derbyshire Green Belt
- SDC3 - Landscape Character
- SDC12 - High quality Design and Place-Making
- ID3 - Sustainable Travel
- SDC2 - Trees, Woodland and Hedgerows
- SDC4 - Biodiversity and Geodiversity
- SDC13 - Environmental Quality

## **6.0 PLANNING ISSUES**

### **Principle of Development**

- 6.1 The application site is located outside the defined settlement limits for Holmesfield and within the countryside and Green Belt.
- 6.2 Policy SS9 of the North East Derbyshire Local Plan (Development in the Countryside) is therefore applicable. The proposed development is considered to fall within category 1.d. of the policy as a small-scale use related to recreation and so in principle should be approved provided it respects the form, scale and character of the landscape through careful siting, scale, design and use of materials. As such, Officers are satisfied that the general principle of a recreational use on the site is acceptable, subject to the other relevant considerations.
- 6.3 The site lies within the Green Belt where Policy SS10 applies and where inappropriate development will not be approved except in very special circumstances. No new buildings are proposed here and engineering operations are not inappropriate providing they preserve the openness of the Green Belt and don't conflict with its purposes. The National Planning Policy Framework notes that material changes in the use of land are also not inappropriate in the same circumstances.
- 6.4 Officers note that the five purposes of Green Belt are as follows:
- 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.
- 6.5 Paragraph 145 of the NPPF states that, once Green Belts have been defined local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 6.6 Based on the above policy consideration, Officers are satisfied that the general principle of the proposed use and associated development within the Green Belt is not inappropriate subject to it preserving openness and not conflicting with Green Belt uses.
- 6.7 Policy SD3 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the

character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. Development proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES), and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.

- 6.8 The site is located within a primary AMES. The Local Plan states that such areas are the most sensitive areas of landscape, and which are most likely to be negatively affected by change or development. In these areas, there will be a strong focus on the protection and conservation of their environmental assets. The Landscape Character Type is described in The Derbyshire Landscape Character Area Assessment as: Wooded Slopes and Valleys within the Derbyshire Peak Fringe and Lower Derwent area, the site demonstrating the typical character of irregular field pattern bounded by mixed species hedgerows, and having an agriculturally poor soil type traditionally associated with woodland (Grade 4). The site falls within an area identified as having an average tranquillity rating of -18 to -3 according to the tranquillity map for Derbyshire prepared by Derbyshire County Council as part of the AMES study. Officers are satisfied that the general principle of the proposed development within the primary AMES is acceptable subject to the proposals being in accordance with other applicable Local Plan Policies, and other relevant technical planning matters being acceptable.

### **Impact on the Openness of the Green Belt**

- 6.9 The proposal seeks no new buildings but it does seek consent for alterations to the existing access point and the creation of a parking and hardstanding area. Fencing is also proposed.
- 6.10 Officers consider that the physical works proposed are limited in scale and extent and not out of character with this area where development takes place in association with agriculture and other rurally based activities. Officers conclude that they would not affect openness or result in an unacceptable encroachment into the countryside.
- 6.11 The parking of vehicles on the new hardstanding areas and the associated comings and goings could give rise to a visual impact. However, Officers are of the view that the number and extent of vehicles is limited and not dissimilar in scale to that associated with agricultural activities and so also preserve openness and would not be an unacceptable encroachment.

- 6.12 Therefore, officers conclude that the development proposed is not inappropriate in the Green Belt.

### **Impact on Landscape Character**

- 6.13 The topography of the site slopes from north to south. The parking area is proposed at its northernmost point where it is visible from Millthorpe Lane. The material proposed for the track and parking area is crushed sandstone, to be laid in a 'tramlines' formation. The access is to be marked out with timber post and rail fencing. The existing gate is to be re-located and set back 6 metres from the highway. The neighbouring sites to the north and south both have similar access and parking arrangements. Therefore, the proposed arrangement is not considered out of character in this locality and considered to maintain the agricultural character of the site and respect the form, scale and character of the landscape in accordance with Policies SS9 and SDC3.
- 6.14 In addition, the distinctive local character of irregular field patterns bounded by mixed species hedgerows would be maintained and enhanced by the proposed landscaping plans. The additional tree and hedgerow planting proposed is in line with the Planting and Management Guidelines for Wooded Slopes and Valleys as described within 'The Landscape Character of Derbyshire'.
- 6.15 In terms of tranquillity, the site falls within an area identified as having a medium level tranquillity rating of -18 to -3 according to the tranquillity map for Derbyshire (prepared by Derbyshire County Council as part of the AMES study). The expected traffic movements generated by the proposed use have been calculated as part of the information provided in response to the comments of the Highways Authority. The figures are based on the maximum possible movements likely to be carried out and these are not considered to be significantly more than could reasonably take place for an agricultural use on the site.
- 6.16 The applicant has submitted a noise management scheme which is incorporated into the amended proposed Terms and Conditions and Code of Conduct for users of the field. The scheme limits the numbers of cars per 50 minute session to 2 and the number of dogs to 4 per session. The use of training aids is restricted only to those which do not emit a sound which is detectable to humans. Any dogs reported to be barking persistently will be denied future access to the field through the booking system proposed by the applicant. Having regard to the location of the field access on a relatively busy lane, where there are currently residential and equestrian uses taking place on neighbouring sites, traffic passing through the area, and footfall on nearby Public Rights of Way, these are

considered to be reasonable measures in order to retain the level of tranquillity which the area currently enjoys.

