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**North East
Derbyshire**
District Council

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Date: Monday, 17 July 2023

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 25 July 2023 at 1.00 pm in the 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 David Cheetham
Councillor Andrew Cooper
Councillor Peter Elliot
Councillor Stuart Fawcett
Councillor Mark Foster
Councillor David Hancock

Councillor Lee Hartshorne (Chair)
Councillor Tony Lacey
Councillor Heather Liggett
Councillor Nicki Morley
Councillor Kathy Rouse

Please notify the Governance Manager, Alan Maher by 4.00 pm on Friday 21 July 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 Last Meeting (Pages 5 - 20)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 6 June 2023.

4 NED/23/00139/FL - WINGERWORTH (Pages 21 - 44)

Application for the construction of 2 dwellings (resubmission of application 22/01124/FL) (Amended Plans) (Additional Information) at 24 Longedge Lane, Wingerworth.

(Planning Manager – Development Management)

5 NED/23/00025/FL - CLAY CROSS (Pages 45 - 67)

Change of use of land for glamping site (Affecting setting of a Listed Building) (Private Drainage System) (Additional Plans) at land to the south west of Holmgate Community Centre, Mill Lane, Holmgate, Clay Cross.

(Planning Manager – Development Management)

6 NED/22/01036/OL - DRONFIELD (Pages 68 - 98)

Application for demolition of existing buildings and erection of a Class 'E' Foodstore, together with car parking access, services, and other associated works. (Major Development). Trent Titanium Ltd, Wreakes Lane, Dronfield.

(Planning Manager – Development Management)

7 NED/23/00381/FL - BRACKENFIELD (Pages 99 - 113)

Conversion and change of use of outbuilding (originally agricultural) with extensions to form two storey dwelling with Velux roof lights, including provision of new package sewage treatment plant (Private Drainage System) (Amended Title) at Carr Lane Farm, White Carr Lane, Brackenfield.

(Planning Manager – Development Management)

8 NED/23/00155/FL - DRONFIELD (Pages 114 - 121)

Construction of a single storey rear extension, raising part of the existing roof to accommodate a bedroom ensuite area, Velux roof windows and Juliet Balcony, to the rear of 80 Shakespeare Crescent, Dronfield.

(Planning Manager – Development Management)

9 NED/23/00457/FL - WINGERWORTH (Pages 122 - 128)

Proposed single storey rear extension and loft conversion with creation of low-level garden retaining wall to form a Patio area at 38 Central Drive, Wingerworth.

(Planning Manager – Development Management)

10 Late Representations - Summary Update Report - UPDATED VERSION NOW PUBLISHED (Pages 129 - 136)

(Planning Manager – Development Management)

11 Planning Appeals - Lodged and Determined (Pages 137 - 140)

(Planning Manager – Development Management)

12 Matters of Urgency

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



North East Derbyshire District Council

Access for All statement

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- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 6 JUNE 2023

Present:

Councillor Lee Hartshorne - Chair
Councillor Tony Lacey – Vice-Chair

Councillor David Cheetham
Councillor Peter Elliott
Councillor Mark Foster
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Stuart Fawcett
Councillor Heather Liggett

Also Present:

A Kirkham	Planning Manager - Development Management
P Slater	Principal Planning Officer
C Wilson	Senior Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Maher	Governance Manager
A Bond	Governance Officer
T Scott	Governance and Scrutiny Officer

PLA/ Chair's Announcements

1/23-

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The Chair and Vice Chair of the Committee, Councillor L Hartshorne and Councillor T Lacey, welcomed new and returning Members to the meeting. They asked that the former Chair and Vice Chair of the Committee, Mrs Diana Ruff and Mr Alan Powell, be thanked for ensuring that all Members could make a valuable contribution to its meetings.

The Chair of the Committee stated that Applications NED/21/01472/FL and NED/21/01468/FL, would not be taken at today's meeting. The Applications were included at Item 5 and Item 6 on the Agenda. Members were informed that these Applications had been submitted by the Council and both sought permission for 'Amenity Land' sites to now be reallocated for use as additional parking spaces. He explained that as the new Administration intended to review the Council's Parking Strategy, it would not be appropriate for Committee to determine on these specific applications until the review had been completed.

PLA/ Apologies for Absence and Substitutions

2/23-

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Apologies were received from Councillor D Hancock and from Councillor N Morley.

PLA/ Declarations of Interest

3/23-

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None.

PLA/ Minutes of the Last Meeting

4/23-

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The minutes of the meeting held on Tuesday 21 March 2023 were approved as a true record.

PLA/ NED/22/00886/OL - STONEBROOM

5/23-

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The report to Committee explained that an Outline Planning Application had been submitted for a residential development of up to 30 dwellings, along with informal open space, the creation of public rights of way and other associated works, at land to the rear of 14 to 54 High Street, Stonebroom. The Application had been referred to Committee by Local Ward Member, Councillor C Cupit, 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.

The proposed development would be located on a suitable site, identified for use as housing in the Local Plan. The developers had also agreed to make a financial contribution through a Section 106 Agreement (an agreement between the Council and developer to help offset the impact of a development on local infrastructure) towards education, a Traffic Regulation Order on High Street, health services at Chesterfield Hospital and open space enhancements, if the development was approved.

Officers contended that the development would accord with the relevant local and national planning policies. Although there were a range of technical matters, such as the presence of Japanese Knotweed on the site, these could be addressed by suitability worded conditions or informative notes. As there were no material issues that would outweigh its accordance with the development plan Officers recommended that the Committee should approve the Application.

Before the Committee considered the Application it heard from Councillor C Cupit, M Kimber, J Smith and A Cooper, who spoke against the Application. It also heard from S Ellis, who explained the position of Chesterfield Hospital in relation to its request for additional finance to offset the impact of the development on its services and the Agent, D Phillips, who spoke on behalf of the Application.

Committee considered the Application. It took into account the site's location within the Settlement Development Limit for Stonebroom and its allocation for housing in the Local Plan and the relevant Local and National Planning Policies. These included, Local Plan Policy LC1 setting out housing allocations in the District and Local Plan Policy SS2 on the distribution of development and the status of Stonebroom as a 'Level Two' settlement, with good levels of sustainability and Local Plan Policy ID1, on securing the infrastructure and other facilities required for development to proceed.

Members discussed the Application. They reflected on the contribution that the development would make to meeting housing needs in the District. They noted that a fifth of the new dwellings that would be classed as affordable housing and that this would be in line with Local Plan Policy LC2, requiring that major developments for housing should provide 20% of new dwellings as affordable

housing in those areas of the District, such as this, which were not high value locations.

Committee discussed the concerns which had been raised about flooding problems on the access to the site and the measures that would be put in place by the developers to combat this. Members also discussed from the Section 106 Agreement if the Application was approved. In this context, Members discussed the impact which the development would have on Chesterfield Hospital.

At the conclusion of the discussion Councillor D Cheetham and A Cooper moved and seconded a Motion to approve officer recommendations. The motion was put to the vote and was agreed.

RESOLVED

That the Application be conditionally approved, in line with officer recommendations.

That approval be subject to the prior agreement of a 'Section 106 Agreement to address the issues identified in the report and to provide for 20% of the development to consist of Affordable Housing.

That the final wording of the Conditions and the Section 106 Agreement be delegated to the Planning Manager (Development Management) in Consultation with the Chair and Vice Chair of the Committee.

Conditions

- 1) Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

[Reason: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.]

- 2) Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.

[Reason: The application is in outline only and not accompanied by detailed plans.]

- 3) Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:

- 226660-PD05 (Proposed Site Access (Pasture Lane) General Arrangement and Visibility Splay

- A1L (Location Plan)

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

Affordable Housing

- 4) Before development commences, a scheme for the provision of 20% affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. Detailed breakdown of the tenure of all the units (by plot number);
 - ii. The arrangements for managing the affordable housing units by the RSL;
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

[Reason: To comply with policy LC3 of the North East Derbyshire Local Plan.]

Construction Details

- 5) Before development commences, details of the existing ground levels, proposed finished floor levels of the extension and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interest of the character and appearance of the site and the surrounding scenic countryside setting.]

Landscaping

- 6) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interest of the character and appearance of the site and the surrounding street scene.]

Employment

- 7) Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

[Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]

Public Art

- 8) Before above ground work commences, a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

[Reason: In the interests of providing public art.]

Climate Change

- 9) The details to be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters shall include a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]

Environmental Health

- 10) Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

[Reason: in the interest of the amenity of neighbouring residents and air quality.]

- 11) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday

and 07.30 to 13:00 on Saturdays. There shall be no work undertaken on site or deliveries to the site on Sundays or bank/public holidays.

[Reason: In the interest of highway safety, the amenity of neighbouring residents and hotel guests.]

Land Contamination

- 12) If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work), works shall cease and remediation proposals for the material shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the remediation works shall be implemented in full and works recommenced.

[Reason: To protect the environment and address any contamination issues.]

Ecology

- 13) Prior to the commencement of works (including clearance of grassland, refugia piles, hedgerow and scrub, groundworks or the introduction of machinery / materials to site) a Reptile Mitigation Strategy shall be submitted to the LPA to safeguard slow worm, grass snake and common amphibians, along with any other reptiles or amphibians encountered. This shall include reasonable avoidance measures and seasonal timings for habitat clearance. It shall specifically include a protocol for removal of the existing onsite pond. Instructions will be provided in the event any individuals are discovered. The Strategy shall also outline habitat creation onsite and detail opportunities for enhancements for reptiles. The Reptile Mitigation Strategy shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

[Reason: In the interest of protecting reptiles. All in the interests of policy SDC4 of the North East Derbyshire Local Plan.]

- 14) No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

[Reason: In the interest of protecting nesting birds. All in the interests of policy SDC4 of the North East Derbyshire Local Plan.]

- 15) A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of

habitats and species on the site post-development. Proposals shall achieve a net biodiversity gain and an up-to-date DEFRA metric shall be submitted with the final site layout and landscaping, for written agreement by the LPA. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- k) Detailed specifications for open water habitats to provide biodiversity benefits.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]

Drainage

- 16) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Flood Risk Statement and Surface Water Management Report, Issue Date: 28th February 2023, Revision C prepared by Mr Mark Symonds “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”;

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.]

- 17) Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority (LPA) details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

[Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.]

- 18) The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.]

- 19) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

[Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.]

Highway Safety

- 20) Before any other operations are commenced (excluding demolition/site clearance) a temporary access for construction purposes shall be formed in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning free from any impediment to its designated use.
- 21) 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 storage of plant and materials, wheel washing facility, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles during the construction period.
- 22) Before any other operations are commenced excluding conditions 1 and 2, a new permanent vehicular access shall be created to in accordance with the application drawing 226660-PD05, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
- 23) Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority.
- 24) The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking, loading and unloading, manoeuvring of residents, visitors, service and delivery vehicles including secure/ covered cycle parking, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
- 25) No part of the development shall be occupied until details of arrangements of the storage of refuse bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the facilities retained for their designated purposes at all times thereafter.
- 26) Prior to any works exceeding demolition and site clearance,

construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

- 27) Before any other operations are commenced excluding conditions 20 and 21 above, the internal layout/internal design of the roads needs to be agreed as part of a subsequent Reserved Matters applications. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

[Reasons: In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.]

Informatives:

- a) DISCON
- b) NMA
- c) LLFA Advisory/Informative Notes. As per letter dated 12 April 2023.
- d) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority.

SUDs

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on

the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

- e) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- f) Japanese Knotweed – The applicant should note that if invasive non-native plants are found on the development site, you must stop them from spreading and causing a nuisance or damage to other land or property. If you do not, you could be responsible for any damage they cause and may be prosecuted. For further information on this matter please visit <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>. Contact the Environment Agency if you want to:
 - find out when you need a waste licence to dispose of waste;
 - complain about waste producers passing Japanese knotweed waste to waste carriers without telling them what it is.

For General enquiries contact:
National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

Email enquiries@environment-agency.gov.uk

Telephone 03708 506 506 (Monday to Friday, 8am to 6pm.)

- g) Ecological support - Please Derbyshire Wildlife Trust planning pages at <https://www.derbyshirewildlifetrust.org.uk/planning> for ecological advice on submitting a planning application, finding an ecological consultant and information on mitigation and enhancement.
- h) The application site is affected by a Public Right of Way (Footpath 07 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a

right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.

- i) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing development.implementation@derbyshire.gov.uk in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- j) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing development.implementation@derbyshire.gov.uk in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- k) Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- l) Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging

- to a drain or soakaway within the site.
- m) Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 - n) Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
 - o) The footpaths must remain open, unobstructed and on their precise legal alignment.
 - There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
 - There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
 - The footpath width needs to be maintained at 2 metres. Any fencing needs to be installed outside of 1 metre from the precise centre of the legal line of the path.
 - As the proposals would result in additional vehicular traffic using the lane down which FP No. 7 runs, there is an increased risk to path users. The Rights of Way Section requires more information regarding any measures that the applicant intends to put in place to mitigate those risks.
 - Private rights must not derogate the public right to the footpath. Vehicles must give way to the public when using the right of way.
 - Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
 - Finally, I would request that consideration is given to funding being provided to improve the paths linking to and surrounding the development which will receive increased use on completion of the development.
 - p) The applicant should note the comments of the Councils Tree Officer dated 16 November 2022, particularly the officer recommends that to safeguard existing trees and hedges around the perimeter of the site, any future reserved matters application includes the following in accordance with BS5837:2012:
 1. Tree survey to identify the quantity and value of existing trees and hedgerows including calculated RPAs
 2. Tree retention/removal plan (finalised) which clearly shows which trees are to be retained and which trees are proposed removed.
 3. Retained trees and RPAs shown on proposed layout
 4. Strategic hard and soft landscape design, including species and location of any new tree planting

5. Arboricultural impact assessment evaluating the extent of impact of the proposal on the existing trees
 6. Tree Protection Plan superimposed on a layout plan indicating the precise location of protective barriers and specification of temporary protective barriers
 7. Arboricultural method statement – heads of terms
 8. Details for all special engineering within RPA and other relevant construction details
- q) The applicant should note that Derbyshire County Council (DCC) operate the Digital Derbyshire Programme which helps provide access to high speed broadband services for residential and business users. You are encouraged to make enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable. More information on how to incorporate broadband services as part of the design of new development is available by following the link below:
<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>.
- r) Provision of bins.

PLA/ NED/23/00365/FL - CUTTHORPE

**6/23-
24**

The report to Committee explained that a Planning Application had been submitted for the installation of a Domestic Wind Turbine at Overholme Farm, Main Road, Cutthorpe. The Application was a resubmission of Application NED 22/00871/FL, which had previously been refused and involved Amended Plans. The Application had been referred to Committee by Local Ward Member, Councillor M Thacker MBE, who had raised issues about it.

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

Members were informed that under the National Planning Policy Framework the installation of wind turbines is only acceptable in areas specifically identified for them in the Development Plan. As the District does not have such designated areas and so permission could not be granted for the turbine and in any case, the proposal would be inappropriate development in the Green Belt, which would impact adversely on the openness of the Green Belt. Officers did not believe that there were any special circumstances to offset this harm and so recommended that the Application should be rejected.

Before the Committee considered the Application, it heard from J Robinson, the Applicant and D Catton, who both spoke in support of the Application. No one spoke against the Application.

Committee considered the Application. It took into account the Principle of Development and the site's location in the countryside, to the north of the defined

settlement of Cutthorpe. It also took into account the relevant planning policies, including Local Plan Policy SDC10, and the circumstances when proposals for renewable energy would be permitted and Paragraph 158 of the National Planning Policy Framework on the circumstances when new wind energy installations would be permissible.

Members discussed the Application. They reflected on the as yet unadopted Brampton Parish Neighbourhood Plan, which would support small scale proposals for renewable and low carbon installations. Some Members highlighted the different circumstances in which the installation of the turbine would be permitted. They felt that the Application should be approved, given the potential carbon reduction benefits. Some Members regretted that no areas for wind energy had been designated, but felt that until this had happened for this location the installation would contravene planning policy.

At the conclusion of the discussion, Councillor M Rouse and T Lacey moved and seconded a Motion to refuse the Application. The Motion was put the vote and was agreed.

RESOLVED

That the Application is refused, in line with officer recommendations.

Reasons

- 1 Footnote 54 of the National Planning Policy Framework (NPPF) states that except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

Footnote 54 effectively precludes the installation of wind turbines in areas which are not identified in the development plan as being suitable for wind energy development.

In this case the development plan is the adopted North East Derbyshire Local Plan (2014-2034). The application site does not fall within an area identified as being suitable for wind energy development in the adopted North East Derbyshire Local Plan. Therefore, to grant permission for the proposed wind turbine would be contrary to the aims of the NPPF, specifically the requirements of Footnote 54.

- 2 The application site is located within the North East Derbyshire Green Belt. The construction of a wind turbine represents inappropriate development which is, by definition, harmful and it should not be approved except in very special circumstances.

The turbine would impact on the openness of the Green Belt and it is not considered there are any very special circumstances that outweigh the

harm caused.

As such the application is considered unacceptable and contrary to policy SS10 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework when read as a whole.

PLA/ Planning Appeals - Lodged and Determined

**7/23-
24**

The report to Committee explained that two appeals had been allowed, one appeal had been dismissed and that four had been dismissed.

PLA/ Matters of Urgency

**8/23-
24**

None.

PLANNING COMMITTEE – 25th July 2023

Reference Number: 23/00139/FL

Application expiry: 01/08/23

Application Type: Full

Proposal Description: Application for the construction of 2 dwellings (resubmission of 22/01124/FL) (Amended Plans) (Additional Information)

At: 24 Longedge Lane, Wingerworth, Chesterfield, S42 6PQ

For: Mr and Mrs Ashley Smith

Third Party Reps: 22 local residents

Parish: Wingerworth

Ward: Wingerworth

Report Author: Lynn Eastwood – Aspbury Planning

MAIN RECOMMENDATION: Grant permission, subject to conditions

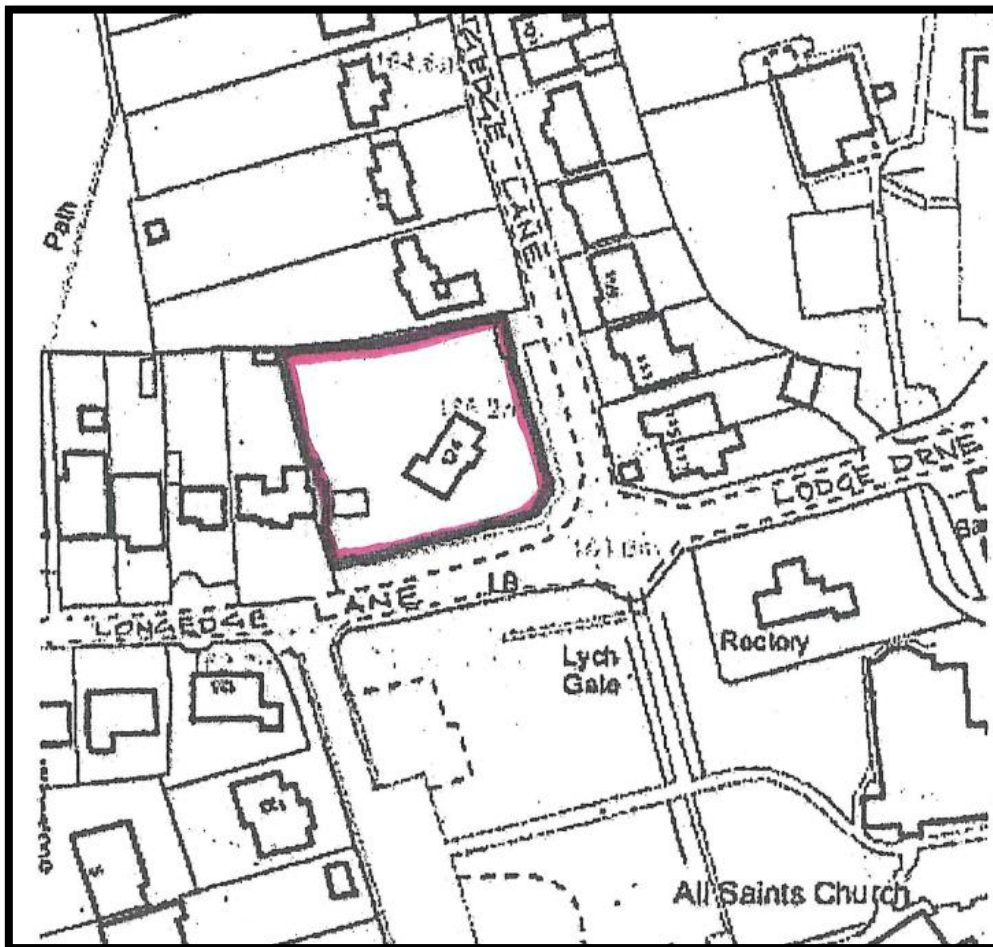


Figure 1: Site Location Plan

1.0 Reason for Report

1.1 This application is being considered by planning committee due Councillor Ruff calling the application in on the following grounds:

- Boundary issues for Plot 1.
- Policy 1 of Wingerworth Neighbourhood Plan - the proposed development is out of character with neighbouring properties. Impact on “street scene”.
- Policy 12 Density/massing and height of proposed properties

2.0 Proposal and Background

Site Description

2.1 The application site comprises a detached dwelling on a corner plot with a large garden area to the front, side and rear of the house, two existing driveways with parking for 3 – 4 cars and a detached garage. Figure 2 below illustrates the current site layout.

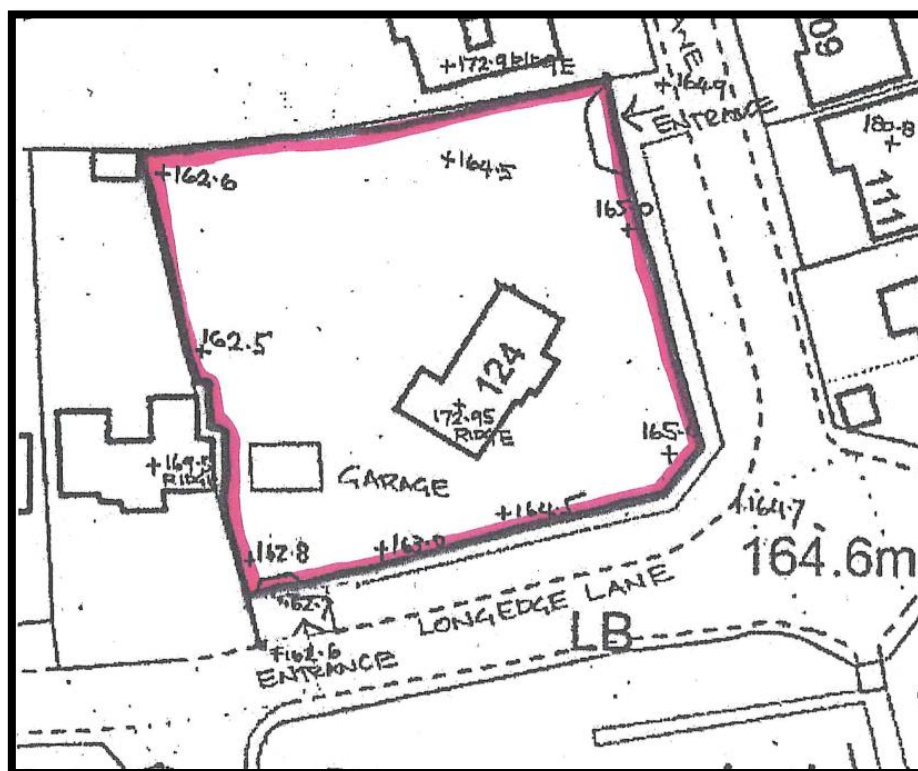


Figure 2: Existing site plan

- 2.2 The site is located within the settlement development limits for Wingerworth. The Local Plan identifies Wingerworth as a Level 2 settlement with a “good level of sustainability”¹.
- 2.3 Access to the application site is via two entrances, one off Longedge Lane to the east and the other to the same road in the south west corner of the site.

¹ Page 37 Local Plan; table 4.2 Settlement Hierarchy

- 2.4 The site is bounded to the north and west by neighbouring dwellings. 126 Longedge Lane to the west and 122 Longedge Lane to the north.
- 2.5 Topography across the site generally slopes down from east to west with a fall of approximately 2 metres.
- 2.6 To the south of the site, on the opposite side of Longedge Lane is the church yard associated with the Grade I Listed Church of All Saints which is to the south east of the site. There are further residential properties to the east of the site.

