

PLANNING COMMITTEE – 16 NOVEMBER 2021

Reference Number: 21/01005/FL

Application expiry: expired

Application Type: Full

Proposal Description: Construction of an open sided timber gazebo measuring 6m long by 4m wide by 3.5m high.

At: Amber Valley Wines, Back Lane, Wessington, Alfreton

For: Barry Lewis

Third Party Reps: None

Parish: Wessington Parish

Ward: Shirland Ward

Report Author: Graeme Cooper

Date of Report: October 2021

MAIN RECOMMENDATION: Grant, subject to conditions

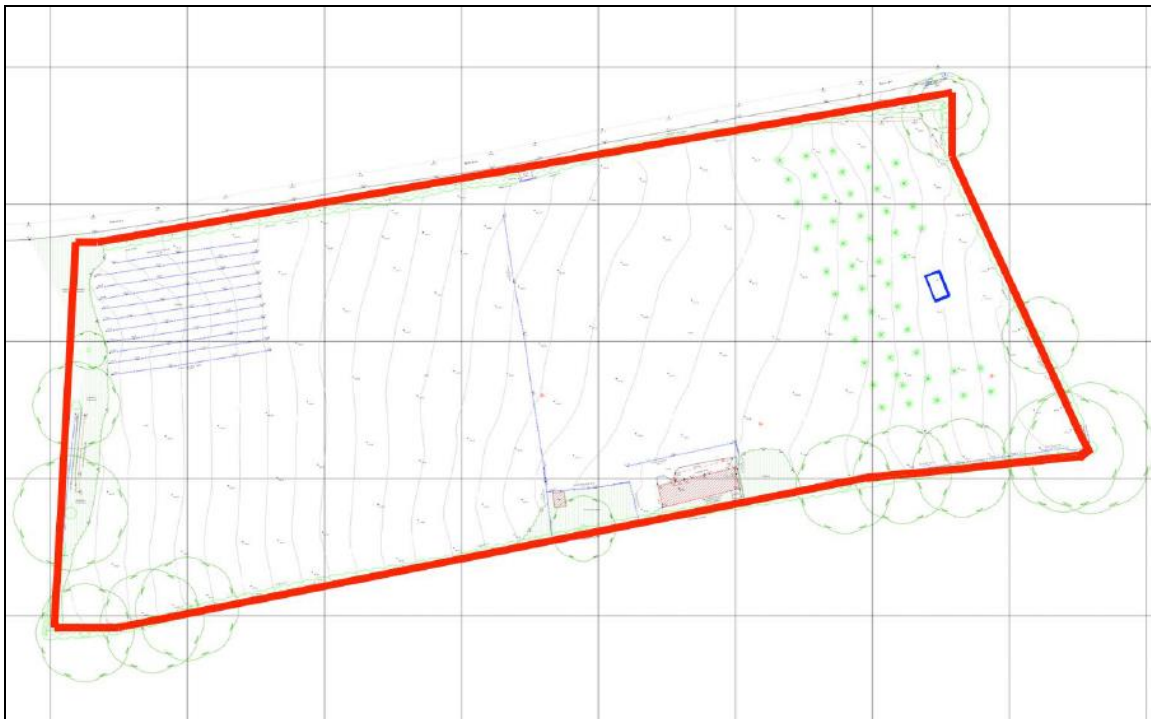


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 The application has been submitted by a serving member so in accordance with the Councils Constitution has to be considered by members of planning committee.

2.0 Proposal and Background

Site Description

- 2.1 The application site forms a meadow containing an apple orchard, vineyard and stable building to the south of Back Lane, on the outskirts of Wessington Village. It comprises of a 5 bar gate entrance centrally located on the land holding with the meadow split into two. Planning permission has been granted for a winery building, under application reference 18/00798/FL. This permission remains extant.
- 2.2 The land levels fall from west to east, with a small breeze block stable located up close to the southern boundary of the site. The far eastern part of the meadow has been planted up with fruit trees to create an informal apple orchard.
- 2.3 The western extent of the site is mostly grassland with a small area having been planted up with vines associated with the applicant's business.
- 2.4 The site is designated as a wildlife site (NE221) called Back Lane Meadows. It was designated in 1984 and is composed of a mix of grassland on the Derbyshire Peak Fringe and Lower Derwent.
- 2.5 The entire site is edged with mature hedgerows which contain a number of mature trees.
- 2.6 The site is located outside the Settlement Development Limit for Wessington and within open countryside.