### **Residential Amenity**

- 6.17 Policy SDC12 states that all new development should be of a high-quality design and this includes protecting the amenity of existing occupiers.
- 6.18 The closest residential dwelling is located approximately 55 metres to the north of the proposed parking area, and approximately 70 metres from the proposed entrance to the secure area (see Figure 2 above). There is an outbuilding / garage which lies approximately 10 metres from the site boundary within the curtilage of the dwelling. The ground level of the field drops away to the south and away from the dwelling where the ground level is 20 metres lower. It is expected that activity within the field is likely to take place largely in the southern section of the site which is approximately 250 metres from the dwelling to the north and 150 metres from the dwelling to the south, which is separated from the site by another field with mature trees on the boundaries.
- 6.19 The activity within the area around the access and upper part of the field is expected to be solely in connection with the vehicular movements of the field users arriving and departing. This level of activity is not considered to be significantly in excess of the expected vehicle movements for an agricultural use, or that of the neighbouring equestrian and residential uses. It is, as such, considered acceptable.
- 6.20 Concerns have been raised regarding potential noise disturbance arising from the proposed use of the site. The applicant has submitted a noise management scheme as part of the Terms and Conditions and Code of Conduct for use of the field following negotiations with Planning and Environmental Health Officers. The numbers of cars would be limited to two per session and dogs to no more than 4 per session. The use of loud training aids would be prohibited. Appointments are to be scheduled around 50-minute sessions to allow for a 10-minute change over period. It is not therefore anticipated that there will be multiple vehicles entering or leaving the site at any one time.
- 6.21 The applicant states within the proposed terms of use that new field users will provide details, and sign to agree to the terms and conditions and to follow the code of conduct. The applicant will carry out an induction at the field prior to new users first field session. The field will be unsupervised during the day but checked in person at least once daily and monitored through CCTV. Neighbouring properties and the wider community will be encouraged to report any issues directly to the applicant so they can be dealt with appropriately. Any field users not adhering to the code of

conduct and terms and conditions will be prohibited from further use. A register of bookings will be kept and made available to the Council on request at all times.

- 6.22 In order to further mitigate any impact on the amenity of the neighbouring property, the proposals include a landscaping plan which incorporates tree planting to the north and south of the access and parking area. This will provide some noise buffering and amenity whilst retaining the view from the dwelling across the field to the south.
- 6.23 Hours of operation are to be daylight hours only and no lighting is to be installed on the site. These matters can be controlled by condition. The proposed hours of operation are as follows:  
October: 7am to 6pm  
November: 8am to 4pm  
December: 8am to 4pm  
January: 8am to 4pm  
February: 8am to 5pm  
March: 7am to 6pm  
April to September: 7am to 8pm
- 6.24 Officers are satisfied that the nature of the proposed use controlled with the recommended conditions to include adherence with the noise management plan would prevent any unacceptable harm to neighbouring amenity. The proposal would therefore accord with Policy SDC12.
- 6.25 Notwithstanding this, in view of the concerns raised, Officers consider that it would be appropriate at this stage, and based on the advice of the Environmental Health Officer, to limit any permission to a temporary 2 year period. This would enable the use to be monitored and assess if a permanent permission subsequently could be granted. Officers recommend this accordingly subject to the temporary impacts on the proposed finalised scheme as detailed below.

### **Highways**

- 6.26 Policy ID3: Sustainable Travel, states that planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 6.27 The site has an existing agricultural access with a metal field gate which is set back from the edge of the highway by approximately 2.5 metres. This is not adequate for any vehicles currently entering the site to be able to open the gate without the waiting vehicle obstructing the lane. The proposal therefore comprises an improvement of the existing access by

setting back the gate by 6 metres from the highway edge with hard surfacing to reduce the spread of deleterious material from the field on to the highway. It is proposed to widen the access to 6 metres and to create visibility splays of up to 34 metres on to the lane.

- 6.28 Parking provision for 4 cars is proposed within the site with turning space to allow vehicles to leave the site in forward gear.
- 6.29 A speed survey and traffic generation figures were submitted along with detailed access and parking plans. The Highway Authority were consulted and are satisfied with the proposals subject to conditions requiring a Parking Management Strategy and Traffic Monitoring Programme being appended to any approval.
- 6.30 Officers are satisfied that the intensity of the use would not generate significant numbers of trips to or from the site resulting in undue pressure on local infrastructure or causing highway safety issues. In these respects the proposal is considered acceptable and in compliance with Policy ID3.

### **Environmental Quality**

- 6.31 Policy SDC13: Environmental Quality seeks to ensure that development does not result in any adverse environmental effects. The initial comments of the Environmental Health Officer (EHO) raised concerns regarding land contamination which have been addressed by the applicant to the satisfaction of the EHO.
- 6.32 The proposal is not expected to cause light pollution, no lighting scheme is proposed, and the hours of operation are to be limited to daylight hours only. These matters can be conditioned.
- 6.33 Noise mitigation measures are proposed within the noise management scheme incorporated into the Terms and Conditions and Code of Conduct for users of the field as detailed above. The additional tree planting proposed would also help to mitigate any noise which may be created by the use. It is however a consideration that the use is unlikely to create any more noise than the activity of walking dogs in the countryside using public footpaths, and that the vehicular movements may create no more noise than vehicles associated with an agricultural use of the field.

### **Biodiversity**

- 6.34 Policy SDC4 seeks to protect and enhance the natural environment and seek to increase the quantity and quality of biodiversity through the development process. The enhancement of all development sites in terms of biodiversity is encouraged by supporting measures which improve

existing and create new wildlife habitats. Such measures could include maintaining trees, native vegetation and improving green infrastructure for the benefit of wildlife.

- 6.35 The applicant has undertaken a Preliminary Ecological Appraisal which concluded that the site as existing is generally of very low wildlife value, this owing to the relatively poor floristic diversity present (i.e. grazed/mowed improved grassland). However, the hedges with trees enclosing the field provide nesting habitat for birds, and good quality habitat for foraging and/or commuting bats.
- 6.36 A Biodiversity Net Gain (BNG) Assessment was also undertaken which concluded that an overall predicted net gain of 54.08% in habitat units could be achieved on the site. The actual BNG calculation was not been submitted with the report, and this was subsequently requested by the Derbyshire Wildlife Trust following consultation. A suitably worded condition was suggested to ensure that suitable biodiversity enhancement would be achieved across the site to include the provision of bird and bat boxes, native hedgerow gap planting, and relaxed management of site margins to establish more diverse grassland.
- 6.37 Landscaping plans were submitted by the applicant which include native tree planting to the north and south of the proposed parking areas, hedgerow gap planting and the creation of a wildflower meadow. The location of the secure fencing is proposed to be set in by several metres from the field margins to allow the grass to grow taller between the fence and existing hedgerows. This would enable a more diverse sward of grassland to establish at the site perimeters, providing additional habitat.
- 6.38 Officers are satisfied that the objectives of Policy SDC4 are met by the proposed development.