Proposal

- 2.7 Full planning permission is sought for the construction of 2 dwellings.
- 2.8 The existing plot would be separated to form three plots, each comprising of one detached house with front and rear garden and parking. Figure 3 below illustrates the proposed site layout.
- 2.9 The existing garage will be removed to allow construction of one dwelling on Plot 1.
- 2.10 The existing access on the south boundary is to be blocked and a new access created to the east of the existing access for Plot 1. The existing access to the east boundary is to be blocked and a new shared access is to be created to the south of the existing access for Plot 2 and the existing dwelling.



Figure 3: Proposed site layout

- 2.11 A number of trees have already been removed from the site, with the remaining trees mostly fronting onto Longedge Lane will be retained. Plans have been

submitted illustrating the retention of these trees and relevant protection measures.

- 2.12 The proposed detached dwellings each comprise of three bedrooms on the first floor, two of which are ensuite, with a family bathroom and galleried landing. The ground floor of each property would comprise an open plan kitchen / dining room, a living room, utility and study, with a w/c and under stairs storage area.
- 2.13 The designs for both plots feature two bay windows to the ground floor front elevation, a central front entrance within a two storey gabled section featuring glazing to the upper floor gallery area. To the rear elevation there are two sets of bi-folding doors on the ground floor. The side elevations are largely blank gables with a door to serving the utility room. Figures 4 and 5 below illustrate the proposed dwellings.

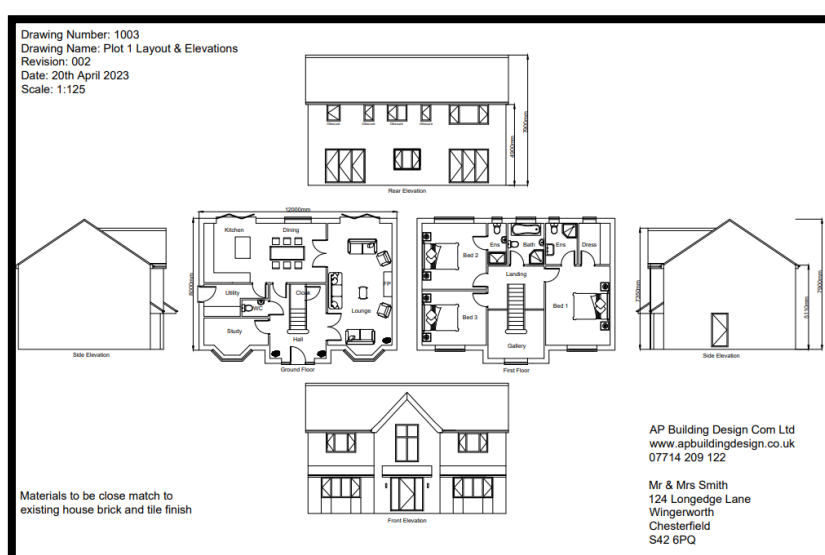


Figure 4: Plot 1 - Elevations and Floor Plan

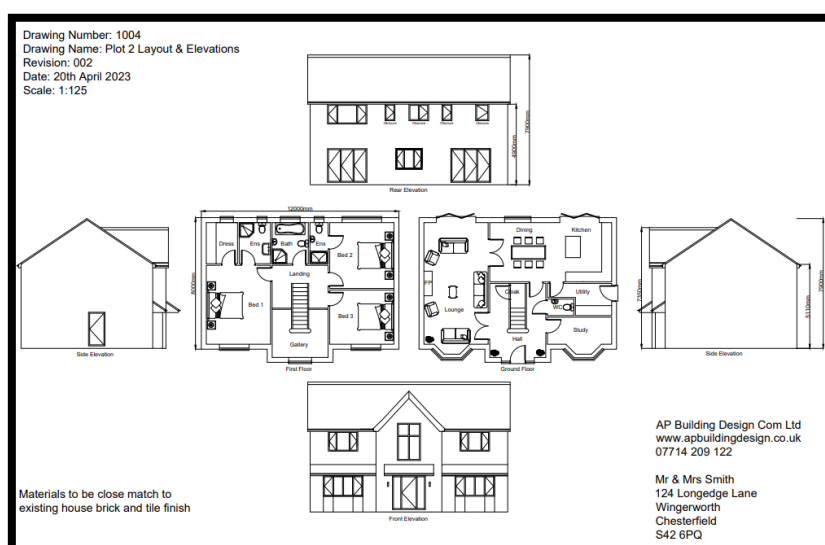


Figure 5: Plot 2 - Elevations and Floor Plan

- 2.14 The Design and Access Statement submitted with the application details the proposed materials as Wienerberger Heartland Brown Multi Brick. Red Sandtoft Clay tiles, and cream UPVC windows, rainwater goods, fascias and soffits. Landscaping proposed is lawn to front and rear and self-draining block paving for the parking areas.
- 2.15 Boundary treatments proposed are 2m high close boarded timber fence to side and rear boundaries with neighbouring properties, reducing fence heights to 1m high to the front of the properties close to the access points. The front boundary as existing will be retained as a 1m high stone wall, with modifications to accommodate the amendments to the access arrangements. The proposed dwellings would be set back from the boundary of the application site.
- 2.16 A street view plan has been submitted to demonstrate the relationship between the proposed buildings in terms of ground levels and height of buildings in comparison to neighbouring properties.

3.0 Amendments

- 3.1 Amended plans have been submitted following comments of the Highways Authority, neighbour representation letters and officer concerns regarding the design of the proposed dwellings.
- 3.2 The amendments include alterations to the access points and a revised house design and plot layouts.

4.0 Relevant Planning History

- 4.1 22/01124/FL - Application for the construction of 2 dwellings (withdrawn)

5.0 Consultation Responses

- 5.1 The **Parish Council** have provided no comments.
- 5.2 The **Ward Members** have raised concerns regarding impact on street scene, density, massing and height of proposed properties. A boundary issue was raised regarding Plot 1. The same ward member called in this application into planning committee for the reason outlined in 1.1 above.
- 5.3 County **Highways Authority (HA)** raised concerns on the original plans on 28th February 2023, stating that both of the existing vehicular accesses are severely substandard in terms of emerging visibility due to land outside of the applicant's control, frontages to the public highway and the lack of footways / margins, and therefore any intensification of their use would be unacceptable. The proposed new vehicular access was also deemed substandard.
- 5.4 Amended plans were submitted to address HA comments. The comments from HA following re-consultation stated that: the revised site plan (dated 26th May 2023) demonstrates the relocation of the vehicular access which serves Plot 1,

providing betterment in terms of emerging visibility in the Westerly direction, in line with the Highway Authorities previous comments. Additionally, there appears to be adequate space within the site(s) to enable vehicles to both enter and exit in a forward gear. In view of the improvements to the proposal, including the omission of the existing access to Plot 2 and relocation of the access to Plot 1, the Highway Authority has no objections to the proposal subject to their recommended conditions.

- 5.5 **Environmental Health Officer (EHO)** have commented that they have no objection to the proposal in principle. Owing to the potential risks of ground gas identified in the coal mining risk assessment, pre-commencement conditions are recommended for contaminated land assessment to be carried out.
- 5.6 **Yorkshire Water Services Ltd (YW)** have raised no comments.
- 5.7 **NEDDC Streetscene** have raised no comments.
- 5.8 The **Coal Authority** referred to their comments dated 17th January 2023 regarding the previous application 22/01124/FL which remain valid for this application: The Coal Authority has no objection to the proposed development and concurs with the recommendations of the Coal Mining Risk Assessment that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Pre-commencement conditions requiring intrusive siter investigations are recommended.
- 5.9 **Derbyshire Wildlife Trust (DWT)** noted that they do not appear to have commented on the previous application. From an aerial mapping review, it was noted that established garden habitats will be lost to accommodate the proposed dwellings. They advised that a tree survey and impact assessment should be submitted. Protected species impacts are likely to be low, providing the existing dwelling is retained. A Biodiversity Enhancement Plan should be secured via condition to ensure bat and bird boxes are installed, along with beneficial landscaping. The applicant provided a plan detailing the protection measures proposed for the remaining trees on the site. Conditions are recommended requiring a Biodiversity Enhancement Plan to ensure bat and bird boxes are installed, along with beneficial landscaping.
- 5.10 **Planning Policy Team** have raised no comments.

6.0 Representations

- 6.1 The application was publicised by way of neighbour letters and the display of a site notice. 22 letters of representation have been received from 10 households. The comments received are summarised as follows:
- Out of character with neighbouring properties and local vicinity

- Plot 1 parking close to boundary of neighbouring property reducing space between properties and resulting in overbearing development
- Plot 1 building line extends beyond building line at front and rear of neighbouring property
- Ground levels result in ridge height being higher than neighbouring property
- Loss of sunlight to garden
- Loss of privacy to front and rear
- Reduction of garden space to existing property
- Increased traffic close to school, church and scout hut
- Additional on road parking
- Concerns regarding land stability and drainage
- Concern regarding tree protection
- Over development of site and village
- Heritage impact – setting of listed buildings
- Impact on sunlight to solar panels within neighbouring property
- Proposed access to plots unsatisfactory and will cause hazard and congestion
- Reduction to green space and biodiversity
- Sufficient new housing in Wingerworth

7.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2021)

- 7.1 The following policies of the Local Plan are material to the determination of this application:

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS7	Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC6	Development affecting Listed Buildings
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC13	Environmental Quality
SDC14	Land potentially affected by Contamination or Instability
LC4	Type and Mix of Housing
ID3	Sustainable Travel

Wingerworth Parish Neighbourhood Plan (WNP)

- 7.2 The following policies of the Neighbourhood Plan are material to the determination of this application:

W1	Settlement Development Limit
W3	Housing Growth

W4	Housing Mix
W11	Heritage Assets
W12	Design Principles
W13	Biodiversity
W14	Trees and Hedgerows
W17	Highway Safety

National Planning Policy Framework (NPPF)

- 7.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 7.4 Successful Places Interim Planning Guidance, adopted December 2013.
- 7.5 Section 66 of The Listed Buildings and Conservation Areas Act 1990 (as amended).

8.0 Planning Issues

Principle of Development

- 8.1 The application site is situated within the defined Settlement Development Limit for Wingerworth.
- 8.2 Local Plan Policy SS7 is supportive of development proposals within Settlement Development Limits, provided that the development is appropriate in scale, design and location to the character and function of the settlement, is compatible with, and does not prejudice any intended use of adjacent sites and land uses and accords with other policies of the plan.
- 8.3 The NPPF looks to support sustainable development, good design is a key aspect of this. Development should be visually attractive, sympathetic to the local character and history of the area and maintain a good sense of place.
- 8.4 The proposal is therefore considered to offer a sustainable development which is, in principle, acceptable and in accordance with the Development Plan.

Design and Impact on the Character of the Area

- 8.5 Local Plan Policy SDC12 aims to ensure quality, distinctive, and functional design and to ensure developments are satisfactorily assimilated within the existing local context reinforcing local character and a sense of local identity. It also aims to ensure that development through its design meets the challenges of climate change.

- 8.6 The application site is within a Secondary Area of Multiple Environmental Sensitivity (AMES) where Local Plan policy SDC3 states that proposals or new development will only be permitted where they would not cause harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities. WNP policy W1 supports development where it is sensitive to the high quality landscape of the Parish. Officers note that whilst the application site is within a secondary AMES, the proposed dwellings would be seen in the context of a built-up residential area and as such it is considered that the proposed development would not harm the local landscape character.
- 8.7 Local Plan policy LC4 and WNP policy W4 states that development proposals for new housing should seek an appropriate mix of dwelling types, tenures and sizes, taking into account local housing stock, site characteristics, and viability and market considerations. The proposed dwellings are 3 bedroomed and is broadly in line with the requirements of Local Plan and WNP policies on the required housing mix.
- 8.8 The application site is a large corner plot, with a single dwelling which fronts the south east corner, commanding a prominent position in the street scene. The surrounding street scene is a mix of individual house types, of differing scale and appearance.
- 8.9 The proposed development, as seen in Figure 3 above, comprises two dwellings either side of No124 Longedge Lane. The proposed dwellings are similar in their design with a centrally located projecting two storey front gable. The proposed materials of construction would be a brick and tile to match the existing dwelling on the application site.
- 8.10 Concerns have been raised by local residents that the proposed finished floor levels, proposed ridge heights and density of development would appear at odds with the surrounding street scene.
- 8.11 Each dwelling is positioned broadly in line with neighbouring dwellings. In terms of the proposed ridge heights, plot 1 would sit at a height between No126 and the existing dwelling on the application site. Plot 2 would sit at a similar level to the existing dwelling and No122 to the north. A levels comparison plan can be seen at Figure 6 below. Whilst the concerns raised above in 8.10 are noted, officers are satisfied that the submitted details will ensure the proposed development will be in keeping with the character and appearance of the street scene.



Figure 6: Proposed street view plan

- 8.12 The proposed plans illustrate the closure of the northern most access point into the site and formation of a new access on Longedge Lane to the east of the existing dwelling, this will form a shared access to this dwelling and plot 2 to the north. The existing access in the south west corner of the site will also be closed up and moved slightly eastwards and serve plot 2.
- 8.13 Stone walling is proposed to the front boundaries onto Longedge Lane and timber fencing separating the rear gardens, details of which can be controlled by way of condition on any decision.
- 8.14 Proposed car parking is provided forward of each dwelling, which whilst not ideal would be screened by existing tree planting and proposed stone walling. This, in officers opinion, would be in keeping with the surrounding parking arrangements seen in the vicinity of the application site.
- 8.15 The proposed landscaping details illustrated on the proposed site plan offers only limited information. Whilst some trees will be retained and grass laid, officers consider that a more detailed plan is required and can be addressed by way of condition on any decision.
- 8.16 No details have been provided as to how the proposed development might meet the challenges of climate change, as such officers consider that a suitably worded condition be included on any decision to cover the submission of such detail.
- 8.17 Overall, officers consider that the proposed dwellings would be of a scale and design which would be in keeping with and complement the site and the character of the surrounding street scene.

Impact on Heritage Assets

- 8.18 The statutory requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.
- 8.19 The NPPF in section 16, paragraphs 199 and 200 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 8.20 Local Plan policy SDC6 and WNP policy W11 requires development to preserve the significance of any heritage assets and their setting.
- 8.21 The application site is located approximately 70m to the north west of the Grade I listed Church of All Saints, and approximately 75m from the Grade II listed No1 Hockley Lane.
- 8.22 The proposed development is within the vicinity of the listed buildings however the context of the application site is within the built framework of a residential area which consists of a variety of modern single and two storey dwellings. It is officer view that public viewpoints towards the listed buildings are not affected by the proposal.
- 8.23 In view of the above, it is officer opinion that the materials, layout, architectural features, scale and design proposed would not detract from the nearby listed buildings, and that the significance of the heritage assets and their settings would be preserved all in accordance with Local Plan policy SDC6 and WNP policy W11.

Privacy and Amenity Considerations

- 8.24 Local Plan Policy SDC12 seeks to ensure that new development protects the amenity of existing occupiers and creates a good quality of amenity for future occupiers.
- 8.25 Local Plan Policy SDC13 sets out how all development proposals will need to be assessed in relation to their impact on air, light, noise, and ground and water pollution.
- 8.26 The application site is located within a residential area with neighbouring properties to the north and east and the existing dwelling central to the plot which would become a neighbouring dwelling.

- 8.27 The orientation of the proposed dwellings protects the amenity of the existing and future occupiers as there are no overlooking windows to side elevations, the rear windows overlook the gardens of the proposed dwellings and are not directed towards the habitable rooms of the neighbouring dwellings. Views from the proposed dwellings back towards the garden of No124 will be achievable, but these will only be to the far part of the garden and not the immediate private amenity area. The utility room doors on the ground floor face towards the neighbouring properties, this is not considered to be habitable room and there are existing boundary treatments which provide screening to the ground floor openings. The Councils Successful Places Interim Planning Guidance defines privacy in terms of the relationship of main windows to habitable rooms and areas of private amenity. The proposal is therefore considered acceptable in terms of privacy.
- 8.28 The positioning of the proposed dwellings is such that the windows of the neighbouring properties are not overshadowed by the proposed buildings in accordance with the 45 degree rule as detailed within Successful Places Interim Planning Guidance. As such officers are of the view that the proposed development will not have an overbearing impact on neighbouring residents which would warrant refusal of the application.
- 8.29 The garden amenity areas for the two proposed dwellings and the existing dwelling on site are detailed to be well in excess of 100sqm. This would comfortably meet the guidance set out in the Successful Places Interim Planning Guidance which recommends that a 3 bedroom property have 70sqm and a 4+ bedroom property have 90sqm of private outdoor amenity space.
- 8.30 It is concluded that the proposed development would not be harmful in regards to privacy and amenity of existing and future occupiers.

Land Stability

- 8.31 The application site falls within the defined Coal Mining Development High Risk Area. A Coal Mining Risk Assessment has been submitted and the Coal Authority were consulted. The original objection to the application was withdrawn and conditions recommended requiring a scheme of intrusive site investigations to be carried out prior to commencement of the development.
- 8.32 Concerns have been raised to the risk from land stability issues, however no evidence has been put forward to support this claim.
- 8.33 The proposed development is therefore considered to accord with Local Plan policy SDC14 which requires proposals to demonstrate that land affected by contamination or instability will be addressed by appropriate mitigation

measures, subject to compliance with the conditions recommended. As such officers are of the view that there is no technical reason to reject the proposal.

Ecology and Tree Protection

- 8.34 Local Plan Policy SDC4 states that the Council will protect and enhance the District's natural environment and seek to increase the quantity and quality of biodiversity. Neighbourhood Plan Policy W13 states that development proposals should conserve and enhance biodiversity.
- 8.35 Local Plan Policy SDC2 states that proposals for development should provide for the protection and integration of existing trees, woodland and hedgerows for their wildlife, landscape, and/or amenity value.
- 8.36 The proposed development does not include the removal of any trees, however prior to the submission of the application, several mature trees were removed and some mature planting within the site was cleared, this has resulted in the loss of established garden habitats.
- 8.37 On consultation with the Derbyshire Wildlife Trust, it was advised that a tree survey and impact assessment should be submitted. This was based on review of aerial mapping rather than a visit to the site. It was noted that the impact of the proposal upon protected species is likely to be low, however it was recommended that a Biodiversity Enhancement Plan should be submitted and approved by the Local Planning Authority prior to any works above foundation level commencing.
- 8.38 The Biodiversity Enhancement Plan should include nest boxes, bat boxes, insect bricks, fencing gaps for hedgehog access, and in accordance with Policy SDC2, a landscape plan to include new planting which uses species and varieties native to the area, of local provenance wherever possible, and that maximise the benefits to the local landscape, wildlife and air quality will be preferred.
- 8.39 A Tree protection plan was submitted by the applicant which details the measures proposed to ensure that the remaining trees and boundary hedging are protected during the construction period.
- 8.40 Concerns were raised regarding the impact of the development on a Poplar tree to the south of Plot 1. As the proposal involves laying of hard surfaces and works to the boundary walls within the Root Protection Area of the poplar to the south, and other remaining trees on the east boundary of the site, it is recommended that an Arboricultural Method Statement is required prior to the commencement of the proposed development which details the methodology for the implementation of any aspect of development which is likely to detrimentally affect the retained trees, and explains how this damage will be

avoided. The statement should be in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.

Highway Safety Considerations

- 8.41 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is reflected in Local Plan policy ID3 and policy W17 of the Neighbourhood Plan.
- 8.42 Concern has been raised by local residents that the proposed development will increase traffic movements close to a school, scout hut and church, with the proposed development potentially causing a hazard and congestion. There are also concerns that the proposed development will displace vehicular parking onto the highway.
- 8.43 The proposal involves changes to the access points informed by earlier Highways Authority comments in relation to visibility requirements. The amended proposal comprises blocking up the two existing accesses to the site and creating two new accesses, one of which is to be shared with Plot 2. A new access is to be created for Plot 1 which is located to the east on the existing access.
- 8.44 The proposed parking provision includes two spaces with turning for each proposed new dwelling and three spaces with turning for the existing dwelling. This is considered adequate in relation to the number of bedrooms per property.
- 8.45 The County Highway Authority was consulted on the amended access detail, raising no highway safety objections to the scheme subject to the recommended conditions.
- 8.46 In conclusion, there are no highway objections to the proposal and it is therefore considered by officers that the proposed development would not lead to unacceptable impacts on highway safety or result in severe impacts on the wider road network. As such officers conclude that the application accords with Local and Neighbourhood Plan Policies and the NPPF guidance.

Flood Risk Considerations

- 8.47 The proposed development is within a Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of river flooding) and has a low risk of fluvial and surface water flooding. There are no surface water flooding risks identified on or near to the application site.

- 8.48 Concerns have been raised to drainage, however no evidence has been put forward to support these claims.
- 8.49 In summary, Officers consider that the development would be acceptable from a flood risk perspective and there is no technical reason to reject the proposed development.

Other Material Considerations

- 8.50 Concerns were raised regarding the impact of the proposed development of Plot 2 in terms of the loss of sunlight to solar panels installed on a south facing roof slope of the neighbouring property.
- 8.51 The applicant provided an assessment which was carried out in accordance with the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022)'. The findings of the report were that the development would result in 5.25 % drop-in Annual Probable Sunlight Hours (APSH) sunlight hours to the installed solar panels.
- 8.52 The BRE guidance states that for a solar panel angle of between 30.01-59.99 degrees a value of reduction of sunlight less than 85% of the former value will not be significant. Officers therefore do not consider that the impact on environmental sustainability is significant such to warrant refusal of the application.
- 8.53 Loss of value to a property is not a material consideration, this includes the production of renewable energy as a private asset.

9.0 Summary and Conclusion

- 9.1 The application site is located in the Settlement Development Limit for Wingerworth, where sustainable development is considered acceptable in principle.
- 9.2 In design terms, the proposed development for two dwellings either side of the existing property on site would be of a scale and design which would be in keeping with and complement the site and the character of the surrounding street scene.
- 9.3 Whilst the proposed development would be in the vicinity of two listed buildings, it is officer opinion that the materials, layout, architectural features, scale and design proposed would not detract from the nearby listed buildings, and that the significance of the heritage assets and their setting would be preserved.

- 9.4 In privacy and amenity terms, the proposed development would ensure good quality amenity for future occupiers and protect that of neighbouring residents.
- 9.5 Ecological and tree protection measures can be controlled by way of condition on any decision.
- 9.6 The proposed development would not lead to an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe which would warrant a reason to refuse the application.
- 9.7 No evidence has been brought forward to counter the technical advice of consultees and all technical matters can be addressed by way of condition.
- 9.8 Accordingly, there are not considered to be any matters to outweigh the predominance of the Local Plan and Wingerworth Neighborhood Plan and so the proposal is recommended for approval subject to conditions outlined below.

10.0 Recommendation

- 10.1 That planning permission is **CONDITIONALLY APPROVED** subject to the recommended conditions below, with the final wording of the conditions delegated to the Planning Manager (Development Management):

Conditions

- 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 amended submitted plans:

- SITE LOCATION PLAN; Published 23 Feb 2023
- Drawing no. 1001 Revision 003 SITE LAYOUT; Published 31 May 2023
- Drawing no. 1002 Revision 003 STREET VIEW; Published 31 May 2023
- Drawing no. 1003 Revision 002 PLOT 1 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1004 Revision 002 PLOT 2 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1006 Revision 000 TREE MAINTENANCE DURING CONSTRUCTION; Published 22 Jun 2023

unless otherwise specifically agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any other condition in this decision notice.

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

- 3) Notwithstanding the submitted details, before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

[Reason: In the interests of the character and appearance of the area.]

- 4) Before above ground work commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interests of the character and appearance of the area.]

- 5) Before development starts, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]

- 6) Notwithstanding the submitted details, before above ground works commence a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development hereby permitted is commenced.

[Reason: In the interests of the character and appearance of the area.]

- 7) Notwithstanding the submitted details, before above ground works commence details of the type, layout and materials to be used on hard landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of each dwelling.

[Reason: In the interests of the character and appearance of the area.]

- 8) Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:

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

[Reason: In the interests of the character and appearance of the area.]

- 9) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interests of the character and appearance of the area.]

- 10) The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

[Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.]

- 11) Before development starts a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

[Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.]

