

## PLANNING COMMITTEE – 25<sup>th</sup> 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

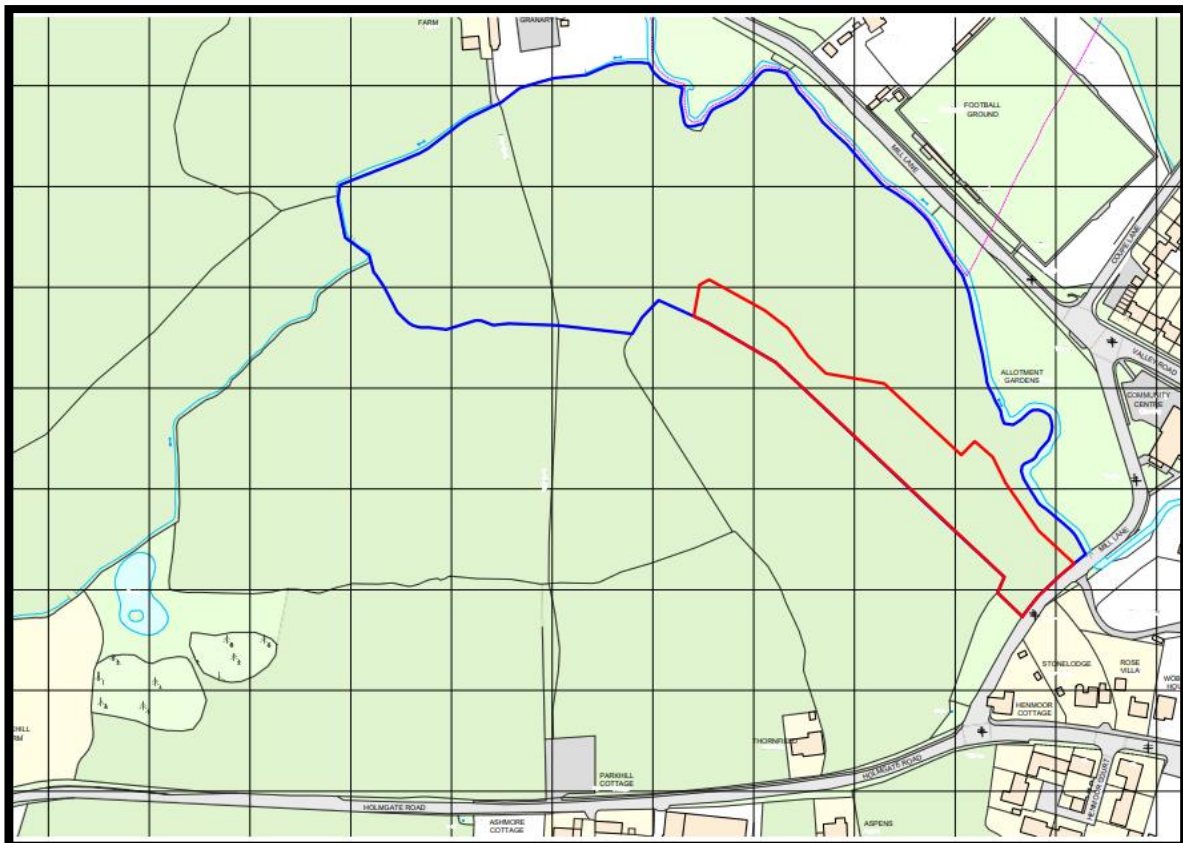
**Parish:** Clay Cross

**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**

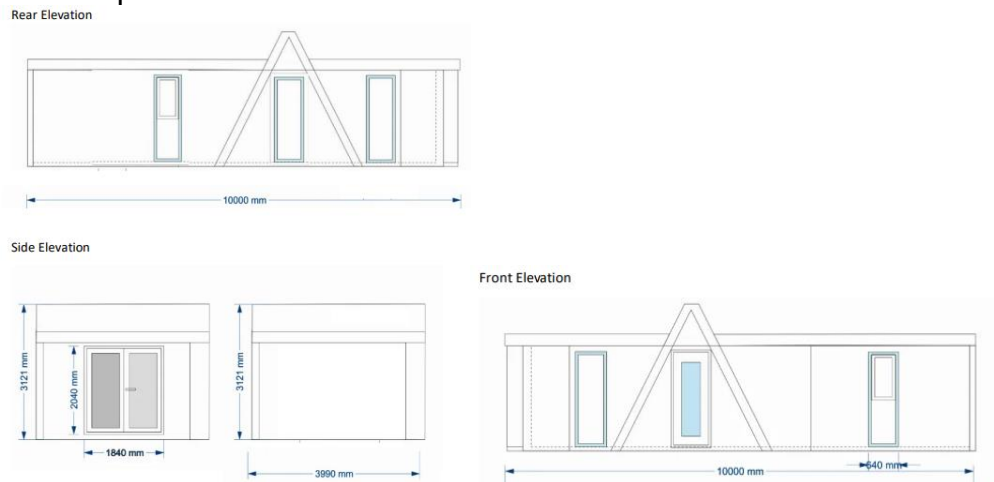
- 2.5 The proposal seeks the change of use of land for a glamping site.
- 2.6 The proposed change of use will see the erection of 6 no. cabins with en-suite facilities, a reception building, communal cabin with BBQ grill, 6 no. caravan pitches and a shower block. A formal access will be created from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



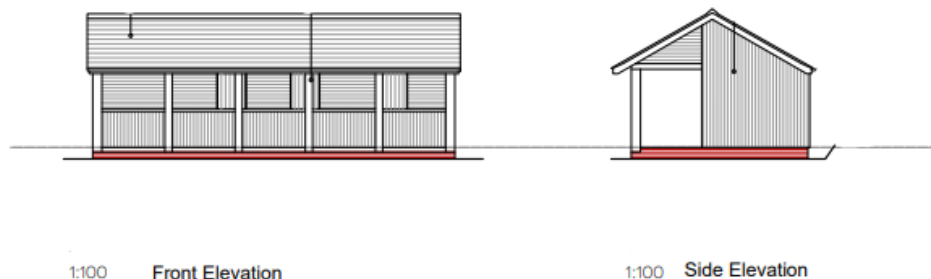
*Figure 4: Proposed site plan*



- 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.