#### **Other Considerations**

- 6.39 Due to the concerns of residents regarding potential noise impact, it was suggested by the Environmental Health Officer that the permission should only be for a temporary of 2 years to allow the effectiveness of the noise management plan to be evaluated. Officers are in agreement with this approach as set out above.
- 6.40 The applicant has submitted a statement of temporary proposals due to the cost implications of implementing the full landscaping and surfacing proposal should the development only be granted temporarily. This would consist of the installation of the fencing for the secure area, and the alterations to the access to include access widening, formation of visibility splays, and hard surfacing of the first 6 metres of the access.

- 6.41 The temporary proposal comprises a reduction of the landscaping proposal to comprise only of the tree planting in areas A and B as detailed on the landscaping plan, (see above) along with the gapping up of the boundary hedges. All other planting and wildflower meadow provision would follow if a full and permanent permission was granted.
- 6.42 With regard to the proposed materials the applicant proposes the temporary surfacing of the track and parking areas with crushed sandstone rather than the Grasscrete or similar as detailed within the plans submitted. The access would be marked by timber post and rail fencing rather than the re-use of the existing stone wall material, which is to be stored for later use should a full permission be granted.
- 6.43 In terms of noise monitoring it is anticipated that should any complaints be received, that the applicant would have the opportunity to work collaboratively with the council to address them. The applicant has stated that they will encourage residents to contact her directly in the first instance should they experience any issues regarding noise from the use of the field.

### **Conclusion**

- 6.44 Officers consider that, in accordance with the relevant policies of the North East Derbyshire Local Plan and the guidance contained within the National Planning Policy Framework, the proposed development is appropriate to the character of the countryside location and is considered to be appropriate development in the Green Belt.
- 6.45 Subject to the recommended conditions of approval. It is not considered that the proposed use would lead to any unacceptable harm to the amenity levels currently enjoyed by the neighbouring occupiers. In this regard, the proposals would be compatible with adjacent uses. It is not considered that there would be an unacceptable impact on highway safety and ecological interest can be protected and potentially enhanced.
- 6.46 Notwithstanding this, and in response to the concerns raised locally, Officers consider that in this instance a temporary permission would be appropriate to enable a two year period of monitoring to take place. This would impact on the scheme in its initial form but these deficiencies could be fully rectified if a subsequent full permission was granted and so this is not considered to weigh against the scheme.
- 6.47 On the basis of the above considerations, Officers are of the view that the proposals represent an acceptable form of development.

## **7.0 Recommendation**

GRANT Planning Permission for a temporary two year basis subject to the following conditions with the final wording and content of the conditions delegated to the Planning Manager (Development Management):

1. Temporary permission (2 years).
2. The development hereby approved shall be carried out in accordance with the details shown on the Location Plan and Site Layout uploaded to the Council's website on 30 May 2022.

### **Highways**

3. Before any other operations are commenced, a new vehicular access shall be created to Millthorpe Lane in accordance with the application drawings F22119/01, F22119/02 laid out, constructed and provided with visibility splays as shown on the plan in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
5. The proposed access shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary.
6. There shall be no gates or other barriers within 6m of the nearside highway boundary, and any gates shall open inwards only.
7. Within 3 months of the date of this permission, a Traffic Monitoring Programme/Traffic Management Strategy for the control of traffic generation from the site shall be submitted to and be approved in writing by the Local Planning Authority. The traffic monitoring programme shall then be implemented as agreed.
8. The use, hereby permitted, shall not be taken into use until space has been provided within the application site in accordance with the application drawing F22119/03/A for the parking and manoeuvring of 4 vehicles. It shall then be maintained as such thereafter.
9. Within 3 months of the date of this permission, a Parking Management Strategy for the management of the parking arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted Parking Management Strategy shall include details of the booking and management of proposed parking spaces and the monitoring

of parking within the site and on surrounding streets. The strategy shall then be implemented as agreed.

### **Biodiversity**

10. Within 3 months of the date of this permission, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall be in line with Section 4.2 of the Preliminary Ecological Appraisal (PEA) (ML Ecology, October 2022). The approved measures shall then be implemented in full as agreed and be maintained as such thereafter.

The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- bat and bird boxes in suitable perimeter trees
- native hedgerow gap planting
- relaxed management of site margins to establish more diverse grassland

### **Environmental**

11. The use hereby permitted shall be carried out solely in accordance with the submitted Terms and Conditions, Code of Conduct and Noise Management details uploaded to the Council's website on 28 Feb 2023.

12. The site shall not be floodlit or artificially illuminated in any way.

13. The site shall only be in use for the permitted activity during the following times:

October: 7am to 6pm; November: 8am to 4pm; December: 8am to 4pm; January: 8am to 4pm; February: 8am to 5pm; March: 7am to 6pm and April to September: 7am to 8pm

## PLANNING COMMITTEE – 21<sup>st</sup> March 2023

**REFERENCE NUMBER:** 23/00015/FL      Application Expiry Date: 24th March 2023  
Application Type: Full Planning Permission

**Proposal Description:** Application to install 4m high acoustic fence to air source heat pump compound. Install acoustic wall lining to internal brick work elevations of compound  
**At:** Eckington Swimming Pool, Gosber Street, Eckington, Sheffield.

**For:** Mr Matt Jones- Leisure Energy  
**Third Party Reps:** 1      Parish: Eckington Parish Council  
Ward Name: Eckington South And Renishaw Ward

**Author of Report:** Case Officer Alice Lockett      **Date of Report:** 09 March 2023

**MAIN RECOMMENDATION: GRANT (**



## **1.0 REASON FOR THE REPORT**

- 1.1 The application is for work to be carried out to a building owned by the local authority, as there has been one objection to the proposal it must be considered by committee.