- 12) No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been

implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

[Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]

- 13) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

[Reason: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]

- 14) Before the commencement of the development hereby approved:
- a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous gas,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy.

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A

report of the site investigation shall be submitted to the local planning authority for approval.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

15) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

16) No dwelling/s hereby approved shall be occupied until:

a. The approved remediation works required by condition 14 above have been carried out in full in compliance with the approved methodology and best practice.

b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14(b) to condition 15 above and satisfy condition 16(a) above.

c. Upon completion of the remediation works required by condition 15 and 16(a) above a validation report prepared by a competent person shall be

submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

17) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]

18) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

[Reason: In the interests of highways safety and to protect the amenity of neighbouring users, all in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.]

19) Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local

Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 20) The premises, the subjects of the application, shall not be occupied until the access, parking and turning facilities have been provided as shown on the revised application drawing - Site Plan 1001 Rev 003. Each access shall be provided with maximum visibility sightlines in both directions, measured from a point located centrally and 2.4m back into each access. The area's in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 21) The existing vehicular accesses to Longedge Lane shall be permanently closed with physical barrier's and the existing vehicle crossover's reinstated as footway / verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 22) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 23) Prior to occupation of any dwelling hereby approved, a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. Bin storage should not obstruct the private drive access, parking or turning provision.

[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

- 24) Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes.

- insect bricks.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]

25) Before development starts, an Arboricultural Method Statement shall be submitted and approved by the local planning authority which details the methodology for the implementation of any aspect of development which is likely to detrimentally affect the retained trees, and explains how this damage will be avoided in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction. The development shall then be carried out in accordance with the approved details.

[Reason: In the interests of the protection of existing trees in accordance with policy SDC2 of the North East Derbyshire Local Plan.]

Informative notes:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) Environmental Health

The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.

- e) Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Highways

- f) Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be

completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk. email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

- g) Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway / verge without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
- h) The Highway Authority recommends that the first 5m of the proposed accesses / driveway's should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
- i) Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

PLANNING COMMITTEE – 25th July 2023

Reference Number: 23/00025/FL

Application expiry: 26/07/23

Application Type: Full

Proposal Description: Change of use of land for glamping site (Affecting setting of a Listed Building) (Private Drainage System) (Additional Plans)

At: Land South West Of Holmgate Community Centre Mill Lane, Holmgate, Clay Cross

For: Miss Laura Hoggard

Third Party Reps: 25 letters received

Parish: Clay Cross

Ward: Clay Cross North

Report Author: Haydn Lee (Aspbury)

Date of Report: July 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions

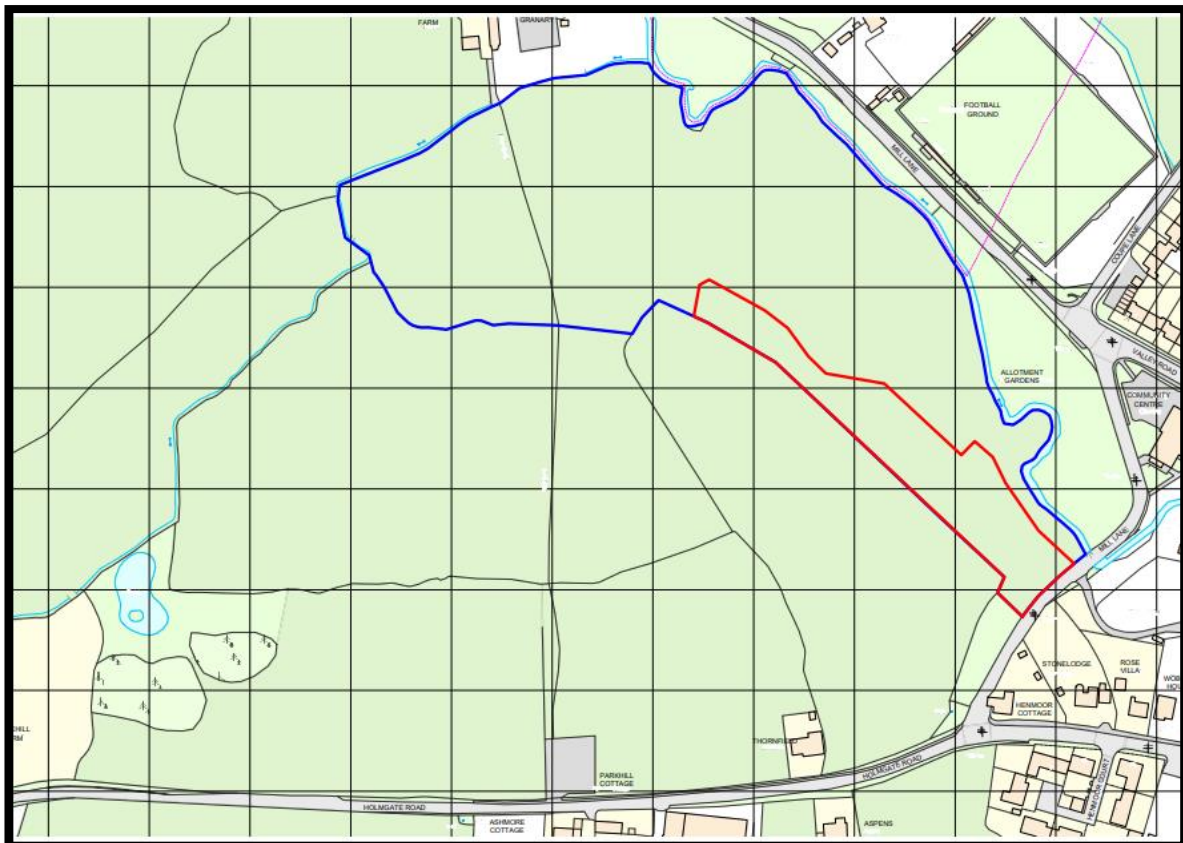


Figure 1: Site location plan

1.0 Reason for Report

- 1.1 Cllr Cupit requested that this application be considered by Planning Committee due to concerns over the impact of the development would have on the landscape character and surrounding infrastructure.

2.0 Proposal and Background

Site Description

- 2.1 The application site relates to an agricultural field, laid to grass which is located to the north-west of Mill Lane in Holmgate, Clay Cross. Figure 2 and 3 below illustrate the views into the application site.



Figure 2: The application site as viewed from Mill Lane, the sites south-eastern boundary



Figure 3: The application site as viewed from the site entrance

- 2.2 The application site is situated outside of the settlement development limits for Clay Cross and is therefore within the open countryside for the purposes of this assessment. The application site is also located within a secondary Area of Multiple Environmental Sensitivity (AMES) and has a Wooded Farmlands Landscape Character Type, located within the Peak Fringe & Lower Derwent Character Area.
- 2.3 The application site is accessed from the south-east by a gate on Mill Lane. The site is well screened by way of trees, which line the south-eastern boundary which front Mill Lane, to the north and west along Press Brook which separates the site from the allotment gardens situated to the west, as well as having trees define the eastern boundary separating the application site from a further agricultural field, within third party ownership.
- 2.4 The site shares a boundary with allotment gardens to the north-east and a further agricultural field to the west. Beyond Mill Lane located to the south and east, there are a series of residential dwellings, namely 'Press Side', 'Henmoorothy' and 'Henmoor Cottage' each sharing Mill Lane for access. Holgate Road to the south-east of the site is highly residential.

Proposal

- 2.5 The proposal seeks the change of use of land for a glamping site.
- 2.6 The proposed change of use will see the erection of 6 no. cabins with en-suite facilities, a reception building, communal cabin with BBQ grill, 6 no. caravan pitches and a shower block. A formal access will be created from the existing gated entrance south-west of the site on Mill Lane. Figure 4 below illustrates the proposed site layout.



Figure 4: Proposed site plan

- 2.7 The access on Mill Lane is proposed to lead to grasscrete parking and turning area. Following the submission of amended plans it is proposed that there will be 12 no. of car parking space, including EV charging facilities. Alongside the parking provision at the southern end of the application site, there will be a refuse/recycling store and secure bike store.
- 2.8 Immediately north-west of the parking area, the site reception and toilet/shower block shall be constructed, with grasscrete path running in between. Access for caravans shall be located to the west of the site reception enabling access to the 6 no pitches to the north of the recreation and toilet/shower blocks.

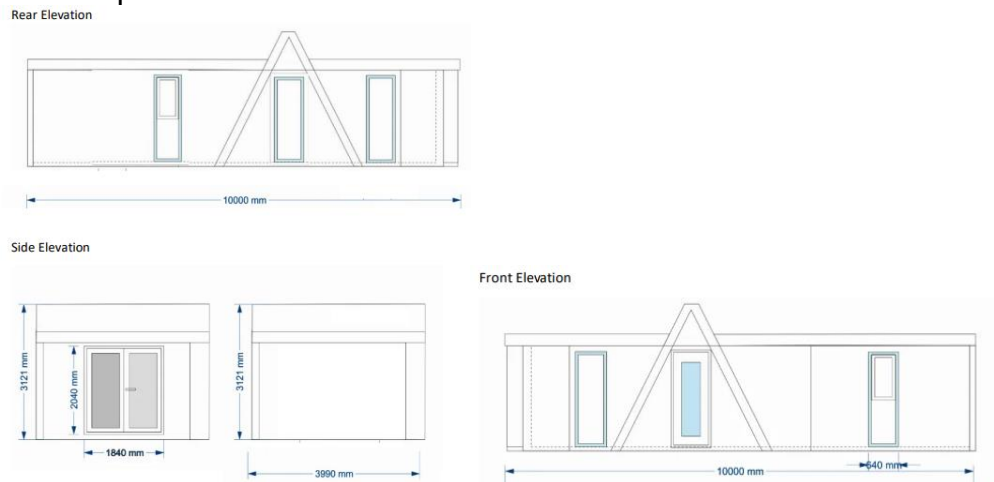


Figure 5: Reception Elevations

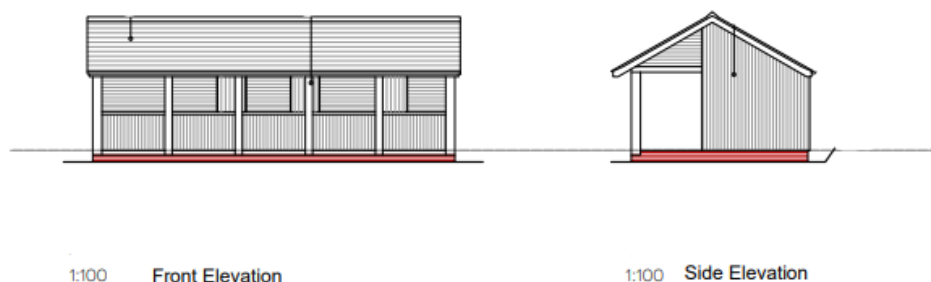
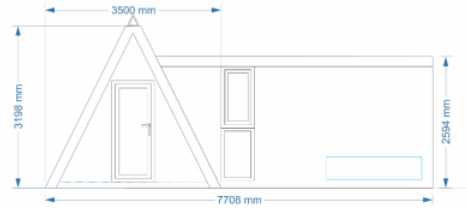


Figure 6: Extract of Shower/Toilet block elevations

- 2.9 As seen in Figure 5, the site reception will have a simple rectangular layout, extending 10m having a width of 4m, having a maximum height of approximately 3.121m. Meanwhile, the toilet/shower block, highlighted in Figure 6, will extend to a similar distance of approximately 9.9m with a width of 4.875m. The block will have a pitched roof, having height to eaves of approximately 2.1m and a ridge height of approximately 3.7m. The block will house 3 no. cubicles, storage room as washing area under a veranda.
- 2.10 Beyond the two blocks will be the area in which 6 no. pitches will be provided for the provision of caravan users with each pitch having dimensions of approximately 9m x 6m, again using grasscrete as the proposed material.

Front Elevation



Rear Elevation

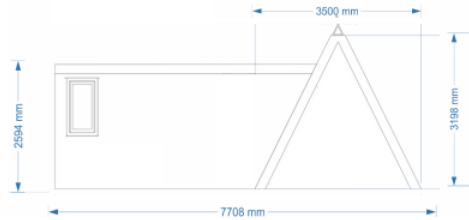


Figure 7: Extract of 'Peaky Grande' cabin elevations



Figure 8: Example of proposed Peaky Grande pods

- 2.11 Beyond the caravan pitches to the north-west are 3 no. of 'Peaky Grande' cabins (seen in Figure 7 and 8 above), each serviced with a decking area and provision for 1 car parking space each. These cabins will run for approximately 7.7m with a width of 3.5. The 'Peaky Grande' cabins will have a pitched section with height of 3.2m and the remained flat roofed having height of 2.5m. Each 'Peaky Grande' cabin will have an associated landscaped area, whilst to the north of the cabins it is proposed that here will be a wildflower meadow.
- 2.12 In the remaining part of the application site, to the north-west of the 'Peaky Grande' cabins, it is proposed that there will be 3 no. smaller cabins of a hut style, accessed via a mown grass pathway from the other cabins to the south-east. Between the 'Peaky Grande' cabins and smaller hut cabins, it is proposed that a 'Kota-Double Grill Cabin', seen in Figure 9 below, will be erected used for the cooking of BBQ's.

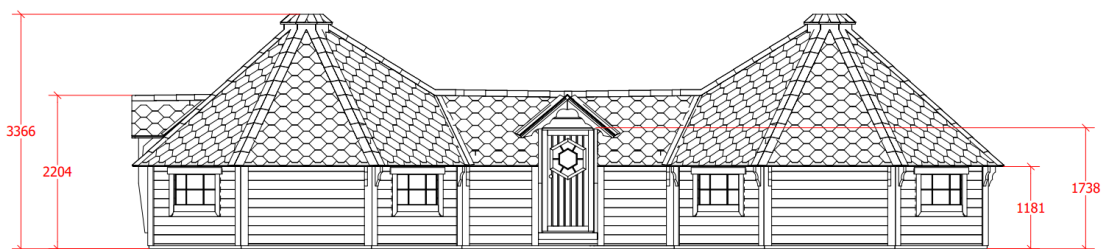


Figure 9: Grill cabin elevations

- 2.13 As seen in Figure 10 below, the smaller hut cabins will have an overall length of approximately 6.2m and at the northern end of each will take the form of an octagon having a maximum width of approximately 4.2m. The southern section of the cabins will have a maximum height of 2.2m whilst the northern end will have a height to ridge of 3.3m. The 'Kota-Double Grill Cabin' will have the same dimensions with the addition of a further octagon at the other end.

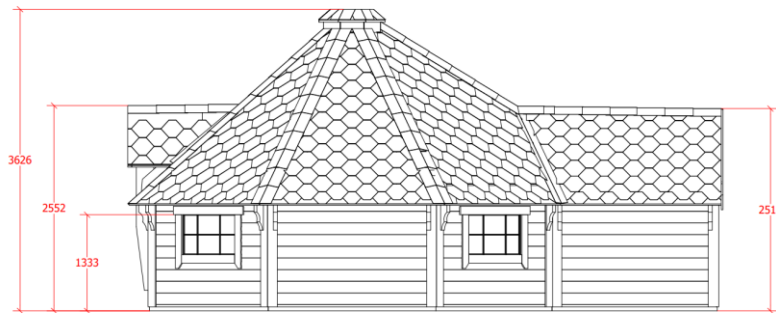


Figure 10: Elevations of the smaller cabins to be located at the north western end of the application site

- 2.14 The application site will have a grasscrete road/path running along the entire south-western boundary of the site to enable vehicular access to the entire development aiding in case of emergency.

Amendments

- 2.15 The proposal has seen an increase in the number of car parking spaces and a widened site access in response to highways comments. The applicant has also omitted the initially proposed sauna from the development proposal.

3.0 The Relevant Planning History (not the full site history)

- 3.1 22/00240/FL | Change of use of land for glamping site (Affecting setting of a Listed Building) (Application returned and not determined)

4.0 Consultation Responses

- 4.1 **Highways Authority (HA):** Original comments from the HA requested that the applicant submitted a detailed site access drawing with an appropriate width and demonstrate two-way vehicular tracking turning in/out and left/right at the site access. The HA also requested a revised plan which demonstrated vehicular visibility splays at the setback distance of 2.4metres back from the near edge of the carriageway. Subsequently, the applicant provided a revised plan as well as visibility splay plan and the Highways Authority have provided the following response: It is understood the proposed site will be served via an access off Mill Lane, which is a single carriageway road. The revised drawing titled 'Additional Parking Plan' illustrates an access width of 7.5m, which is considered acceptable given the scale of development proposed.
- 4.2 The applicant has submitted a revised plan which demonstrates vehicular visibility splay of 2.4 metres x 45.0 metres can be achieved. Furthermore 12 parking spaces are now provided. As such, the HA are satisfied with the development proposals subject to the conditions below.
- 4.3 **Environmental Health (EHO):** Initial comments requested further details on the cooking provision within the grill cabin, the means of how foods will be cooked; and advised a scheme of drainage is provided, identifying system capacities and with foul and surface water outfalls identified clearly on a plan

Environmental Health also recommended that no external fires or BBQ's should be lit and a scheme of noise management should be submitted and agreed with the LPA, including the requirement for a manager to be on site at all times and a no noise policy from 10pm-8am. These are advised to be dealt with by condition. In response to these comments the applicant provided further information stating that 'The grill cabin will house a charcoal grill and a seating area there will not be a sauna. With regards to surface water treatment we have since been advised of alternative land drains that can be installed underground'.

- 4.4 Further comments from EHO advised that the plan showing the grill cabin with sauna extension is superseded and that a full scheme of drainage is submitted. The applicant has agreed with the EHO that the drainage issue can be dealt with by way of condition.
- 4.5 **Environment Agency:** Withdrew their initial objection to the application following the submission of a Flood Risk Assessment and clarification that caravans are proposed to be sited on the grasscrete pitches which lie within Flood Zone 3. The Environment Agency considered that because of the temporary nature of the camping ground and the fact that the applicant has confirmed that there will be an evacuation plan in place, they now make no objection to the proposal.
- 4.6 **Lead Local Flood Authority (LLFA):** No comments made in relation to the proposed development. The LLFA confirm that they should only be consulted on major developments. [*Officer note: This application does not form a major development.*]
- 4.7 **Tree Officer:** No comments made.
- 4.8 **Conservation Officer:** The Conservation Officer highlighted the application site is located within the vicinity of two listed buildings, namely: 'Henmore Cottage' – a grade II listed cottage (LEN 1158636); and 'Ashmore House' – a grade II listed farmhouse (LEN 1311422) and stated that comments made on the application reference 22/00240/FL apply to this application, concluding that the proposed development will not affect the significance and/or setting of the two designated heritage assets, mentioned above, or their setting.
- 4.9 **Ward Councillor(s):** 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. [*Officer note: The application site is within open countryside, which does not form part of the Green Belt.*]
- 4.10 **Parish Council:**
"1. The proposed development is sited outside of the Clay Cross Development Boundary
2. The site is adjacent to a designated listed building and the nature of the development is to draw in short stay holidaymakers who will have little or no knowledge or respect for the area and its heritage
3. The proposed site has an access and egress onto the extremely narrow Mill Lane with a dangerous junction with Holmgate Road which gets very busy at school times. Mill Lane does not have any means of pedestrian walkway between Holmgate Road and Valley Road

4. The drains and water supply have very old pipework along Mill Lane resulting in periods in the past of flooding, being closed and access being restricted whilst repairs have taken place
5. It is noted in the past that due to the surging of water in Press Brook whenever there is a storm, Clay Cross Parish Council and the allotment Tenants are always aware of their riparian rights in respect of the brook and believe the planning application should detail relevant schemes that would address and combat any bank erosion therefore protecting the tree preservation order in place
6. The trees covered by TPO236 which edge both sides of Press Brook are, and have been growing in a symbiotic relationship, in that if there were to be any damage or removal of trees on the development site then this could have a detrimental effect on the trees owned and managed by Clay Cross Parish Council on the Valley Road allotment site
7. The proposed development site is significantly lower than the allotment site and therefore will be more susceptible to flash flooding
8. Mill Lane and the surrounding area is sparsely populated, on the edge of the NEDDC Development boundary and is generally very quiet. The proposed development will generate substantial vehicular movements both on and off the site throughout the day, evening and night and will also generate noise and pollution with the site actively encouraging glampers to BBQ and gather on site
9. The ecosystem surrounding and within Press Brook is finely balanced. The assertion within the application that the site sewerage will go through the two separate water treatment systems and will then be treated as soak-away and secondly that land drains would be inserted if needed, is not acceptable and is a recipe for future contamination problems
10. There is no public footpath the crosses the application development site although FP14 does run from Ashmore Cottages on Holmgate Road north and exiting opposite Batemans Mill Hotel as is stated within Policy T5
11. Having viewed the objections/comments from local residents, the Parish Council agree and support their views and OBJECT to the present application.

5.0 Representations

- 5.1 Neighbouring properties (6 addresses) were consulted by letter and a site notice posted on a lamp post north of the site at the northern entrance of Mill Lane on 27th January 2023. As a result, 22 letters of objection have been received each one objecting to the proposal. The objection comments are summarised below:

- Detriment to environment
- Affect setting of listed building
- Traffic and congestion
- Outside settlement development limits in the open countryside
- Out of keeping with residential area nearby
- Impact upon landscape character
- Impact upon biodiversity
- Increase in noise and light pollution
- Increase in footfall and nuisance
- Amenity of neighbouring residential properties
- Security of the site
- Nearby application adjacent to site refused
- Access of the site
- Waste disposal

- Impact upon Public Right of Way (PROW) NE6/14/1
- Negligible economic benefits
- Flood risk
- Eroding separation of built-up settlement edge and open countryside

[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.]

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the Local Plan are material to the determination of this application:

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in the Countryside
WC5	Visitor and Tourism Development
WC6	Camping, Chalets, Caravans and Lodges in the Countryside
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC6	Development affecting Listed Buildings
SDC11	Flood Risk and Drainage
SDC12	High quality Design and Place-Making
ID3	Sustainable Travel

National Planning Policy Framework (NPPF)

- 6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.
- 6.3 The revised National Planning Policy Framework was published on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012, 2018 and 2019. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include support economic, social and environmental objectives.
- 6.4 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criteria to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.
- 6.5 Chapters of relevance are:

- Chapter 2. Achieving sustainable development

- Chapter 6. Building a strong, competitive economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 12. Achieving well-designed places
- Chapter 15. Conserving and enhancing the natural environment

7.0 Planning Issues

Principle of Development

- 7.1 The application site is located outside the defined Settlement Development Limits for Clay Cross and is therefore considered to be a countryside location. Policy SS9 of the North East Derbyshire Local Plan is applicable. The proposed development is considered to fall within category 1(e) as the proposed scheme is for new visitor accommodation which must also fall in accordance with Policies WC5 and WC6 of the Local Plan. Policy SS9 requires development to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.2 Policy WC5 supports proposals for visitor and tourism development where they enhance the tourism offer within towns and villages and support links with the Peak District National Park. Should proposals conform with the above they are expected to be well located in relation to public transport networks; be of a scale that is compatible with the role of any nearby settlement; ensure that visitor numbers can be accommodated without detriment to the environment or the vitality of existing centres; respect local landscape character and appearance of the open countryside; respect the sites location through careful siting, design and use of materials; and not have a significant adverse impact on any environmental designation.
- 7.3 Policy WC6 requires proposals for new sites for camping, chalets, static and touring caravans, lodges and for caravan storage to be: adequately screened all year round; and laid out in a manner which would not adversely affect the character of the area. Materials and colour of the chalets and caravans, services and infrastructure are to be appropriately designed to reduce the visual impact of the proposal on the landscape; and they do not significantly adversely affect the amenity of local residents.
- 7.4 The proposed development will enhance the tourism offering in Clay Cross and be well related to the Peak District National Park due to it only being a short journey from the application site. Valley Road is only a short distance from the application site and offers good public transport connections with Clay Cross and beyond.
- 7.5 In view of the above, it is officer opinion that visitor accommodation on the site is acceptable in principle.

Impact of Development on Countryside and Landscape Character

- 7.6 As the application site is located outside of the settlement development limits for Clay Cross and within the open countryside, Policy SS9 of the Local Plan applies to the proposal. Part 1(e) of Policy SS9 supports schemes that involves proposals for new visitor accommodation, or extensions to existing visitor accommodation in accordance with Policies WC5 and WC6. Policy SS9 also requires that in all cases where development is considered acceptable,

proposals must respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.