Proposal

- 2.7 This application is for the erection of an open sided timber gazebo measuring 6m by 4m with a height of 3.5m. Below in Fig 2 are the elevational drawings associated with the proposed gazebo.

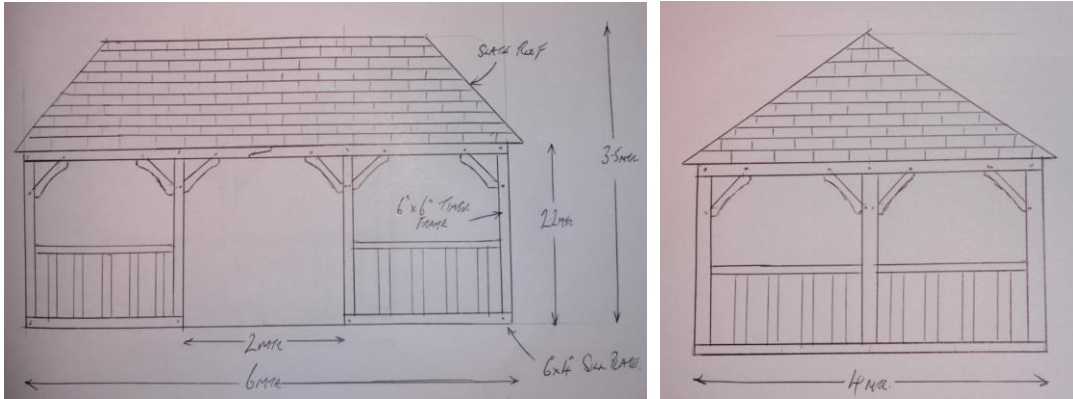


Figure 2: Elevation plans of proposed gazebo

- 2.8 As seen in Fig 3 below, the proposed gazebo will be positioned in an existing apple orchard in the eastern part of the application site.

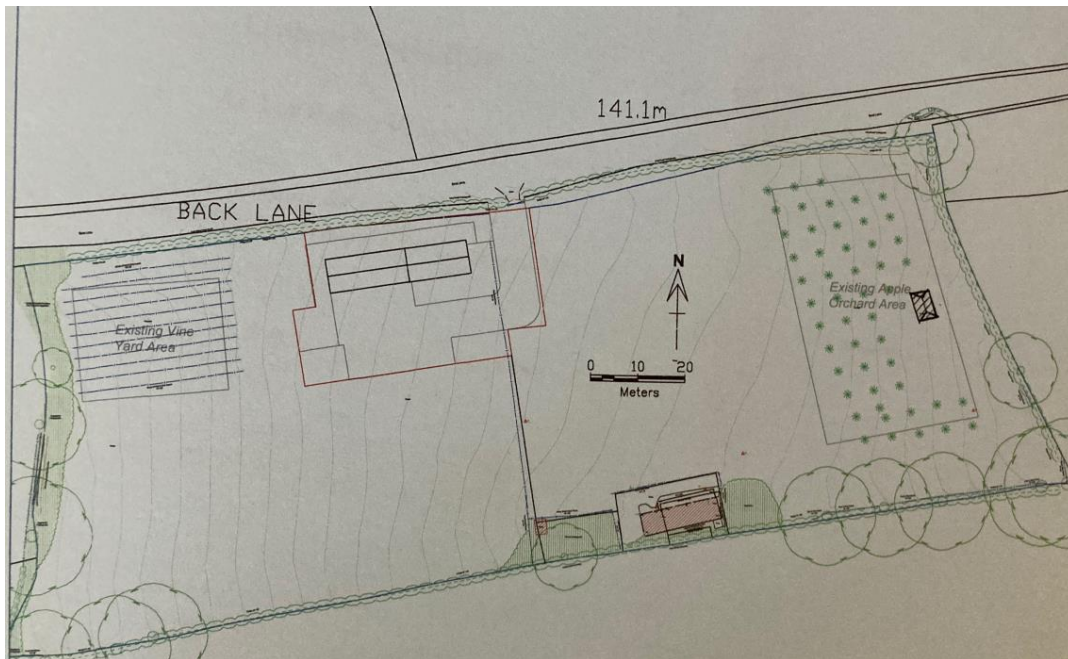


Figure 3: Proposed siting of the gazebo on site

Amendments

- 2.9 None.