## **2.0 PROPOSAL AND BACKGROUND**

- 2.1 This application is for a 4m high fence designed to mitigate noise from Air Source Heat Pumps which were installed at the site in 2021. The Air Source Heat Pumps (ASHP) do not form part of the application.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history

## **4.0 CONSULTATION RESPONSE**

### **4.1 Environmental Health Officers: Noise**

Environmental Health have been involved with the on-going issue of acoustic mitigation for the installed ASHP at Eckington Leisure Centre. This involved numerous site visits and review of acoustic testing as undertaken by Clarke Saunders Acoustics. The latest measurements and results were presented in the Clarke Saunders Acoustics sound impact assessment, ref: AS12312.211021.NIA.V1.2.

In summary 6.1.2 of the report states that:

*“A number of noise mitigation measures are to be applied to the current installation to reduce noise impacts on surrounding noise sensitive receptors, including;*

- Removing existing 3m high feather edge timber board boundary fence which contains a number of gaps;*
- Installing a 4m high absorptive panel screen (Conabeare Acoustics ESD50 panel) to the ASHP area with no gaps;*
- Acoustically absorptive wall linings to two leisure centre walls within the ASHP plant area (Conabeare Acoustics ESD50 panel);*
- Acoustic lined ASHP ducting to fans up to a height of 4m (formed from Conabeare Acoustics ESD50).”*

Based on the source measurement within the plant area, and the proposed mitigation options, noise predictions have been made at the nearest noise sensitive receptors and presented in Table 6.4. Table 6.5 shows the BS4142 assessment for the day and night periods.

The report finds that for the daytime period there is ‘*Indication of the specific sound having low impact, depending on the context.*’, for the evening period LT1-2 is

*'Tending towards an 'Indication of the specific sound having a low impact, depending on the context.', LT3 'Indication of the specific sound having low impact, depending on the context.', LT4 'Indication of the specific sound having an adverse impact, depending on the context'.*

Although the report states there is potential for a low to adverse impact at LT3 and LT4 respectively, it further states that:

*The site and surrounding area is urban, with the soundscape characterised by low levels of road traffic noise at night-time and existing commercial plant associated with the leisure centre. At the low level predicted, the specific source would not be incongruent with the nature of the site and surroundings.*

*With facade reductions through open windows, internal levels within properties would be significantly below desirable upper guidance levels provided in BS8233:2014 during day and night-time periods. With windows closed, internal levels would be reduced significantly, such that they would be close to the threshold of hearing and not be expected to be noticeable.*

The overall conclusion as stated in in paragraph 6.4.1 *'When considered in context, daytime and night-time the BS4142 assessments at all receptor locations would tend towards an indication of a low impact.'*

Given the findings of the site investigation, assessment, and subsequent report Environmental Protection would want to ensure that:

The development hereby approved shall not be brought into use unless and until the scheme of acoustic mitigation is installed as described in the Clarke Saunders Acoustics report ref: AS12312.211021.NIA.V1.2. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential receptor (LT1-4) which may suffer a loss of aural amenity from sound associated with the development, does not exceed the referenced levels within the aforementioned report.

*Reason – In the interest of the aural amenity of surrounding dwellings and in accordance with Policies of the North East Derbyshire Local Plan*

**4.2 Cadent Gas** have no objection to this proposal from a planning perspective.

**4.3 Eckington Parish Council** have raised no comments

**4.4 Ward Member** has raised no comments.

## **5.0 REPRESENTATIONS**

**5.1 Objections have been received from one neighbour covering the following issues (in summary):**

- The councils should have applied for planning permission for the Air Source Heat Pump.
- The Air Source Heat Pump should not be in the location it has been installed

*(Officer Comment: this application is for the fence not the ASHP)*

- The block plan drawings do not tally with the details on other drawings and the application form
- The block plan does not appear to be accurate

*(Officer Comment: a revised block plan has been submitted which tallies with the submitted layout and elevation drawings)*

- The fence will not reduce the noise as it is supposed to.

*(Officer Comment: the applicant has submitted a noise report which suggest that the fence design is appropriate to mitigate the sound from the ASHPs)*

- The build conflicts with the original pattern of past development from the 1970's, Eckington swimming pool structure is of brick build gentle on the eye from the view from my property, the intended build would place a galvanized steel structure above my fence line that would spoil natural and existing contours. I fully believe this development is totally incompatible with the design of the existing building,

- I believe that this contravenes the builds that should be allowed within a conservation area.

- I also believe there would have been alternative positions to install the air source heat pumps thus allowing the acoustic fence to be built in a manner not to impede the fabric of the building and away from spoilt contours from neighboring properties.

*(Officer Comment: The impact of the fence on the character of the building and its surroundings including the impact on the adjacent conservation Area is dealt with in section 7 below).*

- I fully understand that the structure is also made of mineral wool and possess no risk of fire however no fire certificate information has been submitted with the application, I would have expected this to have been included.

*(Officer Comment- there is no requirement to submit this information at the planning stage- fire safety issues are dealt with by Building Control)*

**6.0 RELEVANT POLICY AND STRATEGIC CONTEXT**

The Development Plan comprises the North East Derbyshire Local Plan. The most relevant policies in this case are as follows:

**6.1 North East Derbyshire District Local Plan**

SS1 Sustainable Development  
SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits  
WC4 Retail Hierarchy and Town Centre Uses  
SP3 Eckington  
SDC12 High Quality Design and Place Making  
SDC13 Environmental Quality

**6.2 National Planning Policy Framework**

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been taken into account.

**7.0 PLANNING ISSUES**

- 7.1** In this case the application is for the acoustic fence which is intended to surround the Air Source Heat Pumps not for the heat pumps themselves, as such it is only necessary to assess the impact of the fence itself on its surroundings.



*Figure 1 Existing fencing.*

- 7.2 The proposal is for an acoustic fence which will be constructed around the ASHP equipment located to the east of the swimming pool building. The fence will be 4m high and will be constructed of acoustic screen panels, double doors for access will be located within the eastern wall and will replace the existing fencing that currently encloses the ASHP.