- 7.7 Local Plan policies WC5 and WC6 require development for tourism in all cases be of a scale that is compatible with the role of any nearby settlement; respect local landscape character and the character and appearance of the open countryside; Respect the site's location through careful siting, scale, design and use of materials; and not have a significant adverse impact on any environmental designation. In addition to the requirements of WC5, policy WC6 states chalets like those proposed will only be permitted where they are adequately screened all year round; and they are laid out in a manner which would not adversely affect the character of the area; and are of finished materials and colour which is appropriately designed to reduce the visual impact on the landscape and they do not adversely affect the amenity of local residents.
- 7.8 The site is identified as being in a secondary Area of Multiple Environmental Sensitivity (AMES). Policy SDC3 requires proposals for new development to 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. The Landscape Character Type is described in The Derbyshire Landscape Character Area Assessment as a Wooded Farmlands Landscape, located within the Peak Fringe & Lower Derwent Character Area. The Wooded Farmlands character type is described as *'a mixed farming landscape on undulating ground. Woodlands, along with hedgerow and watercourse trees, contribute to a strongly wooded character'*.
- 7.9 The proposed scheme is for the change of use of the land for use as a glamping site, introducing built form by the way of cabins and associated facilities to the area, as well as the introduction of touring caravans. This form of development is considered to be compliant with Part 1(e) of Policy SS9. The proposed scheme is to be laid out towards the south-eastern boundary of the greater application site adjacent to a line of trees which defines the application sites boundary in this direction. The specific area of the application site subject to this application is a comparatively thin strip of land compared to the greater application site. Figure 2 and 3 above illustrate the current state of the application site.
- 7.10 Much of the built development (seen in Figure 11 and 12 below) in the form of cabins is to be located well away from the Highway on Mill Lane with only the site reception and toilet block being located close to the site access off Mill Lane. The materials of construction to the proposed buildings on site is timber cladding. Behind the site reception and toilet block are the proposed pitches for touring caravans which will be a temporary fixture on site and thus having little impact upon the openness of the countryside setting. As previously mentioned, the scheme would be tucked closely to the western tree lined boundary and would, for a number of months of the year, be seen in the context of an allotment to the north. When approaching the site along Mill Lane it will also be seen in the context of a residential property opposite and a site which has been cleared and framed by palisade fencing to the south west.



Figure 11: Extract of site entrance



Figure 12: Extract of rear two thirds of application site

- 7.11 Changes to the site entrance (see Figure 13 below) would be limited to a 7.1m wide site entrance approx. where the existing site entrance is. Solid bound materials will be required for the site entrance but within the site grasscrete will limit the visual impact of the proposed development. Parking bays, secure cycle storage and refuse/recycling facilities will frame the parking/turning area. The site reception and toilet block will be screened by landscaping. Officers consider that whilst the impact of the proposed development will be localised, it can also be mitigated by appropriate landscaping and approval of refuse/recycling and cycle storage details. These details can be dealt with by way of condition on any decision issued by the Council.



Figure 13: Extract of site entrance works

- 7.12 The majority of the site is to make use of a grasscrete for the standing of touring caravans and parking of vehicles to the south-east of the site. This proposed material is considered to be sympathetic to the prevailing landscape which is currently grassed farmland. Furthermore, it is proposed that landscaping, including a wildflower meadow, will be introduced throughout the development enhancing the biodiversity offering, character of the site and improving the tranquillity of the area. As such, officers are of the view that the proposed development would not, on balance, result in significant harm to the landscape character in this location.
- 7.13 The topography of the application site is relatively flat and as previously mentioned is characterised as having trees and hedgerows which define the sites greater boundaries in all directions. The development subject to the application is, as previously explained, to be located close to the tree lined and hedgerow defined south-eastern boundary, which is to be retained. The development is low density benefitting the fairly level topography of the site and much of the built form in terms of cabins are to be located further north away from Mill Lane. Consequently, the Wooded Farmlands character of the site is considered, on balance, to be respected and maintained with the development of the proposed scheme. The cabins are typical wooden clad structures and would integrate to the landscape setting.
- 7.14 On balance, it is considered that the layout of the glamping site respects the character of the area, whilst the colour and material of the cabins will integrate into the countryside and wooded farmlands landscape character. The application for a change of use of the site for glamping would enhance the tourism offer within the Holmgate and Clay Cross vicinity and would provide for an ideal base for tourists to access the nearby Peak District National Park. The proposal is not for the permanent occupation of residents and will be of a scale that would not cause any extension to an urban area or coalescence of Holmgate and the settlement development limits of Clay Cross.
- 7.15 Officers note that a nearby public right of way (PRoW 14) approx. 80m to the north west of the application site. Whilst there will be views (see Figure 14 below) towards the proposed development from this path and from Mill Lane these would be localised views and seen in the context of the tree/hedgerow

belt along the south west boundary of the site. Far reaching views of the site are unachievable due to the topography and boundary screening.



Figure 14: Photograph taken from public right of way back towards the application site

- 7.16 Overall, officers consider that, on balance, the proposed development would represent appropriate tourism development that would be respectful to the site and the surrounding landscape character through the schemes siting, scale, design and use of materials. Furthermore, as discussed above the proposed development will be, in officers opinion, be adequately screened all year round and laid out in a manner which would not adversely affect the character of the area.

Heritage Considerations

- 7.17 The application site is located approximately 40m north of Henmore Cottage, which is a Grade II listed farmhouse. Ashmore House is another Grade II listed farmhouse which is located approx. 240m as the crow flies to the west of the application site.
- 7.18 The statutory requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.
- 7.19 The NPPF in section 16, paragraphs 199 and 200 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 7.20 Local Plan policy SDC6 requires development to preserve the significance of any heritage assets and their setting.
- 7.21 The Councils Conservation Officer concludes that the proposed development will not affect the significance and/or setting of the two designated heritage assets, mentioned above, or their setting.
- 7.22 In view of the above, it is officer opinion that the proposed development would not detract from the nearby listed buildings, and that the significance of the heritage assets and their settings would be preserved, all in accordance with policy SDC6 of the North East Derbyshire Local Plan.

Privacy and Amenity Considerations

- 7.23 Policy SDC12 states that all new development should be of a high-quality design and this includes protecting the amenity of existing occupiers. Policy WC6 states that development should not have a significantly adverse affect on the amenity of local residents.
- 7.24 The closest residential dwellings are 'Press Side' and 'Henmoorothy' to the west of the application site access. 'Press Side' being located approximately 70m north-west of the site access, whilst 'Henmoorothy' is located approximately 75m west. Other properties of significance are the Grade II listed 'Henmoor Cottage' located approximately 50m south of the application site at the southern end of Mill Lane; and 'Thornfield' approximately 150m away from the site access via the highway to the south of the site.
- 7.25 As mentioned above, it is proposed that the sites tree lined and hedgerow defined boundaries will remain. There is also opportunity through an appropriate scheme of landscaping to enhance on site planting. On the south-eastern boundary fronting Mill Lane, it is proposed, for highways requirements ensuring that the vehicular visibility is acceptable, the existing gated entrance will be widened by approximately 2m. This will require the removal of a small number of trees; however, the prevailing character and street scene will remain as existing and not unduly affected by this. As previously explained, much of the built development within the application site will occur towards the northern end of the application site and well away from any residential properties on Mill Lane. Visibility of the glamping site will be achievable from Mill Lane however as with the majority of development, by way of cabins being located towards the northern end of the application site, much of the built additions in which tourists would be accommodated would be out of sight and would not have a significant impact upon the visual amenity of nearby residents. Views of the Reception area and toilet block, as well as parking area will be visible, however this as well as the trees which line the south-eastern boundary, coupled with the low density of development and relatively level topography, means that the cabins and much of the caravan pitches area where most activity will occur will be screened from the highway of Mill Lane and residents opposite.
- 7.26 It is accepted that the level of traffic coming into and out of the application site will increase if permission is granted and car parking is close to Mill Lane, however the proposed development is modest in scale and neighbouring residents are separated back from the application site and it is officer opinion that the resulting traffic movements would not have a significantly adverse affect on the amenity of local residents.

- 7.27 In terms of the application sites potential impacts upon the setting of the grade II listed 'Henmoor Cottage', following consultation the Conservation Officer stated that that the proposed development will not affect the significance and / or setting of the two designated heritage assets ('Ashmoor House' and the former) or their setting; and so, it is considered that the proposal will have a negligible impact upon the significance of the nearby listed buildings.
- 7.28 In terms of nuisance and noise potentially arising as a result of the proposed change of use, the EHO have suggested imposing conditions to ensure a no-noise policy between the hours of 10pm and 8am; whilst ensuring that a manager is to remain on site at all times to ensure any issues along the lines of noise nuisance can be controlled.
- 7.29 To address concerns arising from letters of representation received in regard to waste disposal, following consultation the EHO raised no concerns at the applicant existing plan where storage of waste is to be held in refuse/recycling store next to the toilet/shower block towards the south-eastern end of the application site.
- 7.30 Consideration should also be made to the impact of any proposed development on neighbouring land uses. Objections were raised in terms of the impact of the proposed glamping site on the PROW (NE6/14/1) which runs through the north-western portion of the greater application site, but to the north-west of the specific site subject to this application. However, officers consider that the distance between the northern most cabin at the northern end of the application site and the PROW which runs to the west of this is sufficient for there to cause any significant harm to users of the right of way. No comments have been received from the PROW officer or Ramblers Association and the development is considered not to be unacceptably harmful.
- 7.31 Officers are satisfied that the nature of the proposed use controlled with the recommended conditions to include adherence with a no-noise policy would ensure that the proposed development would not have an unacceptable impact upon neighbouring residents amenity. The proposal would therefore accord with Policies SDC12 and WC6.

Highway Safety Considerations

- 7.32 Policy ID3 (Sustainable Travel) of the Local Plan 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.
- 7.33 Mill Lane is a single-track highway however following the submission of an amended site access plan as well as visibility splay plan at the request of the Highways Authority, they find that the scheme is acceptable given the scale of the proposed glamping site. The applicant also submitted a revised plan demonstrating a further 12 parking spaces which the Highways Authority are also satisfied with.
- 7.34 It is therefore considered 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 highway safety issues, and that adequate access and parking provision can be provided. The proposal is therefore considered to comply with Policy ID3.

Drainage Considerations

- 7.35 The application site is partially within Flood Zone 2 and 3. Figure 15 below illustrates the flood zones in relation to the application site. The Flood Zones are only contained to the northern edge of the site and project into part of the north western part of the site. Similar low-high risk from surface water flooding risk is possible on the application site.

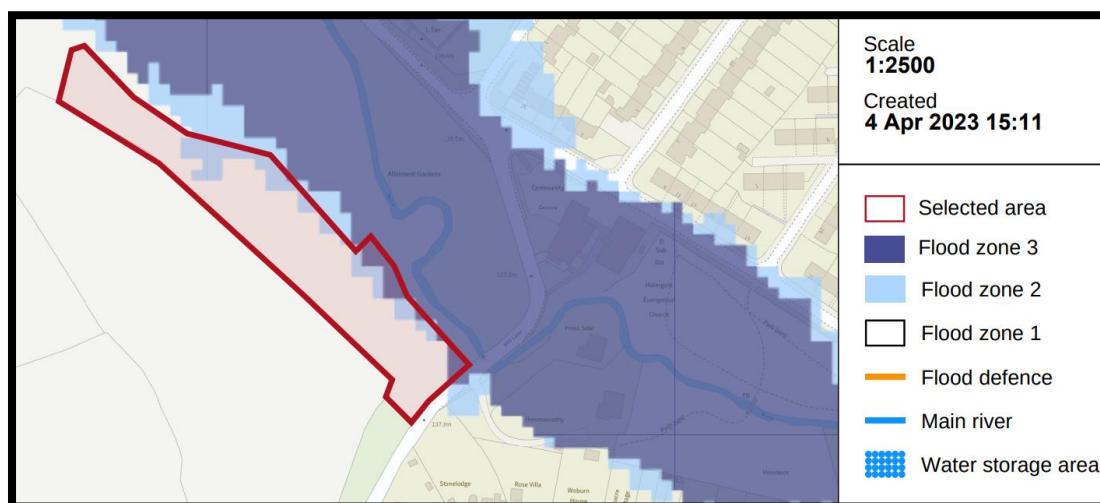


Figure 15: Plan showing Flood Zone 2 (light blue) and 3 (dark blue)

- 7.36 A Flood Risk Assessment (FRA) has been submitted with the application documents, prepared by Inspire Design. The report concludes that *“although the site is partially located within Flood Zones 2 and 3, any fluvial flood water affecting the site would be very shallow and therefore not present a significant hazard to guests or personnel.”*
- 7.37 The Environment Agency (EA) are satisfied that the level of development (touring caravans in an area of Flood Zone 3) is acceptable given their lack of permanence and the risk from flooding is limited.
- 7.38 In view of this, it is officer opinion that there is no technical reason in relation to flooding and drainage to reject the application.

Ecological Considerations

- 7.39 Local Plan Policy SDC4 states that the Council will protect and enhance the District’s natural environment and seek to increase the quantity and quality of biodiversity.
- 7.40 Local Plan Policy SDC2 states that proposals for development should provide for the protection and integration of existing trees, woodland and hedgerows for their wildlife, landscape and/or amenity value.
- 7.41 It is noted that some concern has been raised by local residents to the impact on protected trees. Trees following the river to the north of the application site are protected by NEDDC TPO 236 (G1) and appear to be unaffected by the proposed development. There are no other environmental designations which would preclude development.

- 7.42 The proposed development includes pockets of wildflower meadow planting and other native and hedgerow planting to help screen some of the buildings on site. However no specific details have been submitted with the application.
- 7.43 Derbyshire Wildlife Trust (DWT) have provided no comments to the proposal. As such officers consider that a Landscape enhancement scheme and Biodiversity Enhancement Plan should be submitted to and approved by the Local Planning Authority prior to any works commencing on site. this can be controlled by way of condition on any decision.
- 7.44 The proposed development also includes some indication that new light bollards will be required through the development. To ensure that this does not result in intrusive light on the surrounding countryside setting and impact nocturnal mammals officers are of the view that such lighting details should be submitted to and agreed in consultation with DWT before development commences on site.
- 7.45 In view of the above, it is officer opinion that, subject to conditions covering landscaping and biodiversity enhancement, the proposed development would enhance the landscape quality and biodiversity offering of the site, all in accordance with Local Plan policy SDC4 of the North East Derbyshire Local Plan.

Other Considerations

- 7.46 Objections were also raised citing the 2022 refusal for a proposed Gypsy/Traveller site with one pitch on land adjacent to the site under reference 22/00612/FL. This application was refused on its impact upon the open countryside; setting of the nearby listed buildings; and due to the removal of a mature native hedgerow. Each case is taken on its own merits and this proposal is further to the north, away from the listed buildings, and considered to be, on balance, a more acceptable use of land in this countryside setting.

8.0 Summary and Conclusion

- 8.1 The application site is located in open countryside where new visitor accommodation is considered acceptable in principle.
- 8.2 In officers opinion, it is considered that, on balance, the proposed development would represent appropriate tourism development that would be respectful to the site and the surrounding landscape character through the schemes siting, scale, design and use of materials. It would be adequately screened all year round and laid out in a manner which would not adversely affect the character of the area.
- 8.3 In heritage impact terms, it is considered by officers that the proposed development would not affect the significance and/or setting of the two designated heritage assets, mentioned above, or their setting.
- 8.4 Subject to conditions restricting noise, fires and BBQ's officers are of the opinion that the proposed development would not lead to an unacceptable impact upon the amenity of neighbouring residents and neighbouring land uses.

- 8.5 The proposed development would not lead to an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe which would warrant a reason to refuse the application.
- 8.6 There are no technical reasons relating to flood risk, drainage and biodiversity that cannot be addressed by way of condition on any decision. Furthermore no evidence has been put forward that would lead officers to a different conclusion.
- 8.7 Accordingly, there are not considered to be any matters to outweigh the predominance of the Local Plan and so the proposal is recommended for approval subject to conditions outlined below.

9.0 Recommendation

- 9.1 That, on balance, planning permission is **CONDITIONALLY APPROVED** subject to conditions, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

- 1) The development hereby permitted shall be started within 3 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 submitted plans:
 - LOCATION PLAN Drawing No. 221010-01-01; Published 19th January 2023
 - PROPOSED LAYOUT PLAN Drawing No. 221010-01-03; Published 19th January 2023
 - ADDITIONAL PARKING PLAN Drawing No. N/A; Published 16th June 2023
 - VISABILITY SPLAY Drawing No. N/A; Published 13th June 2023
 - GRILL CABIN 16.5 + 16.5 FACADE (A3) Drawing No. N/A; Published 11th January 2023
 - SHOWER CABIN PLAN AND ELEVATIONS Drawing No. N/A; Published 24th January 2023
 - GRILL CABIN FLOOR PLAN Drawing No. N/A; Published 24th January 2023
 - RECEPTION PLAN AND ELEVATIONS Drawing No. N/A; Published 24th January 2023
 - PEAKY GRANDE AND DUO FLOORPLANS WITH DECKING Drawing No. N/A; Published 24th January 2023
 - PEAKY DUO ELEVATION Drawing No. N/A; Published 24th January 2023
 - PEAKY GRANDE ELEVATIONS Drawing No. N/A; Published 24th January 2023unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

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

Highways

- 3) No part of the development hereby permitted shall be occupied until such time as the access arrangements have been provided in accordance with the submitted drawing dated 16/06/2023 and titled ADDITIONAL PARKING PLAN on the Planning Portal has been implemented in full.

[Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).]

- 4) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 45 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

[Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).]

- 5) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

[Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).]

- 6) The development hereby permitted shall not come in to use until such time as the parking and turning facilities have been provided, hard surfaced and demarcated in accordance with the submitted drawing dated 16/06/2023 and titled ADDITIONAL PARKING PLAN on the Planning Portal. Thereafter the onsite parking provision shall be so maintained in perpetuity.

[Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).]

Environmental Health

- 7) Other than within the approved Grill Cabin building hereby approved, there shall be no external fires or BBQ's anywhere else within the application site at any time.

[Reason: In the interest of the amenity of nearby residential occupiers, neighbouring land uses and air quality of the area.]

- 8) Before development commences, a Noise Management Scheme shall be submitted to and approved by the Local Planning Authority. The scheme

shall include and not be limited to requiring a manager to be on site at all times and there being a no noise policy from 22:00 and 08:00. The approved Noise Management Scheme shall then be implemented in full and adhered to throughout the lifetime of the development.

[Reason: In the interest of the amenity of nearby residential occupiers and neighbouring land uses.]

- 9) Before development commences, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.

[Reason: In the interests of satisfactory drainage and to protect ground water and surface water from pollution.]

Cycle Storage

- 10) Before development commences, a scheme of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facility shall be implemented in full prior to the first use of the site and retained free from any impediment for the lifetime of the development.

[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting, and to ensure adequate cycle storage facilities are available.]

Refuse/Recycling Details

- 11) Before development commences, details of the proposed refuse/recycling storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse/recycling storage area shall be implemented in full prior to the first use of the site and retained free from any impediment for the lifetime of the development.

[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting.]

Ecology and Landscaping

- 12) Before development commences, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of native, species rich, landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.

[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting.]

- 13) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the

occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting.]

- 14) Before development commences, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. the details shall include, and not be limited to, bird and bat mitigation, insect bricks, ecologically beneficial landscaping, etc. The approved Biodiversity Enhancement Plan shall be implemented in full prior to the first use of the site and all features retained as approved for the lifetime of the development.

[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]

- 15) Notwithstanding the submitted details, prior to the first use of the development hereby approved, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. the approved lighting scheme shall be implemented in full and retained as such for the lifetime of the development. No additional external lighting over and above those details agreed by this condition shall be installed on site without the prior approval of the Local Planning Authority.

[Reason: In the interest of the character and appearance of the surrounding countryside setting and to protect nocturnal mammals.]

Informative Notes

a) DISCON

b) NMA

Highways

- c) The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.

Environment Agency

- d) The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/preparing>.

for-flooding. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

PLANNING COMMITTEE – 25 July 2023

REFERENCE NUMBER: 22/01036/OL Application Expiry Date: 30 June 2023
Application Type: Full Planning Permission

Proposal Description: Application for the proposed demolition of existing buildings and erection of a Class E foodstore together with car parking, access, servicing, and other associated works (Major Development)
At: Trent Titanium Ltd, Wreakes Lane, Dronfield

For: Mr Keith Nutter, Morbaine Limited

Third Party Reps: 3 **Parish:** Dronfield Town Council
Ward Name: Dronfield South Ward

Author of Report: Case Officer Phil Slater **Date of Report:** 03 July 2023

MAIN RECOMMENDATION: GRANT



1.0 Reason for Report

- 1.1 The application is a major development and of strategic importance. It is referred to planning committee for these reasons.

2.0 Proposal and Background

- 2.1 This application is an outline planning application for the demolition of existing buildings on site and the erection of a Class E foodstore with associated car parking, access and associated engineering works (matters of appearance and landscaping are the only matters reserved for further approval with issues of access, layout and scale to be determined at this stage). The application site comprises 0.97 hectares, and the proposed Class E retail foodstore would have a gross internal area of 1,895 sq.m.
- 2.2 A total of 100 car parking spaces are proposed, including nine parent and child parking spaces, six disabled spaces, and two electric vehicle ('EV') charging points (with provision for a further 20 EV charging points in the future).
- 2.3 The application site lies approximately 100 metres from the northern extent of the defined Dronfield town centre boundary, as identified by the North East Derbyshire Local Plan Proposals Map and comprises an 'edge of centre' development proposal.
- 2.4 The site is located within the settlement development limits of Dronfield which is the largest of the four towns in the District. It is within the Wreakes Lane Employment Area forming part of Site DR/02 which is allocated as a Principal Employment Area under Policy WC2 of the Local Plan. It is immediately surrounded to the north and south by employment uses, the A61 Dronfield bypass to the west and a Scout Hut and Recreation area to the east on the opposite side of Wreakes Lane.
- 2.5 There is a Sainsbury's supermarket located 100m to the south of the site, which marks the northern edge of the town centre. However, access into the Sainsbury's site (which also provides some parking for the wider town centre) is located some 200m from the site.



Figure 1: proposed layout.



Figure 2: aerial image of proposals

Amended Plans

- 2.6 Following comments from the Highway Authority the agent has submitted a revised site access drawing (B035432-TTE-00-XX-PL-D-003 revision P03). It is shown in figure 3 below.