3.0 Relevant Planning History

- 3.1 18/00798/FL - Application for a winery building and associated hard standing (Revised scheme of 15/00287/FL) (Conditionally Approved)

- 3.2 15/00287/FL - Application for a winery building, associated hard standing and small ancillary COSHH storage (Conditionally Approved)
- 3.3 88/01223/OL – Construction of an animal shelter and feed store (Conditionally Approved)

4.0 Consultation Responses

- 4.1 **Parish Council** raised no comments.
- 4.2 **Ward Member** raised no comments.
- 4.3 **Highways Authority** raised no highway objections to the construction of an open sided timber gazebo on the basis the proposals do not result in an intensification in use of the site over and above the extant use associated with the site.
- 4.4 **Derbyshire Wildlife Trust** raised no comments.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice adjacent to the site. The site notice expires on 11th November. Any comments received from members of the public between this report being published and the day of the meeting will be reported to members as late representations.
- 5.2 At the time of writing this report no comments have been received from local residents in relation to this proposal.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

- 6.1 The following policies of the Local Plan are material to the determination of this application:
 - GS1 Sustainable Development
 - GS6 Development within Open Countryside
 - BE1 General Design Principles
 - NE1 Landscape Character
 - NE5 Other sites of Importance for Nature Conservation
 - E9 Employment Development in the Countryside

- T2 Highway Access and Impact of New Development
- T9 Car Parking Provision
- NE6 Development Affecting Nationally Rare Species

Emerging North East Derbyshire Local Plan

- 6.2 The new Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18th February and 21st March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received were forwarded to the Inspector for consideration. The Inspectors final report on the Plan was received on 19 July and it is expected that the Plan will be adopted in autumn 2021.
- 6.3 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.
- 6.4 The following emerging policies of the PDLP are material to the determination of this application:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC12 High Quality Design and Place making
- ID3 Sustainable Travel

Wessington Neighbourhood Plan (WNP)

- 6.5 The WNP was adopted in 2019 and the following policies are material to the determination of this application:

- Policy 2 - Protecting the Natural Environment and Landscape Character
- Policy 3 – Design Principles
- Aspirational Policy 1 – Highway Safety

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

- 6.7 None.

7.0 Planning Issues

Principle of Development

- 7.1 The application site lies in open countryside where Local Plan policy GS6 only permits new development where the development is for the operation of a use appropriate to such a location; it is in keeping with the character of the countryside; it causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality; it causes minimal problems of noise, disturbance and pollution and other environmental impact; and it does not represent a prominent intrusion into the countryside.
- 7.2 Similarly emerging Publication Draft Local Plan (PDLP) policy SS9 seeks to allow only development where it is necessary for the efficient or viable operation of agriculture, horticulture, forestry and other appropriate land based businesses, including the diversification of activities on an existing farm unit and It involves small scale employment uses related to local farming, forestry, recreation, or tourism. Development should accord with the policies contained in the Wessington Neighbourhood Plan and it should respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.3 Policy NE1 (landscape character) seeks to conserve and/or enhance the varied and distinctive landscape character of the District. The loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted. Policy SDC3 of the PDLP mirrors this policy seeking to restrict development to that which would not cause significant harm to the character of the landscape. The site is a Primary Area of Multiple Environmental Sensitivity (AMES) where any development must be sympathetic to the distinctive landscape character.
- 7.4 Wessington Neighbourhood Plan (WNP) policy 2 states that development is required to demonstrate that it is sympathetic to the local character and landscape setting; and it does not represent a significant visual intrusion into the landscape setting, particularly the significant long views into and out of the village that are valued by local people and it does not involve the loss of the character forming clusters of trees identified in the WNP. Mitigation planting and boundary treatment should include native species. Development on the edge of Wessington Village should present a soft boundary to the open countryside (native hedges, low fences and native trees) to minimise the impact of development on the landscape character. Furthermore development should aim to achieve a net biodiversity gain.

- 7.5 The NPPF at para 84, with particular reference to this proposal, states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land based rural businesses. Development should respect the character of the countryside.
- 7.6 In view of the above, officers consider that the principle of development is accepted.