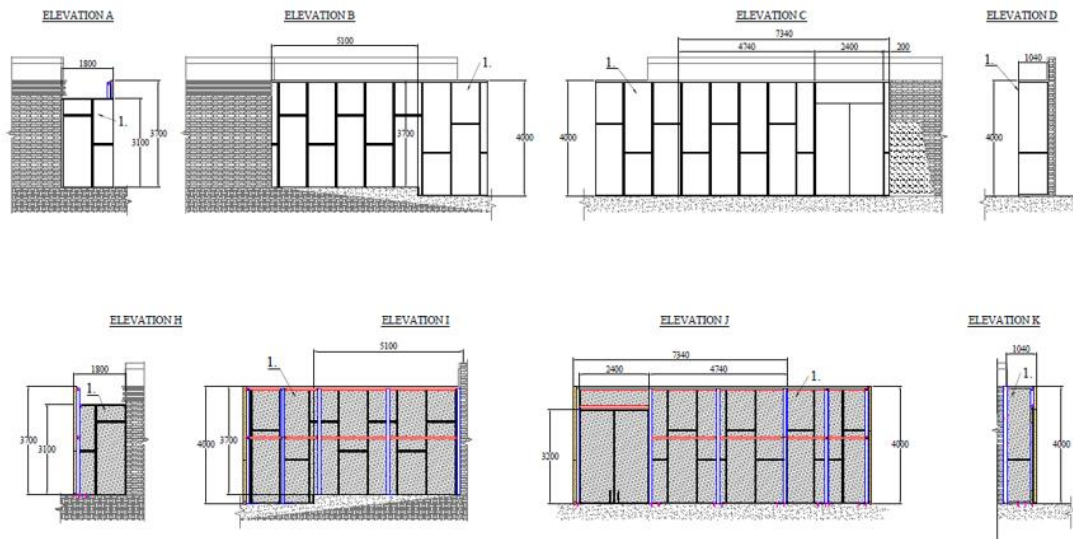


Figure 2 Proposed Elevations

#### Impact on the character of the street scene

- 7.3 The application site is located within the settlement development limits for Eckington, here policy SS7 supports development which is appropriate in scale, design and location the character and function of the settlement.
- 7.4 The acoustic fence will replace an existing timber fence around the equipment and will be the same height as the single storey elements of the existing building. The application form states that the external finish will be anthracite grey metal cladding. Officers are of the view that the fence will be read as part of the existing utilitarian swimming pool building and will therefore be appropriate for the character of the area.

#### Impact on the Conservation Area

- 7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Importantly, in this context, “preservation” means to cause no harm and this is a matter of paramount concern in the decision-making process.

- 7.6 The site is located just outside the Eckington Conservation Area, with the boundary of the CA being a close boarded fence at this point. It is possible that glimpses of the fence will be visible from within the conservation area, however officers are of the view that the fence will be read with the utilitarian swimming pool building and will not have a greater impact on views from the Conservation Area than the existing building. As a consequence it is considered that the fence will preserve the setting of the Eckington Conservation Area and as such meets the requirements of policy SDC5.

#### Impact on the amenity of neighbours

- 7.7 Policy SS7(c) requires that development should be compatible with, and does not prejudice any intended use of adjacent sites and land uses, whilst policy SDC12 states that development should protect the amenity of existing occupiers in relation to privacy, overlooking, overshadowing and/or overbearing impacts.



*Figure 3 1Gosber Street is located to the east*

- 7.8 The fence will be approximately 5m from the boundary with 1 Gosber Street which is located to the east beyond the car park access road. As such it may be visible from the garden, however officers are of the view that due to the orientation to the west of the garden and the height and location of the existing Swimming pool building, the fence will not have a more harmful impact on light to windows or over shadowing than the existing situation as such it is considered that the proposal meets the requirements of policies SS7 and SDC12

#### Noise

- 7.9 The fence is designed to ameliorate the impact of noise coming from the ASHPs. This design has been agreed with the council's environmental health team to ensure that noise outbreak from the heat pumps do not cause a nuisance.
- 7.10 Statutory nuisance is dealt with by the Environmental Health team under their own legislation. The councils Environmental Health Officers are confident that the fence design will achieve this but have suggested that a condition requiring testing once the fence is in place would be sensible.
- 7.11 In this case, as it is the fence that requires permission, (not the ASHPs which are the source of the noise) it is not usually necessary to require a noise report, however for clarity and completeness as report has been submitted and this was uploaded to the public access on 8<sup>th</sup> March 2023. On that day 14 consultations were sent to all statutory consultees and neighbours. This consultation period ends the day after committee. Any comments submitted before committee date will be dealt with in the Late Representations document. Any comment received after committee will be dealt with by the Planning Manager in consultation with Chair and Vice Chair. As a consequence officers are recommending that should members be minded to approve the application this should be subject to the consultation expiry date.

## **8.0 SUMMARY AND CONCLUSIONS**

- 8.1 Local and national policy supports development within settlement development limits which are appropriate in scale and design to the character of the area and do not have a harmful impact on the amenity of neighbours.
- 8.1.1 In this case a 4m high fence is proposed to help baffle the sound of Air Source Heat Pumps installed at the pool. It is considered that by virtue of its location and design the fence meets the requirements of policies SS7 and SDC12 it also meets the requirements of policy SDC5 by not having a harmful impact on the adjoining Conservation Area. As a consequence officers are of the view that the application should be approved.
- 8.1.2 Adding weight to the above conclusion is the opinion of the Environmental Health team that the fence is appropriate mitigation against noise in this circumstance.

## **9.0 RECOMMENDATION**

GRANT Full Planning Permission subject to expiry of the consultation date with any late matters relating to the noise report delegated to the Planning Manager in consultation with Chair and Vice Chair.