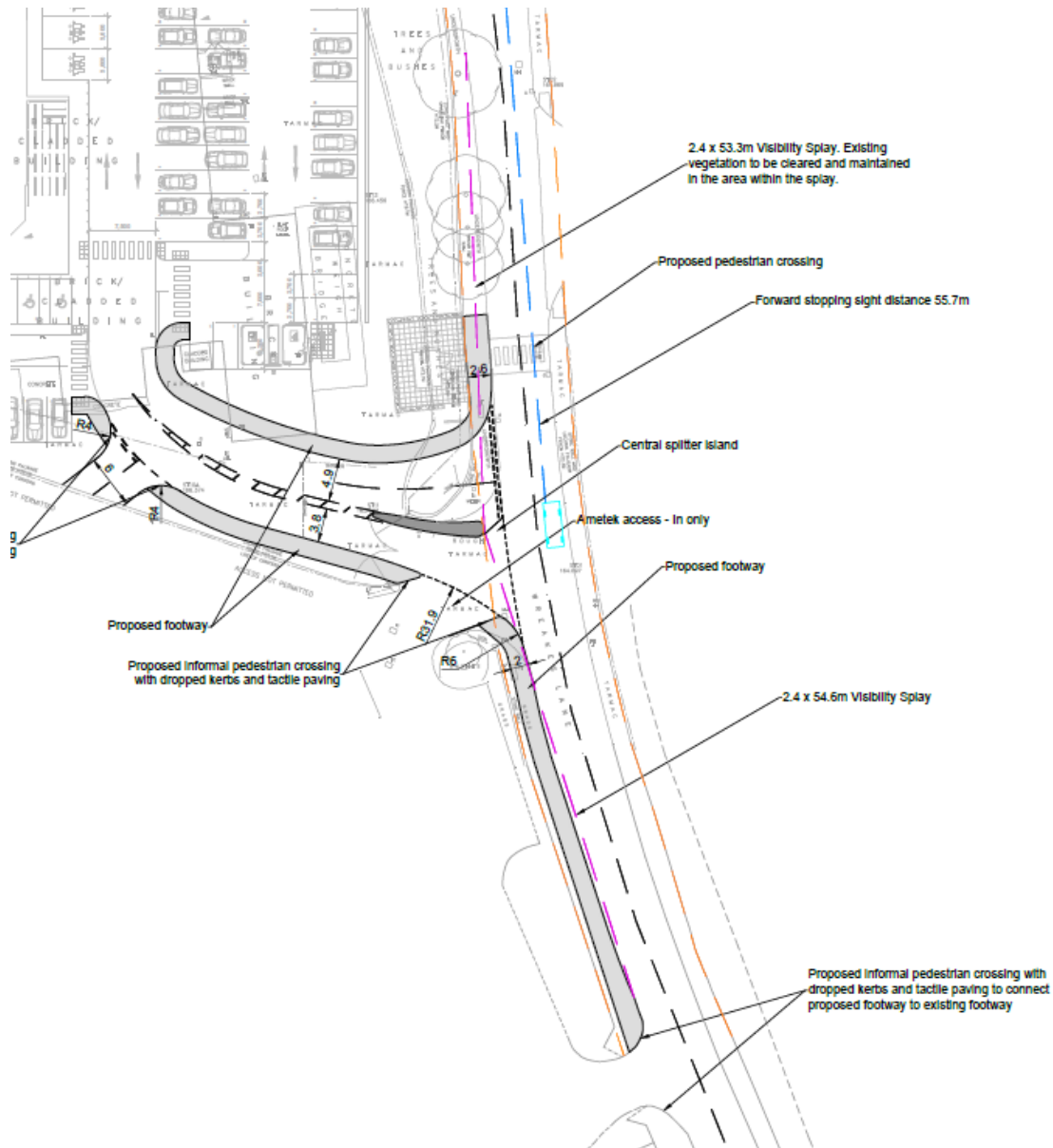


Figure 3: Revised access proposals

3.0 Relevant Planning History

3.1 No relevant planning history

4.0 Consultation Responses

4.1 One **Ward Member** has commented and raised the following issues:-

- Concerns that the access is located on a brow and the speed at which the majority of the traffic passing the site entrance is normally the maximum 30 mph speed limit.

- The issue of cars parking at the Scout Hut, in the early evening, approximately 80m north east of the site access and the potential conflict arising from additional traffic associated with the proposed site.
- Sainsbury's causes no major problems as all their customers have to negotiate a roundabout at the far end of Wreakes Lane.
- References to traffic arising from 1970s developments, suggests potential highways improvements and describes the driving habits of present day car and HGV drivers. Additionally suggests that future improvements could be combined with potential works to rail bridges as part of their electrification programmes.

- 4.2 **Dronfield Town Council** object as the construction of another food store on Wreakes Lane would significantly increase traffic on Wreakes Lane and the surrounding roads around the site, creating logistical and environmental issues for residents.

With potentially up to 269 vehicle trips per hour - 81 of these being new vehicle trips plus an additional 107 vehicle trips which have diverted to visit the store - this would result in almost 220 additional vehicles trips on Wreakes Lane and the surrounding junctions per hour. This would cause traffic problems around the junction with Stubley Hollow/Wreakes Lane and at the traffic lights at the junction at Wreakes Lane/Sheffield Road

- 4.3 The **Highway Authority** initially commented that a total of 100 car parking spaces have been proposed, and that the total parking proposed needs to be justified in accordance with Part 4 of the DCC DSP (Highway requirements for developments Part 4).

The main access to the retail site is via the existing junction on Wreakes Lane, which will be formed by re-configuring the existing vehicular access. Wreakes Lane is a Classified Road. It is noted that visibility splays of 2.4m x 54.6m to the south and 2.4m x 53.3m to the north will be provided. The existing trees/vegetation at the northern side of the proposed access would obscure visibility splays for vehicles emerging from the proposed site; therefore, improvements in emerging visibility splays are required.

It is unclear whether any footway will be proposed at the frontage of the site in the northern direction to provide a route and connection to the proposed pedestrian crossing. The footway at the frontage of the site in the northern direction will be required to enhance the connectivity of the site to the existing footway on the eastern side via proposed pedestrian crossing. The type of crossing proposed also needs to be identified. Furthermore, the Highway Authority recommends that Stage 1 Road Safety Audit will also be required in support of this proposal.

Scoping was undertaken with the Highway Authority to undertake detailed traffic modelling to decide the extent of junctions required for the modelling and to assess the impact of the proposal on the local highway network. The traffic modelling results suggest that the junctions off Wreakes Lane, Wreakes Lane / Sainsburys / High Street / Stubley Lane roundabout, Wreakes Lane / Stubley Hollow priority junction, and Wreakes Lane / Sheffield Road signalised junction are forecast to operate within capacity.

The Highway Authority recommends that a Framework Travel Plan (FTP) be submitted.

In relation to the submitted Transportation Assessment (TA) this estimates that the proposed development will generate around 175 – 270 two-way trips during weekday evening peak hour and Saturday peak hour(s), respectively. The TA identifies different types of trips likely to be generated by the store.

The TA discusses future traffic growth and has considered the potential impacts upon a number of offsite junctions, which are :

- ☐ Wreakes Lane / Sainsburys roundabout
- ☐ Wreakes Lane / Stubley Hollow priority junction
- ☐ Sheffield Road / Wreakes Lane signalised junction

The HA have commented that net residual impacts upon the offsite junctions are relatively modest with a reasonable degree of capacity with developments and traffic considered.

- 4.4 In response to the HA comments the applicant has submitted
- a response to HA Comments (produced by Tetra Tech)
 - a Framework Travel Plan (produced by Tetra Tech)
 - Road Safety Audit
 - Designer's Response to HA comments
 - Revised site access drawing (B035432-TTE-00-XX-PL-D-003 revision P03).
 - Car park justification statement (May 2023)
- 4.5 The HA have commented that for this proposal, a total of 100 car parking spaces have been proposed. However, in accordance with Part 4 of the Delivering Streets and Places Design Guide (DSPDG) for stores between 1,000 and 3,000 sq metres 1 car space per 12 sq metres is required. Therefore, based on the GFA of 1,984sqm confirmed above, a total of 165 parking spaces are required.

The applicant has interrogated the TRICS database to identify the parking space ratio at other similar existing discount food store facilities and have concluded that the proposals provide a level of parking which is 13% greater than the average Discount Foodstore provision. In addition, the applicant

has undertaken a parking accumulation calculation based on the previously agreed arrival and departure trip generation rates. This demonstrated the maximum occupancy, for the busiest parking hour of the week (on a Saturday) as calculated from the agreed trip rates, is 63 vehicles. The weekday busiest hour occupancy was 46 vehicles.

As such the **Highway Authority (HA)** are satisfied with the proposed parking provision and in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the HA would not seek to resist this application

The HA have reviewed the submission of the Travel Plan and have requested a number of amendments. A condition has been recommended requiring the submission of an updated travel plan.

S106 monies are requested for:-

- The Travel Plan monitoring fee: £1,265.00 pa x five years, total £6,325.00.
- Bus taster tickets : 28 Day Stagecoach Silver Megarider 1 no. per employee at £72 each. Therefore, for a total number of 40 employees this would be £2,880.00

- 4.6 The **Economic Development Team** have requested a condition in relation to employment and training opportunities.
- 4.7 The **Lead Local Flood Authority (LLFA)** have commented that: It is noted that infiltration is proposed as the drainage strategy because infiltration testing returned promising results, however, the LLFA requested further information as follows:
- Where is the proposed location of the soakaway?
 - At detailed design stage, the applicant would need to carry out seasonal monitoring of groundwater levels and carry out soakaway testing during the winter, in order to ensure that the soakaways will be effective all year round. In the event that infiltration is found not to be feasible after all, what would the alternative surface water drainage strategy be?
- 4.8 The applicant has confirmed that the soakaway would be located under the car park in the area where the infiltration tests were undertaken. The Soakaway Report (including infiltration test results) was included in Appendix F of the Flood Risk Assessment. An engineer was on site at the time the tests were done and confirmed that the ground conditions and soakaway rates recorded (in the report) are valid.

- 4.9 The LLFA have further commented that the applicant needs to provide further information as to how will it be ensured that the soakaway could not mobilise pollutants within the made ground on site.

The agent has confirmed that whilst the three trial pits (where the infiltration tests were undertaken) revealed no obvious visual or olfactory indications of significant contamination, the LLFA concerns are noted. In response to the LLFA's question, the soakaway will be designed to be located at such a depth that it does not rely on infiltration through any fill materials. For information, fill materials were encountered at between 0.3 and 1.3m depths in the three trial pits to-date.

The agent has designed and implemented similar soakaway systems elsewhere where surface water is gathered by a series of gullies/drains and is then passed through a petrol interceptor into attenuation tanks where it is allowed to soakaway. The depth required to install the tanks underneath the car park is such that it will be well below any existing fill material and will therefore discharge into the natural ground.

The LLFA have confirmed that there are no objections subject to conditions.

- 4.10 **NEDDC Streetscene** have commented with regards to refuse bins. Should the applicant choose to have NEDDC to dispose of their waste, when the development is completed, they would need to contact the trade waste section for information. All rubbish produced by the Company should be contained in a manner which prevents rubbish from blowing around and blowing onto the public highway and comment that they would need to set up a trade waste contract as soon as possible.
- 4.11 The **Environmental Health Officer (EHO)** has no objection in principle subject to conditions in relation to land contamination.
- 4.12 The **Coal Authority** concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. No objections are raised subject to conditions requiring the submission of a scheme of intrusive investigations prior to any development commencing.
- 4.13 The **Derbyshire Wildlife Trust (DWT)** have commented that given that the site is of relatively low ecological value and that boundary habitats appear largely retained within proposals, they do not consider that the Appraisal needs repeating. Similarly, given the very low potential of the building to support roosting bats, they do not consider an updated inspection or nocturnal survey necessary at this time.

- 4.14 DWT consider that the number of recommended bat and bird boxes could be increased, given the size of the proposed store and suitability of boundary habitats, and details should be provided in an Ecological Enhancement Plan. Northern and western elevations are most suitable as they face semi-natural habitats and consideration could also be given to boxes on boundary trees, if suitable.
- 4.15 Lighting will be required in car parking areas, however DWT advise that lighting is avoided / minimised along the western elevation to retain a dark corridor along the woodland.
- 4.16 No objections are raised subject to conditions relating to nesting birds; and the submission of a Biodiversity Enhancement Plan.
- 4.17 **Yorkshire Water** have no objections subject to conditions
- 4.18 **Designing Out Crime Officer** – has raised no objections and requested conditions in relation to boundary fencing, CCTV and a vehicle barrier.
- 4.18 **Dronfield Civic Society** supports the application. The site is identified in Policy WC2 of the NEDDC LP as a Principal Employment Area (DR/02 Stubley Lane/Wreakes Lane). The vacant brownfield site represents a sustainable location for a foodstore and is within walking distance of residential parts of the town. The application proposals will deliver economic, social and environmental benefits including the clearance of dereliction of former industrial units, a transformation of the site with good access and parking provision, local employment opportunities and a broadening of the market offer across the 'value foodstore' sector. The application complies with a number of Policies in the Local Plan including Policy SS1, SS2 6 Sustainable Development, WC3 2 and WC4 2c, 3a and b and should be APPROVED

5.0 Representations

- 5.1 **One objection** was initially submitted by the adjacent business at Ametek in relation to the proposed access. However, after a meeting held between Morbaine & Land Ametek both parties have come to an agreement on access & egress issues for both Land Ametek & any new retail site, based on creating an alternative entry/exit for heavy goods vehicles to Land Ametek's rear parking area. On this basis the objection is withdrawn and the application supported.
- 5.2 A further letter of support has been received from Lidl who make the following points (in summary):-

- Lidl is increasingly looking for new opportunities to enhance its representation within the UK, and Dronfield has been a longstanding requirement for the company as our existing representation in Chesterfield and Sheffield cannot meet Dronfield's needs.
- Whilst we understand that the local area is currently served by two national supermarkets and other smaller-scale convenience stores, we note that the Council's own Retail and Centres Study of April 2018 identifies that existing grocery provision in Dronfield trades well above anticipated levels, therefore creating capacity to support additional floorspace. A new Lidl store would help provide greater choice locally and better serve the current and future shopping needs of the established community.
- Accordingly, over the past few years, we have explored opportunities to secure a new modern format Lidl store within the town. Given that such opportunities are extremely difficult to come by, (particularly those well related to the established centre) we believe that the site now being pursued by Morbaine Limited represents an excellent opportunity for a new discount foodstore in a highly sustainable location at the heart of the local community.
- The former Trent Titanium site is vacant and significantly underutilised. The plans for a new store in Dronfield would secure approximately 35 additional new jobs which will be a fantastic boost for the local area at a time when there is so much economic uncertainty.

6.0 Relevant Policy and Strategic Context

The Development Plan comprises the Local Plan and the Neighbourhood Plan. The most important policies in relation to this application are as follows:

6.1 North East Derbyshire Local Plan 2014 - 2034

Policy SS1: Sustainable Development

Policy SS2: Spatial Strategy and the Distribution of Development

Policy WC2: Principal Employment Areas

Policy WC4: Retail Hierarchy and Town Centre Uses

Policy SP1: Dronfield

Policy SDC2: Trees, Woodland and Hedgerows

Policy SDC4: Biodiversity and Geodiversity

Policy SDC11: Flood Risk and Drainage

Policy SDC12: High Quality Design and Place-Making

Policy SDC13: Environmental Quality

Policy SDC14 Land Potentially Affected by Contamination or Instability

Policy ID1 Infrastructure Delivery and Developer Contributions

Policy ID3 Sustainable Travel

6.2 Dronfield Neighbourhood Plan

Policy EN4 Ecology

Policy EN6 Trees and Woodlands

Policy T&A1 Cycling and Walking

Policy E1 Protecting and Enhancing the Role and Attractiveness of Dronfield Town Centre

Policy E3 Shopping Hubs and Other Local Shops Outside Dronfield Town Centre

Policy E5 Existing Employment Uses

Policy D3 Good Design

6.3 National Planning Policy Framework

The NPPF (2021) is a material consideration in the determination of this scheme.

The following sections of the NPPF are particularly relevant:

The presumption in favour of sustainable development: Paragraphs 11 -12

Section 6. Building a strong, competitive economy: Paragraphs 81 to 85

Section 7. Ensuring the vitality of town centres: Paragraphs 86 to 91

7.0 **Planning Issues**

- 7.1 This application proposes demolition of existing buildings and erection of a Class E foodstore together with car parking, access, servicing, and other associated works at Trent Titanium Ltd, Wreakes Lane, Dronfield.

Principle of Development – employment land

- 7.2 The site is located within the settlement of Dronfield, and within the Wreakes Lane Employment Area which is allocated as a Principal Employment Area under Policy WC2 of the Local Plan.
- 7.3 Policy SS2 of the Local Plan sets a target for the provision of 43ha of employment land over the Plan period to be focused upon Principal Employment Areas as identified in Policy WC2 and on identified strategic sites. Those sites listed under Policy WC2 are identified as being particularly important for the retention of the District's B-class employment base, either strategically or locally for a particular settlement and will be safeguarded from potential redevelopment or change of use to a non-employment use such as housing or retail. Within these areas other employment generating uses will only be permitted by the Local Plan where they are ancillary to the main use on site and would not prejudice the future

- functioning or viability of employment uses on the site or nearby sites by reason of conflicting activities.
- 7.4 The Council's Annual Monitoring Report published in December sets out the latest position on employment land supply. It reports that the overall employment land supply at 31/03/2022 is 41.48ha, against a requirement of 43ha in the Plan.
 - 7.5 Furthermore there is increased certainty that employment land will come forward on land at the Coalite Priority Regeneration Area (Policy SS6). This results in approximately 15ha of additional available employment land supply, which in quantitative terms, covers both the current shortfall, as set out in the AMR, and the potential for c.1ha loss on this application site.
 - 7.6 However, the Local Plan seeks to secure and retain existing employment sites and allocations which have been identified as the most appropriate employment locations and safeguard them from potential redevelopment to non-employment uses. Those sites listed under policy WC2, as here, are identified as being particularly important for the retention of the District's B-class employment base, either strategically or locally for a particular settlement.
 - 7.7 In summary, although the loss of this 1ha employment site would not lead to an overall District wide shortfall of employment land, it would reduce employment land supply within Dronfield, where available land is restricted to arising vacancies, the level of which is currently limited to this and a neighbouring site. The proposals would, therefore, be contrary to policy WC2 of the Local Plan.

Principle of Development – Retail Issues

- 7.8 In line with the requirements of the NPPF, the Local Plan quantifies the need for additional retail floorspace through Policy WC4: Retail Hierarchy and Town Centre Uses and sets out the approach that will be taken towards proposals for retail and other town centre uses, both within and outside identified town centre boundaries. Policy WC4 identifies a hierarchy of town and local centres and prioritises these locations for retail development by applying a sequential approach to ensure the vitality and vibrancy of town centres.
- 7.9 The Retail & Centres Study provides evidence that informed the policies and approach in the Local Plan. In light of the relative strength of the convenience retail provision in Dronfield, the study considers that North East Derbyshire District would, in quantitative terms, have capacity to support new convenience goods floorspace by 2033.

- 7.10 Policy SS2: Spatial Strategy and the Distribution of Development does not identify where this capacity should be located, which provides flexibility for the market to determine the optimal location, within the context of Policy WC4. However, the Study does identify Clay Cross Bridge Street Triangle as the most suitable opportunity to deliver a retail-led development in the district. It is however, acknowledged that convenience retail provision in Clay Cross would not address the capacity arising as a result of the significant over trading of convenience stores in Dronfield. For this reason officers agree that the scope of the sequential assessment should be limited to Dronfield.
- 7.11 The applicant considers the site to be edge of centre on the basis that it lies 100m from Sainsbury's supermarket. This is strictly correct as the Sainsbury's store marks the northern edge of the town centre. However, access into the Sainsbury's site is located some 200m from the site. Furthermore, the heart of the town centre, which is focussed on the Civic Centre and High Street is almost twice this distance. Whether the site is edge of centre or out of centre is arguably irrelevant given the lack of suitable alternative sites in Dronfield, as evidenced by the applicant. Officers are therefore satisfied that an appropriate sequential assessment has been undertaken.
- 7.12 Dronfield is the largest of the 4 towns within the district and is an area of high demand for growth. The town is surrounded by the Green Belt, which acts as a constraint to outward growth and puts pressure on land supply within the urban area from competing development needs. This makes it particularly important to ensure that longer term employment land needs of the district are protected as the loss of employment land in Dronfield cannot simply be replaced locally with a future review of the Plan.
- 7.13 It is accepted that there is no land identified within Dronfield for retail development that would meet the requirements of the current proposal. However, the retail evidence underpinning the Local Plan identifies that existing convenience spending is retained within Dronfield to the extent that existing stores are over trading at significant levels, rather than expenditure leaking outside the area. The benefit of an additional retail store in this location is limited to increased customer choice, given the wider floorspace requirement is likely to be accommodated elsewhere in the District.
- 7.14 Overall on the principle of development the key issue is whether the retail floorspace capacity arising from existing stores overtrading is sufficient to justify the loss of employment land.

Planning balance

- 7.15 The proposed redevelopment of the site would provide a substantial boost in respect of local employment and the local economy. The application site has been vacant for around two years. It was last occupied for use by Dunstan Wragg Trent Titanium as a metals recycling plant. The metals recycling operation was not labour-intensive and the previous use of the site supported five jobs. As identified within the submitted Planning and Retail Statement the applicants estimate that the proposed foodstore would support around 40 jobs (which is typical for a retail operation of this format and scale). Employment associated with the foodstore would be a mix of full and part-time positions, which would ensure that the opportunities are attractive to a broad range of people. The end operator would seek to maximise local employment and training opportunities.
- 7.16 The development would result in a substantial net benefit to the local community in respect of job creation and the retention of additional retail expenditure within the Dronfield area.
- 7.17 The existing premises are both very limited in terms of the facilities provided and are in a poor (and worsening) state of repair. The existing premises may not be attractive to a prospective new tenant and are not fit for repurposing. Furthermore, the applicant argues that the rental levels achieved for traditional 'employment' uses in Dronfield are not of a level which supports the demolition, clearance, and redevelopment of the site.
- 7.18 The proposed redevelopment for a foodstore use both allows the site to fulfil its potential in economic terms and provides for a significant improvement in respect of visual amenity. A key theme within the NPPF is to the need to make effective use of land. Paragraph 120 of the NPPF identifies that decision-makers should give substantial weight to the re-use of brownfield land and promote and support the redevelopment of under-utilised land and buildings.
- 7.19 The applicant has commented that, the level of 'over-trading' apparent within Dronfield is highly unusual and is indicative of an immediate and pressing quantitative and qualitative need for further grocery retail provision. This need will become more acute as Dronfield's population grows.
- 7.20 The application site comprises a sequentially preferable location to support an additional foodstore provision in the Dronfield area as it is located adjacent to the defined town centre boundary and is able to support linked trips to other attractions in the area.
- 7.21 In view of the above, officers consider that substantial weight can be afforded to the range of factors above which collectively demonstrate that the proposed development comprises a positive use of the site which would

have significant benefits in improving retail customer choice and in ensuring that expenditure is retained in the local area. An additional foodstore will also support a substantial number of local jobs and additional economic benefits. There is no other centrally-located site which is both available and suitable to deliver this development.

- 7.22 Additionally, the employment land availability within the District is such that the overall aims and balanced objectives of the Local Plan would not be undermined at a district level by the loss of the site to a non-employment use.
- 7.23 Therefore, it is the Officers' opinion that the benefits of the scheme significantly and demonstrably outweigh the development plan policy which restricts the use of the site for employment only. Therefore the principle of the development, on this basis, is considered to be acceptable.

Highways

- 7.24 The proposed retail store would be served by a single main access to the site via the existing junction on Wreakes Lane which includes a single carriageway entrance with a two-lane exit. The new junction will provide access for customer cars and also delivery vehicles to the store. The junction will also be used for vehicles entering the adjacent Ametek Land (AL) site to the south. Cars exiting the AL car park will continue to use the existing egress further down Wreakes Lane.
- 7.25 The main access road into the site and along the front of the store is 7.5m wide to provide a safe main route which can also accommodate delivery vehicles. The latter have a turning area towards the north of the site, where they can reverse into a loading dock at the end of the store.
- 7.26 The application is accompanied by a Transport Assessment, Stage 1 Road Safety Audit and Framework Travel Plan. Additional information has been submitted in respect of the car parking provision.
- 7.27 The Highway Authority (HA) initially commented in respect of the Transport Assessment (TA) that the proposed development will generate around 175 – 270 two-way trips during weekday evening peak hour and Saturday peak hour(s), respectively. The TA identifies different types of trips likely to be generated by the store. These include new trips, i.e., trips that do not appear anywhere on the road network prior to the opening of the development. The TA also identifies linked trips, i.e., trips with multiple destinations, as well as diverted trips already present on the road network but not the road(s) from which the access is taken.

- 7.28 The HA commented that net residual impacts upon the offsite junctions are relatively modest with a reasonable degree of capacity with developments and traffic considered. Due to the challenging horizontal and vertical alignment, the HA, in the interest of road safety, recommended undertaking Road Safety Audit. (This has subsequently been submitted by the applicant).
- 7.29 The HA also recommended that the applicant be required to provide a footway across the frontage of their existing employment site currently occupied by 'AL' and considered there is sufficient verge width to achieve this.
- 7.30 On the issue of parking **provision** the HA initially commented that a total of 100 car parking spaces have been proposed, out of which 83 were to be standard parking spaces, 9 are parent and toddler, 6 are disabled and 2 electric vehicle charging parking spaces. Additionally, it was noted that 12 covered cycle parking spaces had also been proposed, and 20 additional electric charging points to be provided in the future when required. The total parking proposed was to be justified and provided in accordance with Part 4 of the DCC Delivering Streets Places (DSP Design Guide) (Highway requirements for developments Part 4).
- 7.31 With regards to the **site access** the HA commented that the main access to the retail site was via the existing junction on Wreakes Lane, which was to be formed by re-configuring the existing vehicular access and that Wreakes Lane is a Classified Road. It was noted that visibility splays of 2.4m x 54.6m to the south and 2.4m x 53.3m to the north will be provided. .
- 7.32 With regards to **public transport** the HA commented that the footway leading to the northbound bus stop in front of AL had overgrown vegetation on the footway. To enhance accessibility and connectivity of the site, the footway condition needed to be improved.
- 7.33 In support of the application, the HA recommended that a Framework Travel Plan (FTP) was submitted to discuss modal shifts towards sustainable transport modes, including sustainable transport measures and actions.
- 7.34 The applicant submitted additional information to address the HA comments including the Framework Travel Plan and Stage 1 Road Safety Audit. A revised site access and general arrangement plan (ref B035432-TTE-00-XX-PL-D-003 REV P03) was also submitted.
- 7.35 The HA reviewed the Travel Plan, and have confirmed the Plan can be made acceptable by imposing a condition on any approval requiring the submission of an updated travel plan.