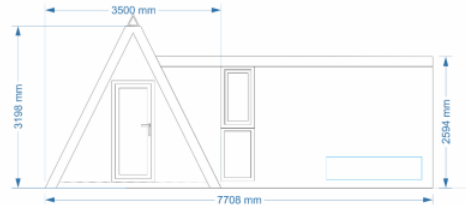
*Figure 5: Reception Elevations*



*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

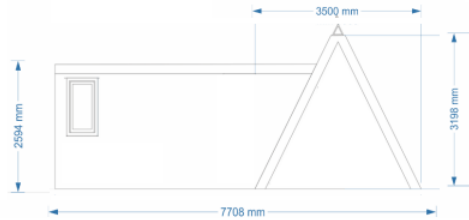


Figure 7: Extract of 'Peaky Grande' cabin elevations



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.

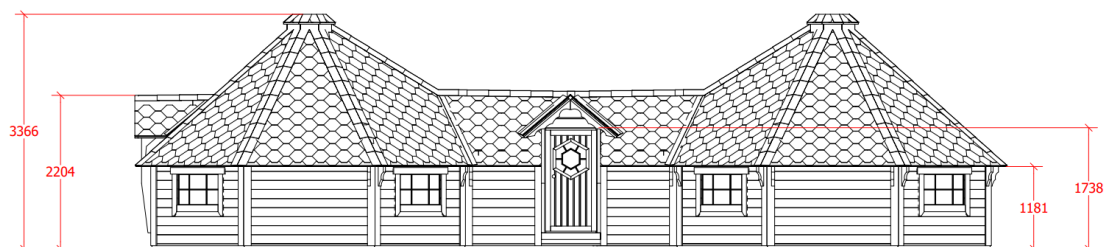
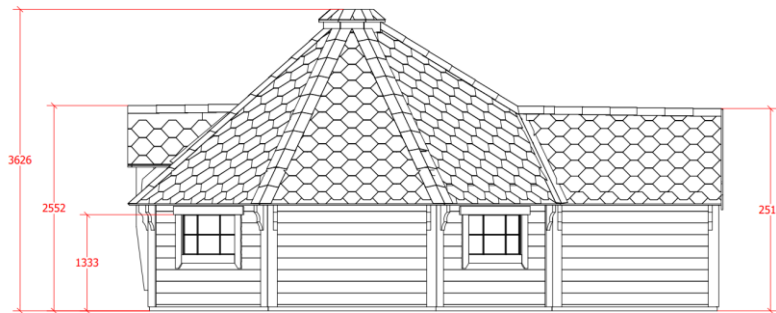


Figure 9: Grill cabin elevations

- 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.

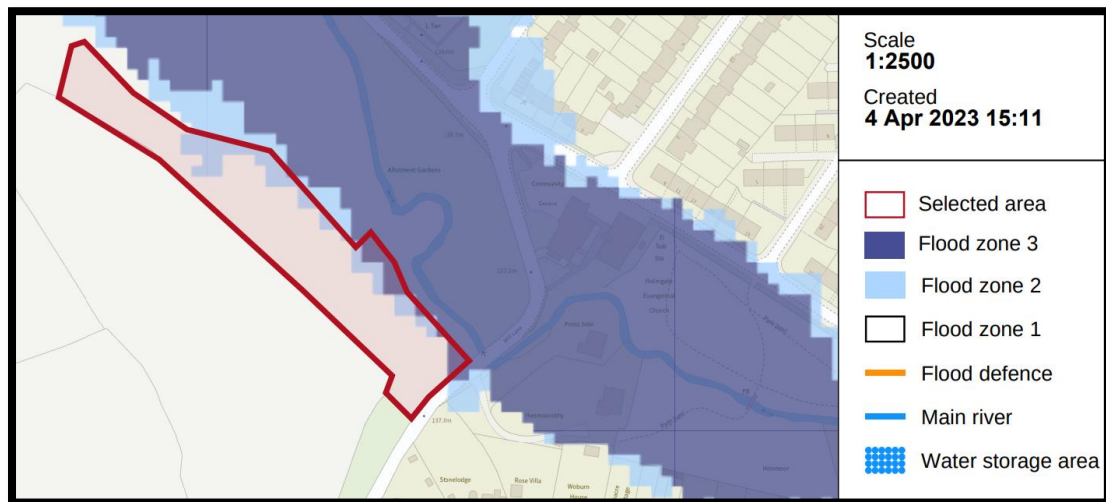


Figure 15: Plan showing Flood Zone 2 (light blue) and 3 (dark blue)

- 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 16<sup>th</sup> 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](http://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](mailto: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/prepare->

[for-flooding](https://www.gov.uk/help-during-flood). 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>.