### **1. (Full Condition)**

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

**T1R Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. **(Submitted Plans)**

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:

CS8593 - 101 REV B Plan  
CS8593-102 Elevations  
CS8593-102 Sections  
CS8593-104 REV B Non acoustic Discharges  
received 6<sup>th</sup> January 2023  
G1071/019 REV P1 Proposed Compound Fence line layout  
received 2<sup>nd</sup> March 2023;  
AS12321 Eckington Leisure Centre ASHP Sound Impact Assessment  
Uploaded 8<sup>th</sup> March 2023

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

**T5R Reason-** For clarity and the avoidance of doubt.

3. The Air Source Heat Pumps (ASHP) shall not be brought into use unless and until the scheme of acoustic mitigation is installed as described in the Clarke Saunders Acoustics report ref: AS12312.211021.NIA.V1.2. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential receptor (LT1-4) which may suffer a loss of aural amenity from sound associated with the development, does not exceed the referenced levels within the aforementioned report.

**Reason** – In the interest of the aural amenity of surrounding dwellings and in accordance with Policies of the North East Derbyshire Local Plan

## North East Derbyshire District Council

### Planning Committee

21 March 2023

#### PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER (TPO 192/2022) ON LAND AT THE RECTORY OF ALL SAINTS' CHURCH, WINGERWORTH.

#### Report of the Planning Policy & Environment Manager

Classification: This report is public

Report By: Principal Arboricultural Officer (Planning)

Contact Officer: David Cunningham

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#### **PURPOSE / SUMMARY**

- Tree Preservation Order (TPO) 292/2022 was made in its provisional form on 12 December 2022. The effect is that the Order applies for six months or until confirmed or modified.
  - Before deciding to confirm an Order, the local authority must take into account all 'duly made' objections and representations that have not been withdrawn.
  - Two objections have been received.
  - The Council's Principal Arboricultural Officer (Tree Officer) believes that there is a foreseeable threat to the tree described as T1 within the Order, which would likely result in the loss of this tree should TPO 292 not be confirmed in the interests of amenity.
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#### **RECOMMENDATIONS**

1. To confirm TPO 292/2022, Land at the Rectory of All Saints' Church, Wingerworth without modification.

Approved by the Portfolio Holder – Cllr Cupit, Cabinet Member for Planning &  
Environment

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#### **IMPLICATIONS**

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**Finance and Risk:** Yes ☐ No ☒

**Details:** There is no financial or other risk from the confirmation of the Order as the option remains for the tree owners to make an application to seek to undertake works to or remove trees.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes ☐ No ☒

**Details:** All proper legal processes have been followed, the land owners have been advised of the making of the provisional Orders and given the opportunity to make comments. Provisional TPOs must be confirmed within 6 months of their making, to retain effect. Failure to confirm the orders within that time would mean they no longer have effect and any protection is lost.

On Behalf of the Solicitor to the Council

**Staffing:** Yes ☐ No ☒

**Details:** There are no significant implications on staffing resources arising from the action recommended in the this report

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<b>Is the decision a Key Decision?</b> 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:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	Wingerworth Parish
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Consultation has taken place with other officers and with Cllr Diana Ruff

### Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.

Protecting and promoting the Character of our District including enhancing the natural environment and tackling climate change.

## **REPORT DETAILS**

### **1 Background**

- 1.1 The Council's Tree Officer undertook an inspection of the mature beech tree located within the garden of the Rectory at All Saints' Church, Wingerworth on 22<sup>nd</sup> November 2022 with a view to serving a TPO. This was in response to concerns that plans were in place to remove the tree due to the amount of shade it cast on the rear garden of the neighbouring dwelling, 2 Barn Cottages located to the east of All Saints' Church.
- 1.2 Section 198 of The Town and Country Planning Act 1990 affords the power for a local authority to make a TPO where it appears to the authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in its area.
- 1.3 The Council's Tree Officer undertook a TEMPO assessment of T1 from the public domain of Longedge Lane. TEMPO is a field-guide to TPO decision-making and considers all of the relevant factors in the TPO decision-making chain. The Tree Officer determined that T1 is a healthy and mature beech tree and achieved a TEMPO score of 16 out of a possible 25 and is merit-worthy of the special protection afforded by TPO.
- 1.4 An individual Tree Preservation Order (TPO 292) protecting the mature beech (T1) at the rectory of All Saints' Church, Wingerworth was made on a provisional basis on 12 December 2022. The effect is that the Order applies for six months or until confirmed or modified by the Council.
- 1.5 Before deciding whether to confirm an Order, the local authority must take into account all 'duly made' objections and representations that have not been withdrawn. Two 'duly made' objections to the creation of TPO 292 have been received.

### **2. Details of Proposal and Information**

- 2.1 The Rectory is located in a pleasant and semi-rural part of Wingerworth. The site is a well-established, residential part of the village (see figure 1) and immediately opposite Hunloke Park Primary School on Longedge Lane. The tree which is the subject of TPO 292 is a mature beech tree located in the garden of the Rectory. The Rectory abuts the churchyard to the north-east and lies between the church building and Longedge Lane. The main access into the Rectory comes from Longedge Lane via the property drive. The garden is bounded by well-maintained beech hedges and masonry boundary. There is a pedestrian access immediately east of the Rectory garden which allows public access to the churchyard. Directly west of the Rectory is the Lychgate which serves as main pedestrian access into the churchyard. Car parking for church visitors is provided further west off Longedge Lane. The canopy of T1 provides an interesting and soft compliment to the steeple of All Saints' Church and can be seen from each of the mentioned points of access into the church grounds, thus making a valuable contribution to the semi-rural character of the area.



Figure 1: Location Plan showing position of T1 in relation to the Rectory and neighbouring properties.

- 2.2 T1 is a large mature beech tree (*Fagus sylvatica*), growing in the south-east corner of the Rectory garden. T1 is an open-grown tree which is free from direct competition of adjacent trees, as such, the crown of T1 has been allowed to develop into a wide and spreading form. The crown comprises of five principle stems growing from a shared stool. The stool of T1 has become a complex network of unions between each of the stems, supported by a series of crossing branches within the upper crown, some of which have fused through the process of anastomosis. These crossing and fused branches which originate from each of the principle stems create strong natural braces and act as physical support to the unions of the shared stool.