- 7.36 The HA have requested S106 contributions for travel plan monitoring and bus taster tickets:-
- The Travel Plan monitoring fee is: £1,265.00 pa x five years, total £6,325.00.
 - Bus taster tickets : 28 Day Stagecoach Silver Megarider 1 no. per employee at £72 each. Therefore for a total number of 40 employees this would be £2,880.00

The applicant has agreed to the s106 monies.

- 7.37 The HA have been consulted on the updated details and based on the GFA of 1,984sqm , a total of 165 parking spaces should be required.
- 7.38 The applicant has noted the parking space ratio at other similar existing discount food store facilities and concluded that the proposals provide a level of parking which is 13% greater than the average Discount Foodstore provision. In addition the applicant has undertaken a parking accumulation calculation based on the previously agreed arrival and departure trip generation rates. This demonstrated the maximum occupancy, for the busiest parking hour of the week (on a Saturday) is 63 vehicles. The Weekday busiest hour occupancy was 46 vehicles.
- 7.39 On the basis of this additional information and evidence, the HA are satisfied with the proposed parking provision and in view of the site-specific circumstances set out it is not considered that the development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the HA would not seek to resist this application.
- 7.40 Concerns have been raised by the Town Council in respect of highway impacts of the development. However, in considering all the issues pertaining to Highway Safety the comments of the HA are clear in stating that the scheme is acceptable from a highway safety point of view and Officers concur with that assessment.

Design and Layout

- 7.41 The application is made in outline but with only the details of the appearance of the building(s) and site landscaping reserved for subsequent approval at any subsequent reserved matters stage. Indicative drawings and visuals have been submitted but the site layout and scale of structures are matters for consideration under this application.
- 7.42 A Design and Access Statement has been submitted that sets out that although retail stores, especially food stores, are largely functional buildings, they can be designed to have an inspiring presence, and in this respect various design measures have and will be reviewed according to

their ability to integrate the development within the site and its surrounding context. The three main parts of this kind of facility being store, car park and service area need to be located where they best relate to each other to serve their purpose, whilst also addressing the wider issues of the site and surrounding areas. Typically, stores will be provided at the rear of a site facing in the direction of its car park and the main approaches towards it. The car park is located in the foreground, where shoppers can then have easy and direct access to the store entrances.

- 7.43 Whilst appearance is not a matter for consideration here, the proposals are for a building that is rectilinear in plan, with the building structure consisting of a low-pitched framework with the low eaves line at the rear western side rising towards the east facing the car park and entrance. The design seeks to keep the store height to a minimum in order to keep the store grounded in the site landscape.
- 7.44 Along the Wreakes Lane frontage the existing low-level stone on the site boundary wall will largely be retained except where this needs to be cut back as part of the entrance works. Existing landscaped embankments will be retained wherever possible and will only be cut into further north where the car park plateau gets closer to the site boundary at which point natural stone filled gabions will be provided to retain the car park edge at higher level.
- 7.45 To the western boundary the store is set back sufficiently to retain and supplement the existing planted embankments. Similarly, to the south, the existing landscape screen along this edge will be retained where feasible and supplemented with new planting.
- 7.46 The Designing Out Crime Officer has raised no objections in principle to the site's design and has recommended conditions in relation to CCTV, boundary treatments and the barrier when the shop is closed. Officers consider that these conditions would ensure that such measures will minimise opportunities for crime and anti-social behaviour.
- 7.47 It is considered that the layout and scape of the proposed supermarket and treatments of the wider site would enhance the character and appearance of the site and surrounding area.

Impact of Neighbours

- 7.48 The site has no surrounding residential properties that would be impacted by the proposals. The adjacent employment user has written in support of the application following amendments to the proposed access.

Drainage and contamination

- 7.49 Yorkshire Water has no objection and has recommended conditions to be imposed on any planning permission granted.
- 7.50 In response to the initial LLFA comments (dated 31st Jan 2023), the applicant confirmed that the soakaway would be located under the car park in the area where the infiltration tests were undertaken. The LLFA requested further information in respect of how will it be ensured that the soakaway could not mobilise pollutants within the made ground on site?
- 7.51 The agent submitted further information confirming that the three trial pits revealed no obvious visual or olfactory indications of significant contamination and that the soakaway will be designed to be located at such a depth that it does not rely on infiltration through any fill materials.
- 7.52 The LLFA have confirmed that, on this basis, there are no objections subject to conditions.
- 7.53 The Environmental Health Officer has raised no objections subject to conditions in relation to land contamination.
- 7.54 In summary, Officers consider that in view of the above, subject to conditions, the development would be acceptable from environmental health and drainage perspective.

Ecology and Wildlife

- 7.55 The Derbyshire Wildlife Trust (DWT) have commented that the site is of relatively low ecological value and that the existing boundary habitats appear largely retained within the proposals. Similarly, given the very low potential of the building to support roosting bats, DWT do not consider an updated inspection or nocturnal survey is necessary.
- 7.56 DWT consider that the number of recommended bat and bird boxes could be increased, given the size of the proposed store and suitability of boundary habitats, and details should be provided in an Ecological Enhancement Plan. The northern and western elevations are most suitable for additional infrastructure as they face semi-natural habitats and consideration could also be given to boxes on boundary trees, if suitable. Lighting will be required in car parking areas, however DWT we advise that lighting is avoided / minimised along the western elevation to retain a dark corridor along the woodland.
- 7.57 Officers consider that the DWT comments can be addressed through suitably worded conditions and that subject to those conditions would

ensure that the development would not have a detrimental impact on ecological interests.

8.0 Summary and Conclusion

- 8.1 The site is located in the settlement of Dronfield, and within the Wreakes Lane Employment Area which is allocated as a Principal Employment Area under Policy WC2 of the Local Plan.
- 8.2 Whilst the development of the site for a retail store is, therefore, contrary to the Development Plan, the benefits in terms of providing much needed retail floorspace capacity arising from existing stores overtrading in Dronfield is considered sufficient to justify the loss of employment land when coupled with the fact that the overall level of employment land across North East Derbyshire remains well in excess of the level required to deliver the sustainable and balanced strategy set out in the Plan. Officers conclude therefore that these issues significantly and demonstrably outweigh the development plan policy which restricts the use of the site for employment uses only.
- 8.2 There are no technical objections to the scheme that cannot be overcome by the imposition of conditions and, most importantly, a new supermarket on this site would be acceptable in terms of highway safety.
- 8.3 There are no neighbouring properties that are adversely affected by the proposal.
- 8.4 Therefore, the application is recommended for approval subject to conditions and the prior completion of a section 106 agreement as set out in the Heads of Terms below.

9.0 Recommendation

- 9.1 GRANT Outline Planning Permission subject to the following conditions and subject to a s106 agreement.

S106 Heads of Terms

- The Travel Plan monitoring fee is: £1,265.00 pa x five years, total £6,325.00.
 - Bus taster tickets : 28 Day Stagecoach Silver Megarider 1 no. per employee at £72 each. Therefore for a total number of 40 employees this would be £2,880.00
- S106 Total = £9205

Conditions

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.

To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approval of the details of the appearance of the building(s) and the landscaping of the site (called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

REASON: The application is made in outline only and to conform with section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development hereby approved shall be carried out in accordance with the details shown on the following plans and documents:-

- B035432-TTE-00-XX-PL-D-003 REV P03 Proposed Site Access General Arrangement with Additional Ametek Access.
- Stage 1 Road Safety Audit
- Flood Risk Assessment dated 11/10/2022
- Framework Travel Plan revision 01 dated March 2023
- Ecological Appraisal B029838 v1
- Transport Assessment received 08/11/2022
- 7236 / 20 The Location Plan
- 7236 / 21 Proposed Site Plan
- 7236 / 22 Proposed plan and Roof Plan
- 7236/24 Section –Proposed
- 7236/25 Section – Proposed
- Bat Survey
- Design and Access Statement
- Planning Statement

REASON: For clarity and the avoidance of doubt

Employment and Training

4. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage (and post construction stage) of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.'

Design, Character and Appearance

5. The details included in the reserved matters shall include a a scheme for mitigating, climate change through the sustainable design and construction of the retail unit hereby approved, including the provision of sources of renewable energy shall be submitted to and approved in writing by the local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the first occupation of the retail unit and shall be retained as such thereafter.

REASON: in the interests of mitigating climate change and in accordance with policies SS1, and SDC12.

6. Before any above ground construction starts details of the boundary treatments of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatments shall be completed in full prior to the first operation of the retail unit hereby approved and shall be retained as such thereafter.

REASON: In the interests of the appearance of the area and in accordance with policy SDC12 of the North East Derbyshire Local Plan.

7. Before any above ground construction starts , a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

REASON: In the interests of providing public art and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

8. Prior to the first use of the building, hereby approved, a scheme for external CCTV coverage of all car parking and publicly accessible areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building, hereby approved, and be retained as such thereafter.

REASON: In the interests of crime prevention and the amenity of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.

9. Prior to the first use of the building details of the vehicular barrier to close off the site when the store is closed shall be submitted to and approved in writing

by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building and be retained as such thereafter.

REASON: In the interests of crime prevention and the amenity of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.

Land Contamination and Ground Stability

10. Before the commencement of the development hereby approved the site investigation strategy as identified in the Desk Study report Ref E13429/1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC13 of the North East Derbyshire Local Plan.

11. No buildings hereby approved shall be occupied until:
 - a) The approved remediation works required by 10 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process

described in the Phase I contaminated land assessment (desk-study) ref E13429/1 submitted with the application and through the process described in 10 above.

c) Upon completion of the remediation works required by 10 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC13 of the North East Derbyshire Local Plan.

12. No development shall commence (excluding the demolition of existing structures and site clearance) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Drainage

14. The development shall be carried out in accordance with the details shown on the submitted report "Flood Risk Assessment' 7870 (rev P03) prepared by MJM, dated 11/10/22" and the approved details shall be implemented in full prior to the first use of the building and be retained as such thereafter..

REASON: In the interests of satisfactory drainage of the site and in accordance with Policy SDC11 of the North East Derbyshire Local Plan

15. Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also ensure that all surface water from access and car park areas is passed through interceptors. The approved scheme shall then be implemented in full before the development, hereby approved, is first brought into use and shall be maintained as such thereafter

REASON: In the interests of satisfactory drainage of the site and in accordance with Policy SDC11 of the North East Derbyshire Local Plan

16. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. MJM Consulting Engineers. (11/10/2022) Flood Risk Assessment, version P03, Nutter, K. (2023). Email to Philip Slater, 13 March, and Nutter, K. (2023). Email to Philip Slater, 19 May, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)
- has been submitted to and been approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained as such thereafter.

REASON: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

17. Prior to commencement of the development, the applicant shall submit for approval in writing to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The

applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall then be operating as agreed before the commencement of any works.

REASON: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

18. Prior to the first use of the development, hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and be approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

REASON: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

Ecology

19. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

REASON: In the interests of protecting wildlife and in accordance with policies SDC4 of the North East Derbyshire Local Plan

20. Prior to any building works, hereby approved, commencing above foundation level, a Biodiversity Enhancement Plan, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full as agreed and be maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- integral, external and/or tree-mounted nest boxes.
 - integral, external and/or tree-mounted bat boxes.
 - insect bricks or blocks.
 - boundary fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- details of sensitive lighting to western boundary

REASON: In the interests of protecting wildlife and in accordance with policies SDC4 of the North East Derbyshire Local Plan

Highways

21. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing No. B035432-TTE-00-XX-PL-C-003-P03 have been implemented in full.

REASON: in the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

22. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan drawing number 7236/21 Rev G Thereafter the onsite parking provision shall be retained in perpetuity.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

23. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 54.6 metres in a southerly direction and 53.3 metres in a northern direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

24. The development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle and motorcycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan

25. Notwithstanding the submitted details, the development hereby approved shall not be brought into use until an updated Travel Plan has been submitted to and approved in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

26. Prior to the commencement of the development, hereby permitted, details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

Notes

Alterations to Vehicular Access

1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-

dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.

Works on the Public Highway

2. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Derbyshire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

PLANNING COMMITTEE – 25th July 2023

REFERENCE NUMBER: 23/00381/FL Application Expiry Date: 27.07.2023

Application Type: Full Planning Permission

Proposal Description: Conversion and change of use of outbuilding (originally agricultural) with extensions to form two storey dwelling with Velux roof lights including provision of new package sewage treatment plant (Private Drainage System) (Amended Title)

At: Carr Lane Farm White Carr Lane Brackenfield Alfreton DE55 6DE

For: Mr Michael Poole

Third Party Reps: Yes **Parish:** Brackenfield
Ward Name:

Author of Report: Kerry Hallam **Date of Report:** 11.07.2023

MAIN RECOMMENDATION: Refuse Planning Permission

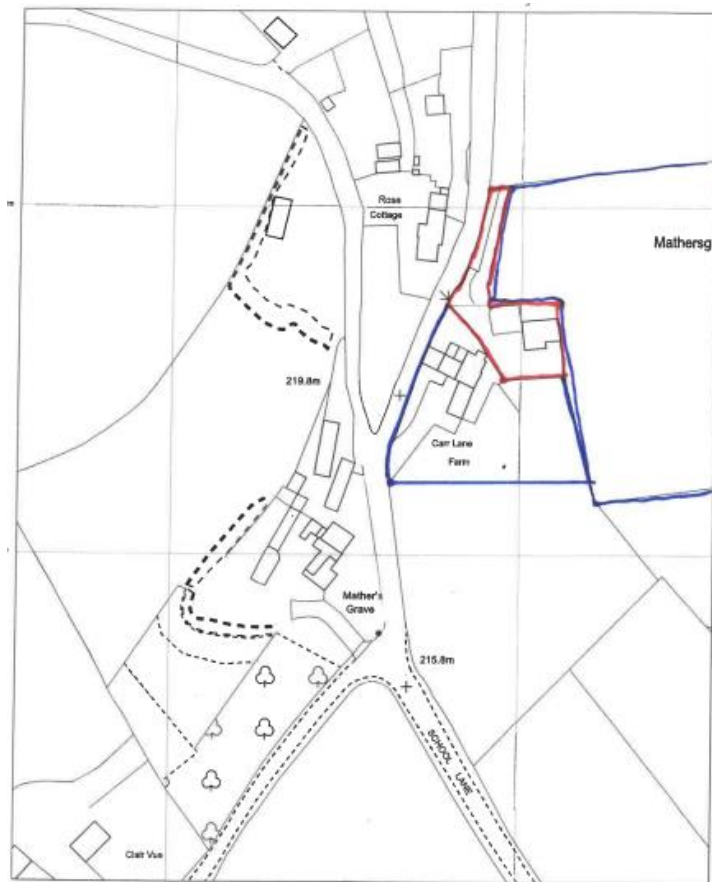


Figure.1 Application site

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 members to fully assess the application and consider whether this will be beneficial to the surrounding landscape, adjacent dwellings and area.

2.0 Proposal and Background

SITE DESCRIPTION

- 2.1 The application site comprises an existing outbuilding which is associated with Carr Lane Farm. (see Figure 2 below).



Figure 2: Application site

- 2.2 The site is located within the Countryside and is outside of any Settlement Development Settlement Limit (SDL). The site is also 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 falls within a small cluster of houses on White Carr Lane and School Lane. The site is accessed via an existing access off White Carr Lane with stone walls either side of the access.

PROPOSAL

- 2.4 The applicant seeks consent for extensions to and the conversion of an existing outbuilding to form a dwelling. The proposals seeks to extend the existing building to the west, lower the ground level of the main part of the building and raise the ridge height and extend the footprint of the eastern section of the building. External alterations consist of changes to openings and insertion of new windows, doors and rooflights. Existing elevations are shown in Figure 4 below and proposed elevations shown in Figure 5.

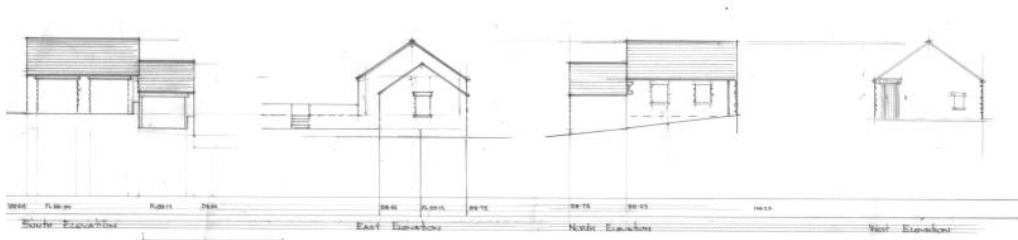


Figure 4: Existing elevations

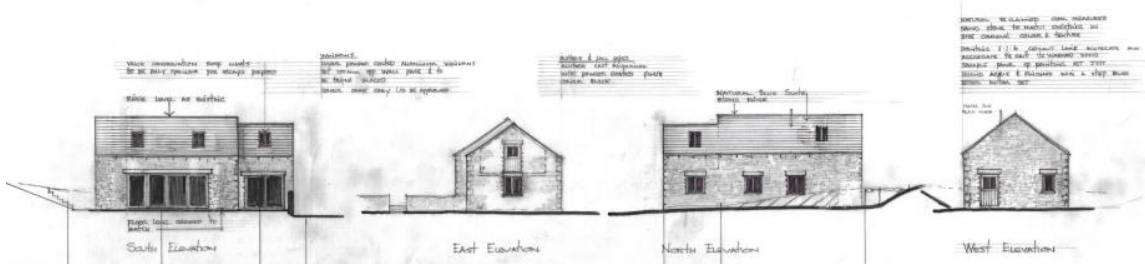


Figure 5: Proposed elevations

- 2.5 No alterations to the access are proposed.



Figure 6: existing access

- 2.6 Parking provision proposed within the site would comprise of 3 spaces with a turning area as shown in Figure 5 below.

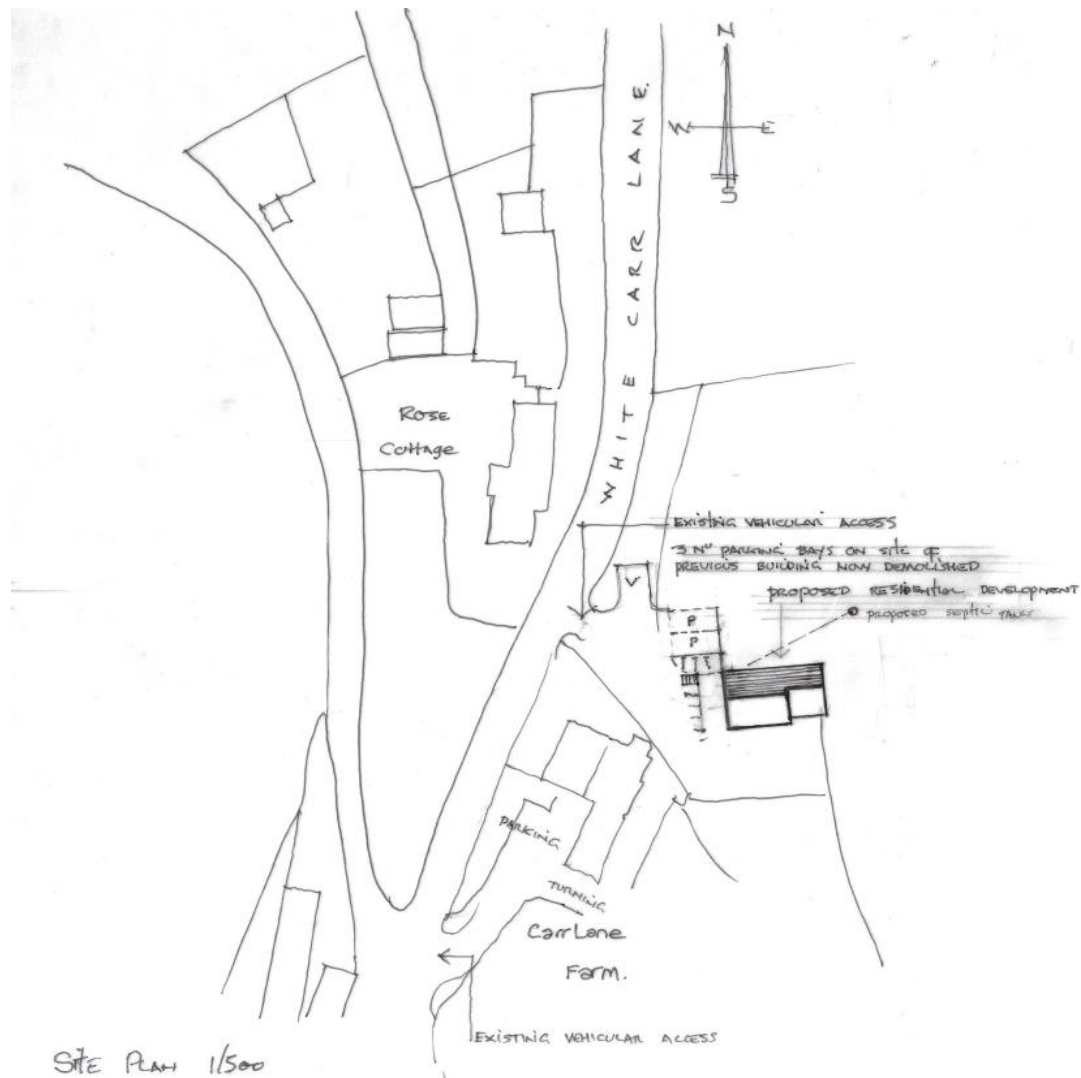


Figure 7: Parking proposals

3.0 PLANNING HISTORY

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

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 A neighbouring property was consulted by letter and a site notice posted at the access to the site on the 28th April 2023.

3 anonymous objections have been submitted. The comments are summarised below.

- Intended works are disproportionate and not in keeping with the site and countryside surroundings

- Will have a detrimental impact on the amenity of neighbours and the village
- Why does it need to be on two floors with unsightly Velux rooflights?
- Bats have lived there for many years and swallows nest there annually. Should the development go ahead the reality is both will be forced out, regardless of mitigation measures.
- Will the applicants next submission be for a shed/garage to the house as it appears no other outbuildings exist.
- Application form states the work has already started – why?
- Plenty of walkers, bikers, local travelling past the site.
- This is a farm and not a holiday let.
- Building is highly visible and should not be a separate dwelling.
- Access onto Carr Lane is dangerous
- What is the intended use for a separate three bedroom property?
- If approved, a condition should be applied restricting the development should the house be sold.
- If approved, a condition should be applied restricting any new future buildings due to overdevelopment and concerns at some point these may become dwellings.

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:** The proposed site is to be served via the existing site access, with no alterations proposed. As such the Local Highway Authority (LHA) does not consider that the proposals would represent a significant material increase in traffic when compared to the site's permitted land use and in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application.

The LHA is satisfied with the proposed parking provision. The Highways Authority has no objections to the proposal subject to conditions.

- 4.3 **Environmental Health:** No objection to the proposals in principle.
- 4.4 **Derbyshire Wildlife Trust (DWT):** A Preliminary Bat Roost Assessment was undertaken by the Bat Surveyor in September 2022 and found bat droppings in three locations. Morph Ecological Consultants subsequently carried out three nocturnal bat surveys in May and June 2023, in line with best practice guidelines (Colins, 2016). At least two small day roosts of common pipistrelle bats were recorded using the building and therefore a licence will be required prior to works. Proposed mitigation is considered suitable. Swallow nests were recorded in the garage and compensation should be provided as part of proposals, as swallows are faithful to nest

sites on their annual return from sub-Saharan Africa. Artificial nest cups could be added to other open-fronted buildings on site, a covered area could be added to proposals or a bespoke swallow box could be considered, however the uptake rates of these are currently unknown.