Landscape Considerations

- 7.7 The application site is located in a rural location, approximately 150m to the east of Wessington village. Land levels rise to the west and fall to the east across the entire site. A mature hedgerow forms the northern boundary of the site abutting Back Lane, a country lane with no footway.
- 7.8 The application site is defined as a Local Wildlife Site called Back Lane Meadow, which is an area of specimen rich grassland. The site is also in a primary AMES where any development must be sympathetic to the distinctive landscape character. In general development in this sensitive landscape setting should not cause significant harm to the character of the landscape.
- 7.9 The proposed development would involve the construction of a modest timber framed gazebo sited in an existing orchard to the eastern extent of the site. This forms the lowest point of the site and is screened from most public views by mature hedgerow planting. Only localised views are likely to be achievable. Nevertheless, the structure would form a predominantly open timber framed structure with slate roof which would be modest in scale seen against the backdrop of an establishing orchard.
- 7.10 In view of the above, officers consider that the proposed development would represent appropriate development in the countryside that would not cause significant harm to the character of the landscape. Furthermore development would be of an appropriate design which would be sympathetic to the distinctive local landscape character.

Residential and Neighbouring Land Uses Impact

- 7.11 The application site is located in a rural setting with the nearest residential properties being Old Barn Farm and 1 Cross Lane approx. 140m to the south and Crosslands over 140m to the east. Detached homes on Hillcrest Avenue are over 270m to the west. Back Lane runs east to west immediately to the north of the application site. This is a 60mph road with no footpath. There are no public footpaths near to the application site.

- 7.12 The proposed gazebo will generate some disruption in the form of noise, traffic and general disturbance in association with the wider winery use of the site; however it is considered that the proposed development would not result in a detrimental impact upon the amenity and privacy of neighbouring residents or land uses.

Highway Safety Considerations

- 7.13 The site is accessed via a modified driveway onto Back Lane. This access is going to serve a winery building and the proposed gazebo will be ancillary to the wider use of the site.
- 7.14 The Highways Authority (HA) raised no highway objections to the construction of an open sided timber gazebo on the basis the proposals do not result in an intensification in use of the site over and above the extant use associated with the site.
- 7.15 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.16 In view of the above, it is considered that the proposed development would not lead to an adverse impact upon highway safety.

Ecological Considerations

- 7.17 The application site lies entirely within a designated Local Wildlife Site (NE221) called Back Lane Meadow. It was designated in 1984 and is composed of a mix of grassland on the Derbyshire Peak Fringe and Lower Derwent. As part of a separate approval on site for a winery building a scheme of biodiversity mitigation was approved to enhance the sites biodiversity.
- 7.18 The proposal would be located on the edge of an existing orchard. This appears to be a well-used area of the site used in conjunction with the wider winery operation. Officers do not consider that the siting of the gazebo or its scale and day to day use would have a negative impact on native landscape features or the general biodiversity of the site.
- 7.19 Derbyshire Wildlife Trust have provided no comments in relation to the proposal.

- 7.20 Overall officers consider that the modest scale of the proposed development would not result in a significant harm to biodiversity that requires to be mitigated.

Other Considerations

- 7.21 The site is within a Flood Zone 1, which has a low probability of flooding.
- 7.22 The site is not within a Coal – Development High Risk Area.
- 7.23 The Councils Environmental Health Officer raised no comments to the proposal.

8.0 Summary and Conclusion

- 8.1 The site lies in open countryside and would be for development ancillary to the wider winery use of the site, which is supported by Local Plan and National planning policy.
- 8.2 It is considered by officers that the simple timber framed design, of a modest scale set in an orchard setting would be of an appropriate design and not cause significant harm to the character of the landscape. Furthermore development would be sympathetic to the distinctive local landscape character.
- 8.3 The proposed development would not give rise to a detrimental impact upon the privacy and amenity of neighbouring land uses and residential properties.
- 8.4 The scale of the proposed development would not lead to an adverse impact upon highway safety or require ecological mitigation.
- 8.5 Accordingly, the proposal is recommended for approval subject to conditions.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED**, with the final wording of the conditions 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, unless otherwise subsequently agreed through a formal submission under the Non-Material Amendment procedures.

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

- 3) The building hereby approved shall be used for ancillary purposes linked to the winery use of the site and for no other purpose.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside, and highway safety.]

- 4) The structure hereby permitted shall be removed from the site within 3 months of it ceasing to be used for the purposes linked to the winery, and, within 6 months of the removal of the structure, the land shall be restored in accordance with a scheme of works that shall have been first submitted to and approved in writing by the Local Planning Authority.