Figure 2: T1 When viewed from Longedge Lane



*Figure 3: T1 When viewed from the footpath of the pedestrian entrance immediately east of the Rectory leading from Longedge Lane to the rear of the churchyard.*

### Representations Received

- 2.3 Comments have been received from the landowner's representative body, the Derby Diocesan Board of Finance Limited (DBF Ltd) raising the following **objections**:
- Placing a TPO will place an unnecessary burden on their ability to manage the ongoing maintenance of this tree.
  - DBF Ltd do not wish to remove the tree but do seek to manage the tree to ensure it remains healthy and manageable and maintain a cordial relationship with their neighbours (2 Barn Cottages) who have raised concerns about the tree.
- 2.4 Comments have also been received from the neighbouring residents at 2 Barn Cottages raising the following **objections**:
- The tree is in the private grounds of the rectory which the public do not have access to.
  - It is a standalone single tree and not a collection of trees.
  - It is surrounded by multiple large trees which are in a publicly accessible area.

- The owners of the tree and land (Diocese of Derby) have sought professional advice and are happy for work to be done on it (either trimmed or felled) if costs are covered by the occupants of 2 Barn Cottages.
- Would like for the tree to be trimmed easily without having to go through the application processes to allow sunlight to their garden.
- The tree is very close to the Church building potentially causing damage
- The roots of the tree potentially cross the boundary to 2 Barn Cottages and the boundary stone wall on the drive has been repaired twice by the Church dues to roots pushing out the wall.
- Concern that they plan to have their driveway done this year and worry that a TPO would affect what work they could do.
- Leaf shedding is excessive, requiring continuous cleaning of gutters from autumn through to winter to prevent damage to our property.

#### Officer Response to Issues Raised

- 2.5 In response to the issues raised, the requirement to make an application to undertake work to a TPO protected tree is not considered an unreasonable burden. A tree preservation order is normally made to protect trees in the interests of amenity. This involves an assessment of the trees visibility, impact size and form. A TPO can protect trees as individual trees, groups of trees, woodland or areas of trees and it is not necessary for these to be in publicly accessible locations. No claim of damage to the church building has been raised by DBF Ltd. and leaf fall is considered a predictable and minor seasonal nuisance, with the associated clearing of leaves part of routine property maintenance.
- 2.6 In terms of undertaking works to facilitate light penetration to the neighbour's garden, *BS 3998:2010 Tree work – Recommendations* is the British Standard of working practice concerning established trees. The British Standard takes the form of guidance and recommendations and sets out a number of often appropriate management prescriptions to manage issues around light and shade which would allow for the retention of T1. These often appropriate management prescriptions include, crown thinning, crown lifting, and crown reduction. Should an application for such works be received in accordance with the guidelines and recommendations given with BS 3998:2010, it is likely to be supported in principle.
- 2.7 It is noted that T1 is surrounded by multiple large trees which are in a publicly accessible area. The churchyard at All Saints' Church is well-furnished with numerous trees of differing types and sizes. However, the types and sizes of trees in immediate proximity to All Saints' Church are entirely ever-green species of small to medium stature. The pedestrian entrance to the churchyard, via the footpath from Longedge Lane and east of the Rectory, is characterised by a visual screen of evergreen species of medium stature, including, yew (*Taxus baccata*), cherry laurel (*Prunus laurocerasus*) and Lawson cypress (*Chamaecyparis lawsoniana*). The grounds immediately around the church building are again characterised by numerous examples of evergreen species, including yew and infrequent examples of Portugal laurel (*Prunus lusitanica*) and holly (*Ilex aquifolium*). It is not until a person reaches the rear of the site that trees of large stature and deciduous habit are met. T1 is a mature

deciduous tree of significant stature which is highly visible from Longedge Lane. T1 is the only tree of significant stature in the gardens of the Rectory. The deciduous character of T1 provides the street scene with attractive seasonal variance through leaf-flush, autumn colour and eventual leaf-fall, which other evergreen species do not provide.

- 2.8 The residents of 2 Barn Cottages have raised an objection that the owners of the tree have sought professional advice and are happy to have the tree trimmed or felled. The Tree Officer can find no arboricultural reason why a professional in the field of arboriculture would recommend the removal of T1. T1 is a mature and well-established tree suitable for its location and, although complex in structure, it is free from significant physiological and structural concern. This objection does however, give rise to concerns that the tree is under threat of removal or inappropriate pruning.
- 2.8 The residents of 2 Barn Cottages have also raised concern that they have had the boundary stone wall on their drive repaired twice by the Church, due to damage arising from roots pushing out the wall. Tree roots can, through their annual growth, exert enough pressure to displace lightly loaded structures such as masonry boundary walls. However, this ability to displace structures is mostly associated with the roots of larger diameter which form the mechanical root plate of the tree; usually found within close proximity to the stem. The Tree Officer measured T1 to be 9 metres from the boundary wall of 2 Barn Cottages. *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*, advises that the minimum distance between planting trees capable of achieving a large size and masonry boundary walls should be 2 metres, so to avoid direct damage to a structure from future tree growth. The Tree Officer believes that T1 is far enough away from the boundary wall of 2 Barn Cottages to avoid causing direct damage to it. The Tree Officer concludes that any direct damage caused to the boundary wall would likely have been from the line of evergreen trees growing immediately adjacent to the boundary wall from the churchyard.
- 2.9 The residents of 2 Barn Cottages are particularly concerned that if a TPO was applied and the roots cross their boundary, this could affect their plans to undertake works to their drive. *BS 5837:2012* takes account of current practice regarding planning for the management, protection and planting of trees in vicinity of structures, and for the protection of structures near trees. The British Standard takes the form of guidance and recommendations. Provided any works undertaken to the drive complies with this guidance, then any application to undertake work to the roots of TPO protected trees would be likely to be supported in principle.