Derbyshire Wildlife Trust raise no objection subject to two conditions.

- 4.5 **NEDDC Structural Engineer:** I have no concerns over the structural alterations being within what we allow. I would, however like to request that the applicant submits details of the sewage treatment and any outflows from it along with details on surface water disposal and any relevant tests (percolation tests) and calculations. The structural report raised concerns about the lack of infiltration drainage available.
- 4.6 **Ward Councillor:** Ward Councillor Cupit called in application into Planning Committee so members can fully assess the application and whether this will be beneficial to the surrounding landscape, adjacent dwellings and area.
- 4.7 **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
SDC3 - Landscape Character
SDC12 - High quality Design and Place-Making
ID3 - Sustainable Travel
SDC1 – Re-use and Conversion of building in the Green Belt and Countryside
SDC2 - Trees, Woodland and Hedgerows
SDC4 - Biodiversity and Geodiversity
SDC13 - Environmental Quality

- 5.2 Brackenfield Neighbourhood Plan

CH1 – Protecting the countryside and landscape
CH2 – Protecting Local Character and Distinctiveness
NE1 – Biodiversity
NE2 – Dark Skies
H1 – Housing

6.0 PLANNING ISSUES

Principle of Development

- 6.1 The application site is located outside a defined settlement limit and within the countryside.
- 6.2 Policy SS9 of the North East Derbyshire Local Plan (Development in the Countryside) is therefore applicable. SS9 supports development where it involved the change of use, re-use, limiting infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development. In all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 6.3 Policy SDC1 of the North East Derbyshire Local Plan (Re-use and Conversion of Buildings in the Green Belt and Countryside) is also relevant. SDC1 supports the re-use and conversion of buildings provided a) they are of permanent and substantial construction, b) they are structurally sound, and capable of re-use without major alterations, adaptations or re-construction, c) their form, bulk and design is, or can be made to be, in keeping with their surroundings, d) conversion or adaptation will not be detrimental to the character of the building itself or its setting, e) they preserve the openness and character of the Green Belt and Countryside, f) the new use would not result in replacement farm buildings or inappropriate outside storage of any materials, machinery and / or vehicles that would cause harm to the Green Belt and Countryside; and g) provision is made for nesting boxes and roosts for protected species such as barn owls and bats, where appropriate.
- 6.4 Paragraph 80 of the NPPF states that, new, isolated homes in the countryside should be avoided unless a) there is an essential need for a rural worker, b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets, c) the development would re-use redundant or disused buildings and enhance its immediate setting, d) the development would involve the subdivision of an existing residential building or e) The design is of exceptional quality.
- 6.5 Whilst policy SS9 supports development for re-development of the land, in all cases, it should respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials. Further consideration on the landscape impact is discussed later in the report.
- 6.6 In terms of compliance with SDC1, the application is supported by a structural survey which outlines that the building is structurally sound and capable of conversion, however would need a new roof structure. Officers

are of the view that a conversion of the existing building, with a modest extension and sympathetic alterations may be considered acceptable. However, the extent of the extensions along with the domestic style alterations, would be contrary to parts c, d and e of SCD1. Part f is not relevant and part g is discussed later in the report.

- 6.7 H1 of the Brackenfield Neighborhood Plan supports small scale infill subject to proposals being visually attractive and reinforcing local distinctiveness.

Impact on the countryside and landscape

- 6.8 Local Plan policy SS9 requires that in all cases where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 6.9 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 tranquility. 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.
- 6.10 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, network or winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 6.11 Policy SDC12 requires that all new development should be of a high quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings. Development should also create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment,

materials, streetscape, and rooflines which effectively integrate buildings into their local setting.

- 6.12 Brackenfield Neighbourhood Plan Policy CH2 supports development where it is demonstrated that it will reinforce and enhance the local character and reflect the development history.
- 6.13 The existing building is of a modest scale and is built in a traditional manner. The design and style of the building is of a rural nature and typical of the traditional built form described for the wooded slope and valleys landscape character.
- 6.14 Currently, the eastern element of the building is set at a lower land level than the main section of the building. The proposals include lowering the ground level of the main section to be concurrent with the eastern element. Whilst the overall ridge height of the main section of the building is not increasing, the alterations to the ground levels and the increased ridge height of the eastern element, significantly increases the volume and massing of the building. The existing building measures approximately 205m³ whereas the proposed building would measure approximately 350m³. The additional openings are also proposed with the insertion of a large bi-fold door across the frontage and roof lights in the front and rear roof slope.
- 6.15 Officers are of the view that the alterations, extensions and increased size and height of the eastern element would be of a design which is more domestic rather than the traditional agricultural style. The building is visible from numerous points on White Carr Lane and School Lane (shown in figure 8 & 9 below).



Figure 8: View of the barn from White Carr Lane



Figure 9: View of the barn from School Lane

- 6.16 As a consequence, it is considered that the proposed dwelling is not informed by the local landscape character or the AMES, will not respond well to local character and is not of good design. As such it does not meet the requirements of policies SS9, SDC3 or SDC12 of the local plan.
- 6.17 Due to the design and scale of the extensions, it is considered that the proposed dwelling does not reinforce and enhance the local character and therefore does not meet the requirements of Neighbourhood plan policy CH1 or CH2.
- 6.18 Dark Skies NE2 of the Brackenfield Neighbourhood Plan aims to minimise light pollution and to maintain the view of night time skies. Should the application be approved, any external lighting could be restricted or controlled via a suitably worded planning condition.

Residential Amenity

- 6.19 Policy SDC12 states that all new development should be of a high-quality design, and this includes protecting the amenity of existing occupiers.
- 6.20 The closest residential to the proposed dwelling would be the existing dwelling (Carr Lane Farm). No detail on the plans have been submitted in terms of boundary treatment, however these details could be controlled via condition should the application be approved. An additional dwelling in this location is not considered to be harmful to Carr Lane Farm and nearby dwellings through additional noise and disturbance. Due to the siting and orientation of the application site and Carr Lane Farm, it is considered that there would not be direct overlooking between windows of the two properties. Whilst there may be views from each dwelling into the amenity spaces, this is not unusual in a residential environment, especially when converting an existing building. The level of overlooking could be reduced with appropriate boundary treatment.
- 6.21 All habitable rooms within the proposed dwelling are served by a window or roof light ensuring all rooms have adequate natural light, outlook and ventilation.
- 6.22 Successful Places planning Guidance outlines that a three bedroom dwelling should have a minimum of 70sqm outdoor amenity space. Whilst not detailed on the plans, it is understood that the area at the front of the building would be for the amenity space which measures approximately 60sqm. Whilst this is below the minimum, it is considered the level provided would be acceptable which is not contrary to the guidance's aims. Given the siting of the area, it would not be a completely private, however it is contained within the existing boundaries of the site and when noting the character of the surrounding properties, this would not be unusual.

Highways

- 6.23 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.
- 6.24 The existing dwelling (Carr Lane Farm) benefits from a two access, one to the south of the existing dwelling and one to the north. The latter being the access included as part of this application.
- 6.25 The site has an existing access onto White Carr Lane. The Highway Authority have commented on the application stating that the proposals would not represent a significant material increase in traffic when compared to the site's permitted land use and in the site-specific circumstances, it is not considered that the development would leave to severe or unacceptable highway impact.
- 6.26 Parking provision for 3 cars is proposed within the site with turning space to allow vehicles to leave the site in forward gear.
- 6.27 Officers are satisfied that the proposed dwelling would not generate a significant intensification of the access that would result 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

- 6.28 Policy SDC13: Environmental Quality seeks to ensure that development does not result in any adverse environmental effects. The Environmental Health Officer (EHO) has raised no objection to the proposals.
- 6.29 The NEDDC Structural engineer has requested further details of the sewage treatment and any outflows from it along with details of surface water disposal and any relevant tests and calculations. The structural report raises concerns about the lack of infiltration drainage available. Should the application be approved, these details can be requested via suitably worded conditions.

Biodiversity

- 6.30 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.

- 6.31 The applicant has undertaken a Preliminary bat Roost Assessment which found bat droppings in three locations. Subsequently, three nocturnal bat surveys in May and June 2023 were carried out. At least two small day roosts of common pipistrelle bats were recorded using the building and therefore a licence will be required prior to carrying out any works.
- 6.32 Swallow nests were recorded in the garage and compensation should be provided as part of proposals, as swallows are faithful to nest sites on their annual return from sub-Saharan Africa. Artificial nest cups could be added to other open-fronted buildings on site, a covered area could be added to proposals or a bespoke swallow box could be considered, however the uptake rates of these are currently unknown.
- 6.33 Derbyshire Wildlife Trust have raised no objection subject to the inclusion of four conditions should be application be approved. The conditions relate to a bat license, external lighting, nesting birds and swallow mitigation.
- 6.34 Officers are satisfied that the objectives of Policy SDC4 are met by the proposed development.

Other Considerations

- 6.35 Comments raised by an objector regarding additional conditions should be application be approved. A condition revoking any permission should the house be put up for sale would not meet the tests of a planning condition. The application is judged on its merits and would go with the land, not the ownership.
- 6.36 Comments have been made by an objector requesting a condition be attached to the decision restricting future buildings/applications on the site. If future applications are submitted, these will be considered against the relevant policies and on its merits.

Conclusion

- 6.37 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 an unacceptable form of development in the countryside location as the extent of the works would go beyond what could be considered as a conversion and would have an unacceptable impact upon the rural character of the area.

7.0 Recommendation

REFUSE planning permission for the following reason; the precise wording being delegated to the Planning Manager (Development Management):

The application site is located within the Countryside and outside of a defined Settlement Development Limit.

The application is considered unacceptable by reason of the extent of the works, the works would go beyond what could be considered as a conversion and would have an unacceptable impact on the rural character of the area and the proposals would fail to respect, conserve, and enhance the distinctive local landscape area.

As such, the proposals would be contrary to policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies CH1, CH2 and H1 of the Brackenfield Neighbourhood Plan and the National Planning Policy Framework when read as a whole.

PLANNING COMMITTEE –

REFERENCE NUMBER: 23/00155/FLH Application Expiry Date:
17.04.2023

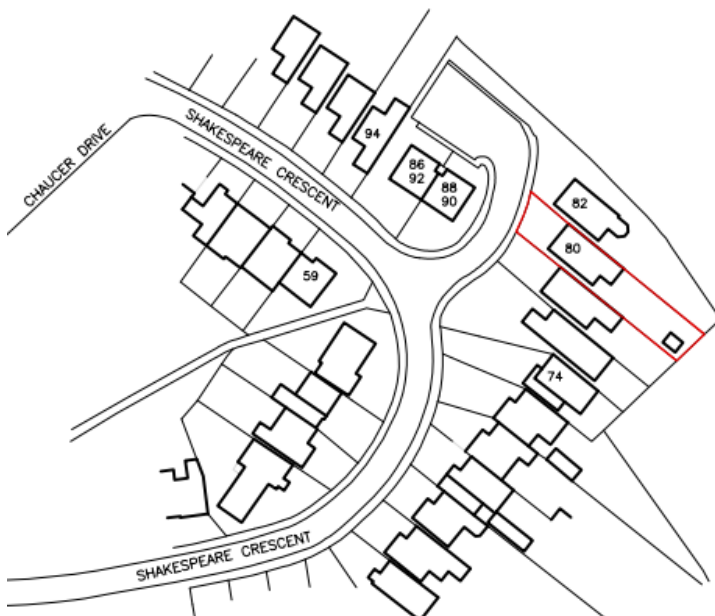
Application Type: Full Planning Permission

Proposal Description: **Construction of single storey rear extension. Raise part of the existing roof to accommodate a bedroom ensuite area with side facing dormer, Velux roof windows and a Juliet balcony to rear**
At: **80 Shakespeare Crescent**
 Dronfield
 S18 1ND
For: **Mrs N Wraith**

Third Party Reps: Parish: Dronfield
 Ward Name: Dronfield South

Author of Report: Case Officer Ken Huckle Date of Report: 11.07.2023

MAIN RECOMMENDATION: GRANT with conditions

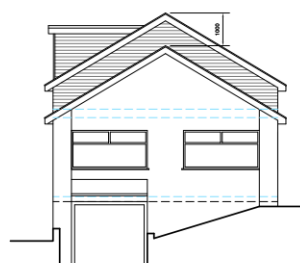


1.0 Reason for Report

- 1.1 The proposal is submitted by a relative of a contractor working for the council who has authority for making recommendations of planning applications and appeals. Since an objection has been received to the proposal from a neighbour, the application is to be determined by planning committee in line with the constitution of North East Derbyshire District Council.

2.0 Proposal and Background

- 2.1 The site is a domestic dwelling, located on the southern edge of the settlement limit of Dronfield. To the south are open fields which form part of the North East Derbyshire Green Belt. The overall streetscene, however, is an urban one and developed with dwellings of a mid 20th Century design.
- 2.2 The proposal seeks to extend the dwelling with the addition of a single storey rear extension to form a kitchen diner and the raising of part of the roof incorporating a dormer to the north eastern side of the dwelling to form additional bedrooms and an ensuite. In addition, a Juliet Balcony will be installed at first floor level in the rear elevation.



PROPOSED WEST ELEVATION
scale 1:100



PROPOSED EAST ELEVATION

West Elevation

Existing frontage to be retained.
Part of existing roof to be raised approx 1m in height, and finished in cedar wood grain composite cladding with side dormer finished as above.

South Elevation

Part of existing roof to be raised approx 1m in height and 4 new velux (or similar) rooflights inserted as indicated in black.
New brickwork to match existing so to amend levels.
New single storey extension to be finished as follows:
Below floor level – Staffordshire blue bricks in a matching mortar.
Above floor level to u/s of flat roof fascia, provide a white colour through render (Weber) or similar.
Flat roof to have a double stepped black feature banding above composite wood grain cedar timber fascia cladding.
Glazed roof lantern to be placed centrally and finished in black.

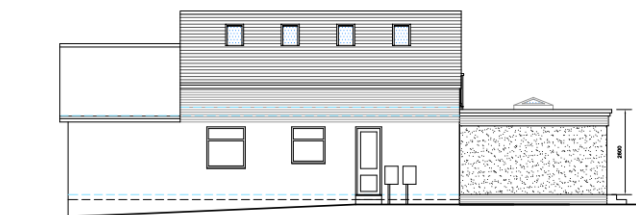
East Elevation

New single storey extension to be finished as follows:
Below floor level – Staffordshire blue bricks in a matching mortar.
Above floor level to u/s of flat roof fascia provide a white colour through render (Weber) or similar.
Flat roof to have a double stepped black feature banding above composite wood grain cedar timber fascia cladding.
Glazed roof lantern to be placed centrally about the bi-fold doors and finished in black.

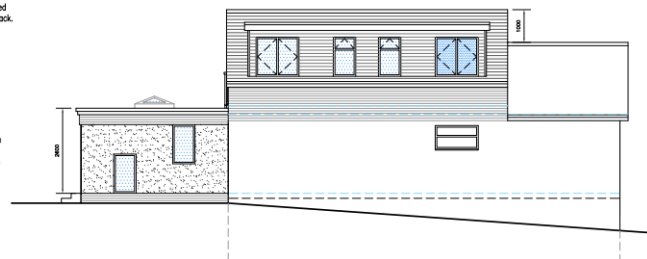
Gable to be clad in composite wood grain cedar timber cladding with glazed feature incorporating double door, side screens and Juliet balcony all in black.

North Elevation

Part of existing roof to be raised approx 1m in height and large dormer provided with windows in black as indicated.
Window to en-suite to be obscure glass.
New brickwork to match existing so to amend levels.
New single storey extension to be finished as follows:
Below floor level – Staffordshire blue bricks in a matching mortar.
Above floor level to u/s of flat roof fascia, provide a white colour through render (Weber) or similar.
Flat roof to have a double stepped black feature banding above composite wood grain cedar timber fascia cladding.
Glazed roof lantern to be placed centrally and finished in black.



PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION

3.0 Relevant Planning History

- 3.1 There is no relevant planning history

4.0 Consultation Responses

- 4.1 The **Highways Authority** have commented on the proposal but raise no objections.
- 4.2 The **Ward Member** has not raised any comments.
- 4.3 The **Parish Council** has not raised any comments

5.0 Representations

- 5.1 **One** representation has been received from a neighbour at 82 Shakespeare Crescent. This raises two main issues
- Potential maintenance issues as a result of the roof and single storey rear extensions. – (officer note: this is a civil matter rather than a planning matter)
 - Concerns were also raised regarding the side facing windows in the single storey rear extension and window to the rear end of the side dormer both which result in the potential for overlooking the garden of this property – (see assessment below)

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the Local Plan and the Dronfield Neighbourhood Plan. The most relevant development plan policies as are as follows:

Local Plan

LC5 Residential Extensions
SDC12 High Quality Design and Place Making

Neighbourhood Plan

Policy D3 Design

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.

Other Guidance

Successful Places: Design Guidance

7.0 Planning Issues

Principle of Development

- 7.1 The proposals is for the extension of a property within the Dronfield settlement development limits and where extensions and alterations to dwellings or outbuildings which are ancillary to the main residential use, will be permitted provided that the proposals:
- a. Respect the scale, proportions, materials and overall design and character of the existing property;
 - b. Do not harm the street scene or local area, including the loss of characteristic boundary features and landscaping;
 - c. Avoid significant loss of privacy and amenity for the residents of neighbouring properties; and d. Do not significantly and demonstrably harm highway safety.
- 7.2 subject to the proposals complying with the above the principle of the development is considered to be acceptable. .

Appearance of the development

- 7.3 the application proposes a single storey rear extension and raising of the roof to incorporate a new dormer window and Juliet balcony. The proposals will create a dining snug area in place of the rear conservatory on the ground floor and a third bedroom with snug and dressing area on this first floor. These uses are considered appropriate within a C3 dwellinghouse and satisfy some of the criteria set out in the North East Derbyshire local plan policy LC5.
- 7.4 Externally, changes will be to the rear, replacing the conservatory with a single story rear extension, and to the roof in order to create the additional bedroom , with rooflights in the pitch of the roof to the southern elevation, and a side dormer to the northern elevation.
- 7.5 The rear extension will be of a flat roof design and will extend 4.5 meters beyond the rear wall of the original dwelling. It will have a height to the flat roof of 2.6 metres. A roof lantern is proposed in the centre of the roof, which will be 3.2 metres at its highest point. The rear extension is proposed to run the width of the main dwelling. It will have bifold doors in the rear elevation, overlooking the rear garden, Above the rear extension, the rear elevation will be timber clad , with the creation of a new Juliet balcony.
- 7.6 In terms of design, it is considered that the single storey extension is acceptable and similarly the alterations to the rear elevation are appropriate.

- 7.7 In order to accommodate the additional bedroom and associated rooms on the first floor as well as the Juliet balcony to the rear elevation, it will be necessary to raise the height of the roof by 1 metre, and the eaves height by 1 metre. It is proposed, therefore, to maintain the principal (west) elevation as it is currently and have a change in roof level 3.7 metres back from the principal elevation, this will create a two level effect from the highway and serves to reduce the impact of the proposal when viewed from that elevation.



- 7.8 Four rooflights will be included in the southern elevation, whilst the northern elevation will feature a side dormer with four side facing windows at first floor. The one closest to the front is proposed to be obscure glazed whilst all the others will be clear glass. The materials finish is a cedar wood composite. The streetscene in the vicinity of the site is relatively mixed in character and it is therefore considered in terms of the design and appearance that the design of the proposal is acceptable

Impact on Neighbours

- 7.9 The properties most affected by the proposal are 78 and 82 Shakespeare Crescent. The land in this area slopes away from the south to north meaning

that 78 (to the south) is at a slightly higher ground level and consequently 82 (to the north) is at a slightly lower ground level. In addition the dwellings are not orientated in a uniform line, but follow a slight angle, with 82 having a principal elevation 5.6 metres in front of that of the proposal site and the proposal site being 3.9 metres in front of number 78. These factors are important to take into account when considering the impact on the amenity of neighbours as a result of the proposal.

- 7.10 Number 78 is to the south and uphill of the proposal site. To this elevation the ground floor side facing windows remain unchanged, however in the new roofline, 4 rooflights are proposed. These will face the roof of number 78 and there are no facing windows. Therefore, it is considered that these rooflights do not result in overlooking.
- 7.11 With regards to the potential for overshadowing, to the front elevation the extended part of the roof is in line with the principal elevation of number 78 and stops short on the rear elevation, in addition the 45 degree rule is achieved, it is mitigated by the dimensions of the roof extension, and the fact that number 78 is to the south. This mitigation is considered sufficient, and the proposal is not considered to result in undue harm to the residents of number 78.
- 7.12 The rear extension element of the proposal will finish short of a rear extension already present on number 78 that has been constructed under permitted development. Neither the side of the rear proposal facing number 78 or the existing extension will have side facing windows and as a result it is not considered there is additional unacceptable harm to number 78 as a result of the proposed rear extension, but utilizing the roof for additional natural light. In fact, the original dwellings do feature side facing windows in this elevation, which are already overshadowed by each other and overall therefore, it is considered that there is no additional harm as a result of the rear extension proposal
- 7.13 Number 82 is to the north and slightly downhill of the proposal site. It is also to the north of the proposal site. On the elevation facing this dwelling it is proposed to add the dormer with 4 windows, one obscure glazed closer to the centre of the roof. The first three provide no overlooking potential, giving only views of the roof of number 82, the final one does face the patio albeit at first floor level and slightly set back from the northern side elevation. It is of a height that would result in a potential for overlooking of part of the patio area of number 82, and this is a material consideration. However, if this was to be an obscure glazed window it would mitigate the overlooking fact on would have limited impact on the bedroom, it already being served by a Juliet balcony and rooflights. It is therefore considered that a condition stipulating that this is an obscure glazed window is appropriate.

- 7.14 With regards to the single storey rear extension this replaced the rear conservatory which is most visible to this side of the proposal site. In terms of overlooking, whilst it is accepted that the side elevation of the conservatory is glazed, and that this does result in overlooking potential over the garden the side facing windows in the extension facing number 82 are potentially of greater impact as this will be incorporated into the main dwelling, rather than an occasional room. As a result, it is considered acceptable to impose a condition stipulating that these are also obscure glazed. In terms of overshadowing the proposal does manage to achieve the 45 degree rule and as such it is considered to be acceptable in this regard.
- 7.15 The objection received from number 82 mainly focuses on maintenance which, as stated above is a private matter, however, the issue of overlooking is raised. The objector states that their objection in this regard would be withdrawn if these overlooking windows were obscure glazed and therefore by imposing the conditions set out in paragraph 7.14 it is considered that the objection has been addressed
- 7.16 The Juliet Balcony is in the rear extension and centrally located. It doesn't face number 78 or number 82 directly but will have views of the roof of the extension of number 78 and the bottom of the garden of number 82, away from the area providing most of the private amenity space. It is therefore considered that this is acceptable in terms of overlooking

Highways impacts

- 7.17 The dwelling benefits from two car parking spaces currently. No increase in this is proposed, for the addition of 1 bedroom to the dwelling overall. It is therefore considered that adequate parking remains, and the application is acceptable in this regard

8.0 Summary and Conclusion

- 8.1 It is concluded that the proposal accords with the development plan, and is recommended for approval

9.0 Recommendation

- 9.1 GRANT Full Planning Permission subject to the following conditions with the precise wording to be delegated to the Planning Manager – Development Management.

Conditions

1. T1 (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. T5 (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawings received 17/02/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

T5R Reason- For clarity and the avoidance of doubt.

3. Glazing

The rear window proposed on the first floor side elevation facing number 82 Shakespeare Crescent and the two side windows facing 82 in the single story rear extension shall be made non-opening and obscure glazed, and shall be maintained as such whilst a window is installed in this position

Reason – In the interests of the privacy and amenity of the residents of 82 Shakespeare Crescent

PLANNING COMMITTEE – 25th JULY 2023

Reference Number: 23/00457/FLH **Application expiry:** 30/07/2023

Application Type: Householder

Description: Proposed single storey rear extension and loft conversion with creation of low-level garden retaining wall to form patio area.

At: 38 Central Drive Wingerworth Chesterfield S42 6QL.

For: Mr Philip Delaney

Third Party Reps: None

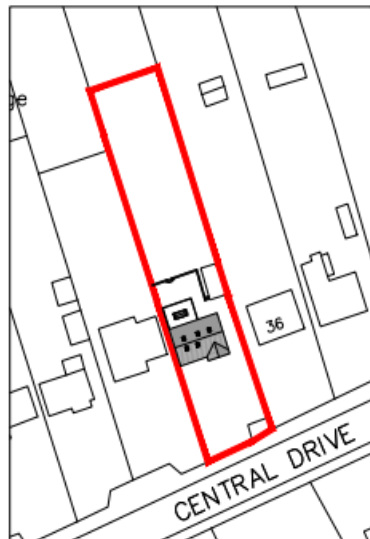
Parish: Wingerworth

Ward: Wingerworth

Report Author: Curtis Rouse

Date of Report: July 2023

MAIN RECOMMENDATION: Approval



(Figure 1: Location plan for application site)

1.0 Reason for Report

- 1.1 This planning application is reported to the Planning Committee as the applicant is an employee at North East Derbyshire Council working within the Planning team.

2.0 Proposal and Background

Site Description

- 2.1 The application property is a detached, single storey dwelling with garden space to the front and rear and a driveway to the side (east).

- 2.2 There are two nearby neighbouring properties (36 and 40 Central Drive). Both are detached two storey dwellings.
- 2.3 The application site is located within the defined settlement development limit for Wingerworth.



(Figure 2: View of application site from the front)



(Figure 3: View of application site from the rear)

Proposal

- 2.4 The application seeks consent for a single storey flat roofed rear extension with the development incorporating a loft conversion with the formation of a low-level garden retaining wall to form a patio area. Figure 4 below illustrates the proposed plans.
- 2.5 The proposed extension will create a garden room to the rear and the loft conversion will provide additional space for two new bedrooms. Matching

materials will be used. 3 new rooflights will be incorporated into the roof on the rear elevation with two proposed on the front elevation. The agent has confirmed that the new rooflights could be installed under permitted development and so do not form part of the planning application as such. The roof of the building will not be otherwise altered or raised.

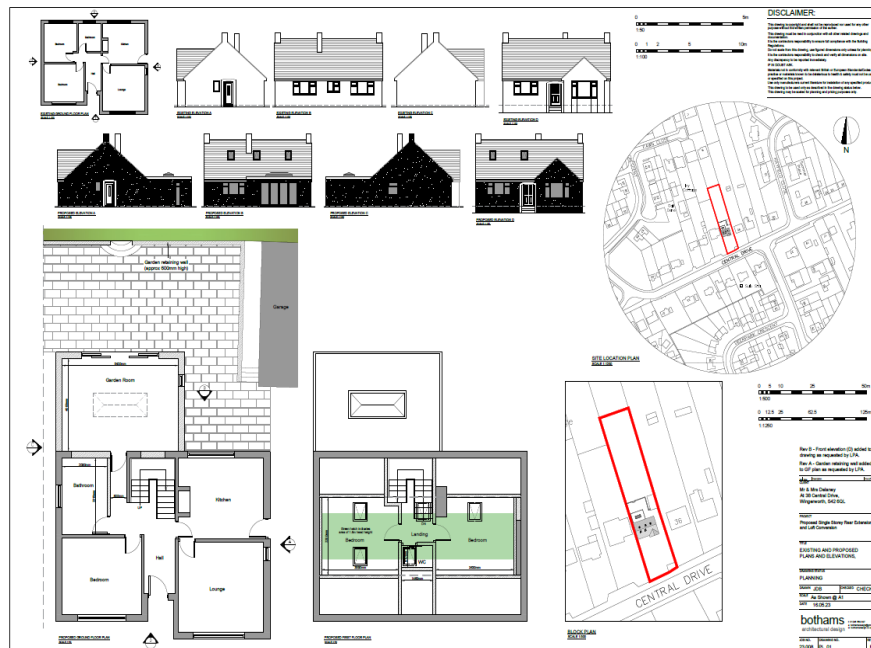


Figure 4: Existing and proposed plans)

Amendments

- 2.6 A plan was submitted to show both the existing and proposed front elevations. However, this plan makes no substantive amendments to the proposal.

3.0 Relevant Planning History

There is no planning history in relation to this property.

4.0 Consultation Responses

- 4.1 **Parish Council** No comments raised.

- 4.2 **Ward Member** No comments raised.

- 4.3 **Highways Authority (HA)** “There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.”

5.0 Representations

- 5.1 The application was originally publicised by way of neighbour letters and the display of a site notice adjacent to the site. A site notice was placed to the front of the property on 12 June 2023.

- 5.2 No comments have been received.

6.0 Relevant Policy and Strategic Context

The Development Plan comprises the Local Plan and the Wingerworth Neighbourhood Plan. The policies most relevant to this application are as follows:

6.1 North East Derbyshire Local Plan 2014-2034 (LP)

SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
LC5 Residential Extensions
SDC12 High Quality Design and Place Making
SDC3 Landscape Character

6.2 Wingerworth Neighbourhood Plan (NP)

W1 Wingerworth Settlement Development Limit
W12 Design Principles

National Planning Policy Framework (NPPF)

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 The application site is located within the settlement development limit for Wingerworth as set out in the Local Plan.
- 7.2 Local Plan (LP) policy LC5 supports extensions to dwellings providing they are in keeping with the existing property and street scene in terms of their style, proportion and materials and should avoid significant loss of privacy and amenity for neighbouring residents.
- 7.3 Within settlement development limits, LP policy SS7 and NP policy W1 supports development that is not detrimental to the character and appearance of the site, its surrounding environment, and where it would not have a detrimental effect on the amenities of the other neighbourhood occupiers.
- 7.4 LP policy SDC12 and NP policy W12 require development proposals to respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting; include well designed boundary treatments and landscaping; protect the privacy and amenity of neighbouring occupiers; and maintain or enhance important heritage assets.

- 7.5 LP policy SDC3 requires 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 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).
- 7.6 Therefore, subject to an assessment of the application in respect of any impacts it may have on either the character of the area or the amenity of neighbours the proposal is in principle acceptable.

Impact on the Character of the Area.

- 7.7 The application seeks consent for a rear extension, measuring 4.3 metres in length, 6m in width and with a height of 2.6m, and the formation of an associated patio area contained by a retaining wall. 5 roof lights are also proposed ((3 on the rear elevation and 2 on the front) but these constitute permitted development under any other circumstances and so do not form part of the planning application as such. There will be no increase in the roof height of the property. The extension would be constructed out of matching materials.
- 7.8 The surrounding area comprises a mix of property types and the addition of an extension to the rear of the property is not considered to impact on the character of the area as, due to its single storey nature, it will be invisible from the road to the front of the property and in any case will be constructed of matching materials and have a flat roof.
- 7.9 Officers conclude, for these reasons, that the application will not have a negative impact on the character or appearance of the site, or its surrounding environment.

Impact on Neighbour Amenity and Privacy

- 7.10 LP policy LC5 requires development to avoid significant loss of privacy and amenity for the residents of neighbouring properties.
- 7.11 In terms of the impact on the privacy and amenity of neighbouring residents the properties most likely to be impacted by the development are 36 Central Drive to the east and 40 Central Drive to the west.



(Figure 5: View from rear of application site towards 36 Central Drive)



(Figure 6: View from rear of application site towards 38 Central Drive)

- 7.12 The proposal seeks consent for a single storey rear extension with a flat roof. The site is bounded by a mature hedge to the west (Figure 6 above) and a 2-metre-high fence/mature hedge to the east. There is also a detached garage to the rear of the property too (Figure 5 above).
- 7.13 The extension passes the 45-degree test as defined in “Successful Places”. This, coupled with the mature boundary features and the screening impact of the garage leads Officers to conclude there would be no detrimental impact from the extension on the amenity of either neighbour.
- 7.13 Permission is not sought for the rooflights facilitating the extension, but as they face front and rear, Officers are of the view these would not impact the amenity of the neighbours in any case. Two side facing windows are proposed, one facing east in the rear extension and one facing west to afford light to a bedroom. However, as they are both ground floor windows, Officers conclude that there would be no detrimental impact as they face either towards a blank elevation of the adjoining property and/or any impact would be mitigated by the mature boundary features.

- 7.14 Officers conclude there would be no adverse impact on the amenity of neighbouring properties for these reasons.

Highway Safety Considerations

- 7.15 The proposal will not impact on the level of parking on site and the Highway Authority have raised no objections. As such it is not considered that the proposed development would result in an unacceptable impact on highway safety.

Other Matters

- 7.16 There are not considered any other matters relevant to the consideration of this application.

8.0 Summary and Conclusion

- 8.1 Overall, Officers conclude that the proposed development, will not detract from the surrounding area and will respect the character of the original dwelling.
- 8.2 Officers are also satisfied that the impact on neighbouring residents and highway safety would be acceptable.
- 8.3 It is concluded, therefore, that the proposed development complies with the policies of the Development Plan and there are no other material matters that outweigh that conclusion.

9.0 Recommendation

- 9.1 That planning permission is **APPROVED** subject to the following conditions:

T1 (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.

T5 (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers PL_01 A received 06/06/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

T5R Reason- For clarity and the avoidance of doubt.

Planning Committee 25th July 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.

PARISH: Clay Cross

APPLICATION: 23/00025/FL

CASE OFFICER: Aspbury Planning

1. SOURCE OF COMMENTS: Local resident – Mr Lever

DATE RECEIVED: 14 July 2023

SUMMARY:

I am writing to object to the application to convert excellent farm land South West of Holmgate Community Centre, Mill Lane, Holmgate, Clay Cross into a glamping site.

1. I believe this agricultural field, of excellent food-producing quality, is outside the settlement boundary and should be subject to the rule that it is not available for residential use of any kind.

2. The field is a significant part of the Peak Fringe Landscape scene and as such should not be visually contaminated with further development.

3. At this time of Climate and Ecological Crisis when nature of every kind is under threat from human encroachment, "Planning" should be in the business of increasing wildlife habitats and protecting them, rather than allowing encroachment on and destruction of them. I am personally aware of many animals that use the land here on the banks of Press Brook, which would certainly be "scared off" by frequent "fun" activities, particularly in the spring- and summertime breeding season and at night.

Particularly sensitive are: Kingfisher; Tawney Owl (nesting in the trees bounding this land); Mallard, Cuckoo, Toads, Hedgehog, Hares and Bats. Rather than improving "wildlife corridors" this plan would terrify such animals away. The greatly increased light pollution, including car headlights, camp lights and camp-fires would certainly signal the annihilation of the Owls and Bats.

4. Mill Lane at this point is a very narrow country lane with no footpaths, and many parents walk along it to Holmgate School each morning and afternoon. It is also the route from Holmgate and New Tupton estates for such families and other walkers and cyclists to access the countryside, villages and hamlets to the south and west. It is already a dangerous route requiring full concentration and vehicle avoidance by these vulnerable travellers, certainly not wide enough for the additional confusion of ingress, egress and turning of motor vehicles throughout the day and night.

Increasing motor vehicle usage in this area would fly in the face of the many well-publicised concerns over traffic problems on the A61. Every extra car on these lanes west of Clay Cross will exacerbate that problem because they have to cross the A61 to access almost all the local services.

5. Press Brook is a relatively clean and unpolluted stream. It is inconceivable that campers on the field, who will occasionally and unavoidably include partying revellers, will not from time to time throw litter and pour contaminants into it, affecting the stream itself, the lake downstream at Kenning Park, and the River Amber into which it flows. What plans are included to remove liquid waste and sewage from the site?

6. I hope officers are aware that the nursery at Holmgate Community Centre use the area behind the centre, approximately 60m from this proposed site, to give tiny children outdoor activities in fine weather? Is it appropriate that campers who may be intent on entertaining themselves - with loud music or behaviour - should impinge on those developmental activities?

7. It is deplorable that the site owners have already prepared this site - by adding an electricity supply system and other modifications (have they already cut down eco-friendly hedges near the gate?) - as if they expect permission to be a foregone conclusion.

OFFICER COMMENTS:

Officers note the concerns raised about the quality of the land being lost, however the land in question is Grade 4 agricultural land which is classified as "poor quality agricultural land". Land in Grade 1-3a is the best and most versatile agricultural land.

The site is within Peak Fringe and Lower Derwent Character Area as is confirmed in the report to members and the report provides an assessment of landscape harm resulting from the proposed development.

Subject to a condition requiring the submission of a Biodiversity Enhancement Plan and additional native landscaping officers conclude that the proposed development has an opportunity to enhance the biodiversity quality.

Plans have been submitted to deal with surface and foul water from the proposed development and are of sufficient details to allow a decision to be made.

A Noise Management Scheme condition has been included in the recommendation to deal with noise control.

2. SOURCE OF COMMENTS: Local resident – Bunting

DATE RECEIVED: 20 July 2023

SUMMARY:

I am writing to voice my concerns and object to the above proposal for the following reasons:

1. I believe this land is outside the Settlement Boundary as shown in the NEDDC Local Plan. It is located within open countryside and would introduce built development where there is currently none. The proposal would result in a prominent intrusion into the open landscape, and I am concerned with the precedent that will be set if permission is granted for other applications which will reduce the green quality of the immediate surrounding countryside.
2. Mill Lane is a narrow country lane with no footpaths. In places it is only passable by one vehicle and causes safety issues for pedestrians including children and their carers walking to and from Holmgate Primary School. There may well be added safety issues with drivers who are unfamiliar with the area and with vehicles such as large motorhomes and towed caravans manoeuvring their way onto this site which may cause road blockages. In addition, during construction of the site, extra traffic will be generated by goods lorries and services which will all add to ongoing problems for residents including a significant impact on the condition of the already degraded road.
3. Access to our home on Mill Lane will be disrupted as our driveway is opposite the proposed site and will no doubt hinder us on a regular basis.
4. The development fails to preserve or enhance the character of the local area and will have a negative impact on surrounding properties including the listed building Henmoor Cottage which may well lose its quaintness and its aesthetic setting.
5. Mill Lane frequently floods. There is a culvert that runs down Holmgate Road and along Mill Lane and flows into Press Brook which the proposed development is

within metres of. If the path of this watercourse is disrupted, what will happen to the surplus water?

6. The Local Highway Authority report published on 23rd June 2023 Condition 3 states: "no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access". This raises concerns regarding the safety and accessibility of the site when not in use by paying guests and in particular the ease of access to the site when it is vacant. Security of the site doesn't appear to be mentioned in the application.

7. The proposal will include the removal or reducing of mature native hedgerow to accommodate the required vehicular visibility splays, this is in an area that has already suffered an alarming loss of trees and shrubs from three previously rejected planning applications adjacent to this site in the last four years.

8. At the time of writing, a full scheme of drainage, which the applicant has been asked to provide, has not yet been received by the council and therefore the application lacks detail regarding the disposal of foul and surface water. The applicant's previous planning application 22/00240/FL was deemed to be invalid and removed from NEDDC website in 2022 as information needed to progress the application had not been received.

9. The site is located close to several occupied residential properties that will inevitably hear the noise coming from it. Glamping sites typically host large groups of people including stag and hen parties and this plan is actively encouraging glampers to barbeque and gather on site generating noise and pollution. Noise associated with a holiday park will become a nuisance and detrimental to our enjoyment of the area and our home which will impact our quality of life.

Any motivation to moderate noise levels will be low, especially if holidaymakers think they are far away from other people. Noise carries widely in open spaces, particularly voices and amplified music which can be heard at open-air functions already held in the area. Consideration has not been demonstrated to the likely noise disturbance from guests sitting out and socialising late into the night as well as from vehicles using the access tracks.

OFFICER COMMENTS:

Officers note the concerns and concur that the site is located in a countryside location outside any defined Settlement Development Limit.

Matters relating to highway safety have been considered in the report to members and no objection has been raised by the Highways Authority.

Drainage plans 221010-01-04 and 221010-01-05 have been submitted by the applicant confirming that foul and surface water will be dealt with by way of underground treatment tank and then feed into a soakaway, details of which will be

addressed through the discharge of condition 9 which deals with foul and surface water details.

The restriction on gates afforded by condition 5 does not prevent the applicant from applying for permission for gates, it just seeks to ensure appropriate gates are installed on site.

The concern relating to noise is noted and the Councils EHO has recommended condition 8 be included on any decision which requires the developer to submit a Noise Impact Assessment and that there being a no noise policy between 22:00 and 08:00.

Officer note: condition 9 in the report to members should be amended to include foul and surface water details. See below for more details.

3. SOURCE OF COMMENTS: Officer

DATE RECEIVED: 24/07/23

SUMMARY:

Changes to listed conditions.

OFFICER COMMENTS:

The following changes to the listed conditions are proposed:

Revised Condition 9

Before development commences, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.

New Condition 16

Notwithstanding the submitted details, before above ground work commences, precise specification (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

New Condition 17

No touring caravan shall occupy any of the 6 touring caravan pitches that form part of the development hereby approved for a period longer than 28 days in a calendar year, no more than 14 of which shall be consecutive. Touring caravans shall be

capable of being towed onto the site by car and no static caravans shall be stationed on the application site at any time and the use shall not take place between 1st November and 31st March inclusive in any year, and no caravans shall remain on the site during that period.

The site owner/operator shall maintain a register of all of the occupiers of each of the touring caravan pitches and make the register available for inspection in accordance with a written timescale provided by the Local Planning Authority. The register shall include details of names, home addresses and length of stay.

New Condition 18

Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the glamping lodges/pods hereby approved shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The lodges/pods shall not be occupied by any persons for a total period exceeding 28 days in any calendar year, no more than 14 of which shall be consecutive.

The owner of the site shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be made available to the Local Planning Authority on request.

4. SOURCE OF COMMENTS: Cllr Cupit

DATE RECEIVED: 24/07/23

SUMMARY:

I'm concerned the officer's report for the above application going to committee tomorrow has several inaccuracies; in particular, my below comments and objections have been omitted and incorrect comments from the wrong member have been included.

Unfortunately, I'm unable to attend tomorrow to speak against the application, but I would be grateful if you could confirm you'll be able to read out my below initial objections and highlight the error to the committee?

In addition, following representations and concerns from residents, alongside the below, I would also highlight concerns that there are no proposed restrictions or conditions on the use of this application site, which leads to the concern that, if approved, these units would quickly become permanent dwellings. Similarly, the proposed conditions regarding the usage and disturbance issues which could be caused by the site would likely be unenforceable without a high threshold, as we have seen on other sites in the District. Therefore, I would reiterate to the committee the local concerns and objections regarding these proposals because of the

detrimental impact they would have on the surrounding open countryside and precedent they could set for development on that side of Holmgate.

OFFICER COMMENTS:

At 1.1 of the report to members, the reason for Cllr Cupit calling in the application should have read: "Cllr Cupit requested that this application be considered by Planning Committee due to concerns of the proposed development being an urbanising intrusion into the countryside which sits beyond the SDL for Holmgate. There are also highway safety and negative impact on neighbouring residents amenity raised as concerns."

Furthermore, at 4.9 of the report to members, the incorrect ward member comments have been included. For clarity, the following full ward member comments are as follows:

Ward Member – Cllr Cupit comments *"I'm writing with my concerns regarding the above planning application, for a change of use of land to a glamping site, on land South West of Holmgate Community Centre, off Mill Lane in Holmgate.*

Primarily, similar to the recent planning refusal further down Mill Lane on a different site, I'm concerned that this application would be an intrusion into what is currently open countryside and beyond the settlement development limit of Holmgate. I'm concerned that the proposals do not mitigate the harmful urbanising impact this development could have on what is currently a visual rural area.

In addition, given the rural and narrow nature of the roads in this area, I'm concerned about the highways impacts of the increased traffic in this area, particularly given the proposed pitches, as well as potential parking issues from the number of vehicles generated.

Finally, I understand nearby residents are concerned by the potential amenity issues of this proposal, in terms of noise and other disturbance.

I therefore object to this application and, given the concerns regarding the impact it would have on the landscape and surrounding infrastructure, if it is not minded for refusal under delegated powers by officers, I would request that this application is considered and determined by the planning committee."

For the avoidance of doubt, the above comments will be read out, in full, to members of planning committee.

The concerns raised about there being no restrictions or conditions on the use of the application site are noted and as such additional conditions as discussed in 3 above are proposed by officers.

At the time of writing this report, officers are of the view that the listed conditions in the report to members and included in this late reps report are enforceable.

PARISH: Wingerworth

APPLICATION: 23/00139/FL

CASE OFFICER: Aspbury Planning

5. SOURCE OF COMMENTS: Parish Council

DATE RECEIVED: 24 July 2023

SUMMARY:

At the Wingerworth Parish Council meeting held on Thursday 13th July 2023, members agreed to local residents and object to the above planning application for the following reasons:

- The development is overbearing on the neighbouring properties and will result in the loss of amenity. Plot 1 will have a significant impact on 126 Longedge Lane which is 5ft from the proposed development. Plot 2 will overlook properties to the rear. This conflicts with policy W1 (c) of the Neighbourhood Plan.
- The design and appearance of the proposed dwellings is out of character with the surrounding area – particularly in relation to the large front windows. This puts the application at odds with Policy W1 (a) of the Neighbourhood Plan.
- There will be a significant reduction in garden space and, along with the development of 2 houses, will have an adverse impact on the character and street scene of Longedge Lane. This conflicts with Policy W1 (e) of the Neighbourhood Plan.
- The modern design of the development is not sensitive to nearby heritage assets. Considering the close proximity to Wingerworth All Saints Church, this conflicts with policy W11 of the Neighbourhood Plan.
- The size and scale of the proposed houses is at odds with Policy W4. Both properties are 3 bedroom. The development, therefore, does not meet the requirements for a mixture of housing types nor addresses local housing needs.
- Local residents have repeatedly raised concerns over the volume of traffic on Longedge Lane, as well as speeding and parking. This development has the potential to exacerbate this.

We trust that the above comments are helpful and will be taken into consideration.

OFFICER COMMENTS:

The comments of the parish council raise no new material considerations that are not already addressed in the officer report to members.

North East Derbyshire District Council

Planning Committee

25 July 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:-

Ady Bailey - Demolition of old cottage and retention of new build dwelling to same footprint (Private Drainage System)(affecting a Public Right of way) at Land Approximately 100M West Of Yew Tree Farm, Quarry Lane, Woolley Moor (22/00944/FL)

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

Mr B Taylor - Retrospective consent for engineering works and installation of access tracks and planning consent for solar panel installation on agricultural building at Land West Of Greenhouse Farm, Coach Road, Overton, Ashover (22/00359/FL)

Planning Officer – Emily Cartwright/Sue Wraith susan.wraith@ne-derbyshire.gov.uk

Mr S Jones - Outline application with all matters reserved (except means of access) for up to 36 dwellings (Major Development/Affecting a Public Right of Way/Departure from Development Plan/Affecting Setting of Listed Building) (Amended Title/Amended Plans) (Further Amended Plans) (Amended Title/Further Amended Plans) at Land To The North And North West Of The Homestead, Dark Lane, Calow (21/00987/OL)

Planning Officer – Graeme Cooper graeme.cooper@ne-derbyshire.gov.uk

1.2 **Appeals Allowed**

The following appeals have been allowed:-

Harworth Group – Outline application (with all matters except access reserved for further approval) for the erection of 397 dwellings (Major Development) (Development contrary to development plan) (Affecting a public footpath)(Amended Information)(Further Amended information) at Land South West Of Upperthorpe Road, Killamarsh (18/01003/OL)

Planning Officer's Recommendation – Conditionally Approve

Planning Officer – Adrian Kirkham/Sue Wraith susan.wraith@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

Planning Officer's Recommendation – Refuse

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

1.3 **Appeals Dismissed**

The following appeals have been dismissed:-

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

Planning Officer's Recommendation – Refuse

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

Mr J Smith – Application for the retention of wood store building/kennels at Carr Barn Farm, Moorwood Moor Lane, Wessington (22/01031/FL)

Planning Officer's Recommendation – Refuse

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

1.4 **Appeals Withdrawn**

No appeals have been withdrawn

2 **Conclusions and Reasons for Recommendation**

2.1 N/a.

3 **Consultation and Equality Impact**

3.1 N/a.

4 Alternative Options and Reasons for Rejection

4.1 N/a.

5 Implications

5.1 Finance and Risk Implications

N/a.

5.2 Legal Implications including Data Protection

N/a.

5.3 Human Resources Implications

N/a.

6 Recommendations

6.1 N/a.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

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8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) you must provide copies of the background papers)	
Report Author	Contact Number
Katie Spelman	01246 217172