### **3 Reasons for Recommendation**

- 3.1 A tree preservation order is normally made to protect trees in the interests of amenity and this involves an assessment of the trees visibility, impact (including the contribution to the wider landscape) and the trees size and form. Before confirming an Order the Council should satisfy itself that the tree(s) would bring a reasonable degree of public benefit in the present or future. In this case officers consider that the tree offers a significant level of amenity to the area

and is readily visible from public viewpoints along the highway. The tree has been assessed by the Council's Tree Officer using TEMPO, an established scoring mechanism, which brings an element of objectivity to the process and has been found to be a healthy and mature beech tree merit-worthy of the special protection afforded by TPO in the interests of amenity.

- 3.2 Evidence suggests that the landowner perceives T1 as a liability rather than an asset and consequently the Tree Officer believes that there is a foreseeable threat to T1 which would likely result in the loss of the tree should TPO 292 not be confirmed.

#### **4 Alternative Options and Reasons for Rejection**

- 4.1 To decide to not make the TPO. This option was rejected because it would leave the tree unprotected and could lead to the tree being removed which would be detrimental to local amenity.

#### **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
N/A	
<b>Background Papers</b> (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 you must provide copies of the background papers)	
N/A	

## **Planning Committee 21<sup>st</sup> March 2023**

### **SUMMARY OF LATE COMMENTS/REPORT UPDATE**

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

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**PARISH:** Holmesfield

**APPLICATION:** 22/00574/FL

**CASE OFFICER:** Aspbury Planning (Lynn Eastwood)

**1. SOURCE OF COMMENTS:** Neighbour (Brown)

**DATE RECEIVED:** 15/03/23

**SUMMARY:**

I object to the proposed plans for a dog park to be built. A dog park adds zero benefit to the Holmesfield community. No one in the village needs or wants a dog park. The sole use will be people from Sheffield or Chesterfield, so why not build one there or on land that doesn't disturb locals? The traffic on the road is already dangerous, this new facility will not help this. With the change overs of cars people will be stopping more in the road which is dangerous as that area is mostly blind corners. The only supportive comments of this facility have come from none-locals thus people who will not be affected by the building of this dog park. I encourage the planners to think of the residents of this village who strongly object to the plans. I see no benefit to have this facility in Holmesfield. It should be moved to somewhere that would benefit from it.

**OFFICER COMMENTS:**

These comments raise no new materials planning matters that are not already covered in the Officer report to members.

**2. SOURCE OF COMMENTS:** Neighbour (Davison)

**DATE RECEIVED:** 16/03/23

**SUMMARY:**

I am unable to attend the Planning Meeting on the 21st March, 2023, however, please take into account the points I raised objecting to this application in my original email dated 1st July 2022 at the hearing.

**OFFICER COMMENTS:**

Original comments received by Mrs Davison on 1<sup>st</sup> July 2022 can be found on the Public Access system.

**PARISH:** Eckington

**APPLICATION:** 23/00015/FL

**CASE OFFICER:** Alice Lockett

**3. SOURCE OF COMMENTS:** DCC Highways

**DATE RECEIVED:** 13/03/23

**SUMMARY:**

There are no highway safety objections to this proposal subject to no loss of parking and retaining existing visibility splays at the existing access to the site.

**OFFICER COMMENTS:**

No Parking spaces will be lost as a consequence of this development.

## **North East Derbyshire District Council**

### **Planning Committee**

**21 March 2023**

## **Planning Appeals Lodged and Determined**

### **Report 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**

The following appeals have been lodged:-

**Mr J Smith - Application for the retention of agricultural implement store at Carr Barn Farm, Moorwood Moor Lane, Wessington (22/01031/FL)**

Planning Officer – (Alice Lockett) [alice.lockett@ne-derbyshire.gov.uk](mailto:alice.lockett@ne-derbyshire.gov.uk)

**Mr J Smith - Application for retention of wood store building/kennels at Carr Barn Farm, Moorwood Moor Lane, Wessington (22/01032/FLH)**

Planning Officer – (Alice Lockett) [alice.lockett@ne-derbyshire.gov.uk](mailto:alice.lockett@ne-derbyshire.gov.uk)

**Mr C Hepworth - Demolition of existing building and construction of a new dwelling (Affecting a Public right of Way / Revised scheme of 21/01426/FL) at Green Acre Farm, Walton Back Lane, Walton (22/00833/FL)**

Planning Officer – (Alice Lockett) [alice.lockett@ne-derbyshire.gov.uk](mailto:alice.lockett@ne-derbyshire.gov.uk)

**Mrs Sarah Green - Retrospective planning application for a first floor rear extension at 193 Birkinstyle Lane, Stonebroom (22/00767/FLH)**

Planning Officer – (Curtis Rouse) [Curtis.Rouse@ne-derbyshire.gov.uk](mailto:Curtis.Rouse@ne-derbyshire.gov.uk)

## 1.2 **Enforcement Appeals Lodged**

The following enforcement appeal has been lodged:-

**Mr Mark Taylor – Erection of a timber cabin, timber gazebo and the laying of paving materials to form a patio and path at Land to the NW of Orchard Court High Lane Ridgeway (22/00348/OD)**

Planning Officer – (Julian Hawley) [julian.hawley@ne-derbyshire.gov.uk](mailto:julian.hawley@ne-derbyshire.gov.uk)

## 1.3 **Appeals Allowed**

No planning appeals have been allowed.

## 1.4 **Appeals Dismissed**

The following appeal has been dismissed:-

**AFA Planning Consultants - Application for certificate of lawful use for use of the dwelling house without adherence to agricultural workers condition at Robincroft Farm, Swathwick Lane, Wingerworth (21/00855/LDC)**

Planning Officer's Recommendation – Refuse

Planning Officer – (AP) Susan Wraith [susan.wraith@ne-derbyshire.gov.uk](mailto:susan.wraith@ne-derbyshire.gov.uk)

## 1.5 **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**

<b>Is the decision a Key Decision?</b> 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: <i>BDC:      Revenue - £75,000    <input type="checkbox"/></i> <i>              Capital - £150,000    <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>              Capital - £250,000    <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 **Document Information**

Appendix No	Title
<b>Background Papers</b> (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	01246 217172

# Agenda Item 11

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted