

PLANNING COMMITTEE – 18th June 2024

Reference Number: 23/00899/FL

Application expiry: 30/06/2024

Application Type: FULL

Proposal Description: Replacement of Nissen Hut with 6 bed holiday let (Conservation Area/Further Amended Plans/Amended Title) (Private Drainage System)

At: Amber Lodge, Amber Mill Farm, Amber Green, Furnace, Alfreton, DE55 7LL

For: Vic Fells Oakerthorpe Holiday Village

Third Party Reps: Objections

Parish: Wessington

Ward: Shirland

Report Author: Alice Lockett/Adrian Kirkham

Date of Report: 06/06/24

MAIN RECOMMENDATION: GRANT permission subject to conditions

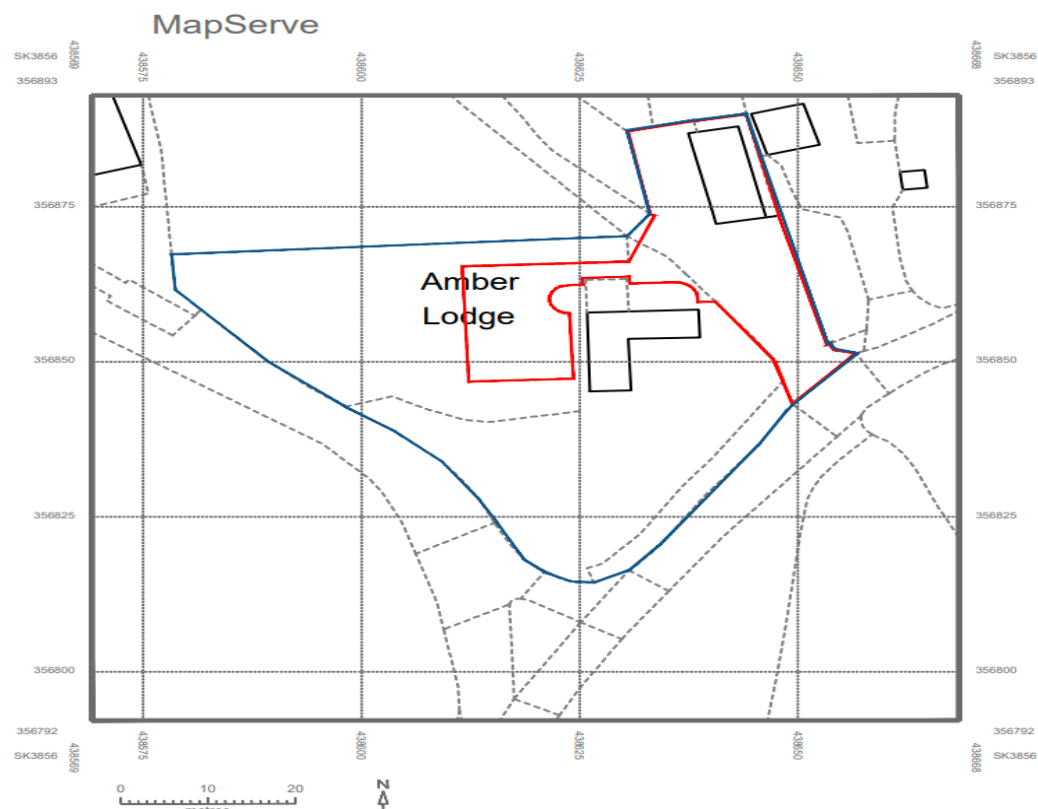


Figure 1: Location plan, with site edged in red (not to scale)

1.0 Reason for Report

- 1.1 Cllr Cupit requested that the application be considered at committee for the following reasons:
- A. So members can consider and assess any potential impacts on the Conservation Area and on surrounding neighbouring amenity, and,
 - B. The lack of an appropriate amenity area included in the development.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises a former metal Nissen hut with characteristic semi-circular shape. It has been in use as a domestic garage for a number of years. The building originally had a brick frontage. As set out below, the site lies outside any settlement development limit, and so in countryside for planning purposes. It is also located within the Conservation Area (CA).
- 2.2 In around 2010 a pitched roof front gable and roof timbers were constructed over the metal hut along with a side extension. The applicant submitted 2 applications to regularise these works with the second application being approved in 2014 subject to a condition which required the front elevation to be clad in stone and the removal of the front facing window. A condition requiring approval of the stone was also included and this was discharged in 2017 and the side extension removed. However, the work to the front elevation was not carried out and the roof has not been completed.
- 2.3 The hut appears to have been in place since the 1940s and to have been installed in association with the nearby mill. The associated bungalow, Amber Lodge, was permitted in 1948 as a bungalow and timekeepers office to be used in association with the mill. An image taken from Google of the building in its current state (May 2023) is given below as Figure 2.

Proposal

- 2.4 This application seeks permission to demolish the hut and replace it with a building to accommodate a 6 bedroomed holiday let, the design of which would reflect the semi-circular design of the Nissen Hut but which would have a basement housing 4 bedrooms. The building would be used for a holiday let as part of the wider Oakerthorpe Holiday Village.
- 2.5 Plans showing the proposed building are given at Figure 3.

Amendments

- 2.6 Originally the application sought consent for a rendered L-shaped bungalow. This was amended following concerns about the impact of the building on the Conservation Area (CA).



Figure 2: The site as of May 2023 (Google image).

3.0 Relevant Planning History (not the full site history)

Reference	Decision	Closed Date	Description
48/00021/FL	Approved	03.02.1949	Bungalow and Timekeeper's Office
13/00088/FL	Refused	26.04.2013	Application for re-cladding and re-roofing of Nissen hut and re-roofing of store building (Conservation Area)
14/00342/FL	Conditionally Approved	06.06.2014	Resubmission of 13/00088/FL for reconstruction and re-roofing of existing Nissen hut with new frontage and doors together with retention of

			existing store shed (Conservation Area)
17/00413/DISCON	Discharged	31.05.2017	Application to discharge condition 3 (Material samples) relating to 14/00342/FL
22/00846/FLH	Refused	07.11.2022	Raise roof for a loft conversion with roof lights plus build a conservatory to the rear of the property (Conservation Area) (Amended Plans)
23/00206/FLH	Conditionally Approved	27.04.2023	Single storey extension to rear, plus installation of solar panels to front and side A elevations (Resubmission of previously refused 22/00846/FLH) (Conservation Area)

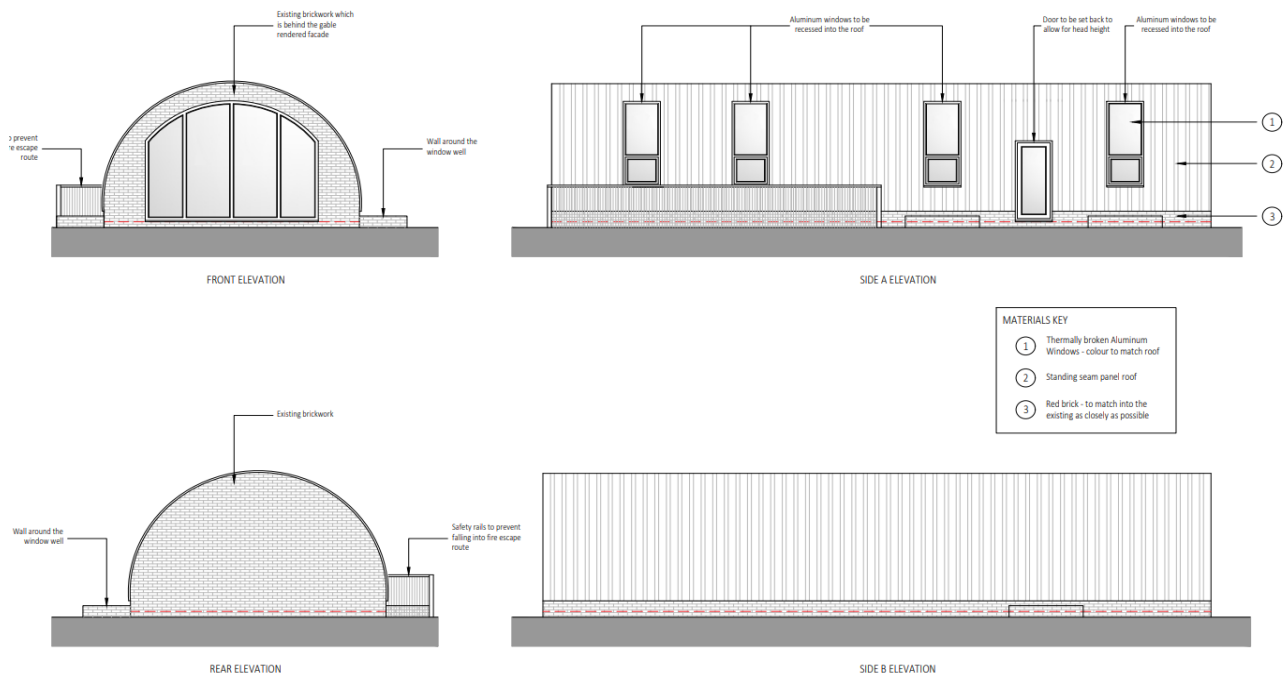


Figure 3: Proposed building (not to scale)

4.0 Consultation Responses

4.1 Ward Member- Call in (see section 1 above).

4.2 Wessington Parish Council - No comment received.

4.3 Derbyshire Wildlife Trust – The requirement for ecological surveys is disproportionate in this case. Recommend approval subject to conditions.

- 4.4 Environmental Health Officer (EHO) - The EHO requested further information with regard to surrounding residential properties. Subsequently, the EHO has advised that providing reasonable controls are put in place regarding the use of the property and a restriction placed on external use in the evening then any concern regarding amenity is addressed. In respect of foul waste disposal this is normally a matter for Building Regulations.
- 4.5 DCC Highways - The site is served off an existing access off Amber Green. No site access alterations are proposed. Given the existing use of the site which includes a former mill, converted over the years into a series of dwellings, holiday lets, and offices, it is not considered the proposed development would lead to a significant intensification in turning movements on to the highway. As such, there has no objection subject to conditions.
- 4.6 NEDDC Drainage- No comments received.
- 4.7 Severn Trent Water- No comments received.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice placed adjacent to the application site on a telegraph pole.
- 5.2 2 local residents have made representations, over 4 letters, objecting to the proposal. In summary the points made include:
- Concern about the impact on the conservation area of a new building in such an elevated and prominent position visible from the road when entering Toadhole Furnace from the A615
 - Concern about loss of the historic Nissen Hut
 - Impact of increased traffic and noise
 - Concern with regard to the noise generated from the existing holiday lets on the Oakerthorpe Holiday village complex and how this is currently managed.
 - Concern about the amount of outside activities such as hot tubs in the existing holiday let.
 - Concern at the size of the holiday let and potential noise.
 - It is not clear how the noise alarm would work.
 - No lighting plans are included in the application.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the **North East Derbyshire Local Plan 2014-2034 (LP)** and the **Wessington Neighbourhood Plan (NP)**.
- 6.2 The most relevant policies are considered to be as follows:

Local Plan

SS1: Sustainable Development
SS9: Development in the Countryside
SDC3: Landscape Character
SDC4: Biodiversity and Geodiversity
SDC5: Development within Conservation Areas
SDC12: High Quality Design and Place Making

Neighbourhood Plan

Policy 1: Sustainable Development and the Settlement Development Limit

Policy 2: Protecting the Natural Environment and Landscape Character

Policy 3: Design Principles

Policy 5: Protecting Heritage Assets

Aspirational Policy 1: Highway Safety

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 The “Successful Places” Interim Planning Guidance.

7.0 Planning Issues

Policy Background

- 7.1 The application site is located outside any settlement development limit and is therefore in the countryside for planning purposes. Here Local Plan (LP) Policy SS9 supports development where (inter alia) it involves a replacement building for the same use and one not significantly larger than the building it replaces or it involves the change of use, re-use, limited 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. Policy 1 of the Wessington Neighbourhood Plan (NP) is in compliance with this LP policy.
- 7.2 Policy SS9 goes on to say 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. LP Policy

SDC12 (Design) 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 if 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.

- 7.3 NP Policy 3 also requires that proposals should demonstrate a high design quality. It goes on to say that well-designed buildings should be appropriate to their location and context – this may include innovative and contemporary design solutions provided these positively enhance the village character and local distinctiveness.
- 7.4 The site is located within a primary Area of Multiple Environmental Sensitivity (AMES). Here LP policy SDC3 only permits proposals for new development where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. Development proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES).
- 7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of CAs. Importantly, in this context, “preservation” means to cause no harm.
- 7.6 LP policy SDC5 permits development in CAs where it will preserve or enhance the character or appearance of the area and its setting. Development proposals will be considered in relation to how well the design and location of the proposal has taken account of: the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees, and views within, into or out of the area; and the form, scale, size and massing of nearby buildings, together with materials of construction.
- 7.7 LP policy WC5 supports proposals for visitor and tourism development where they would:
- a. Enhance the tourism offer within towns and villages;
 - b. Assist in the restoration and enhancement of the Chesterfield Canal;
 - c. Support the promotion of the District’s industrial heritage;
 - d. Support links with the Peak District National Park;
 - e. Extend and/or upgrade the District’s Green Infrastructure and network of multi-user trails; or
 - f. Provide a viable and appropriate use for under-used buildings.

In all cases proposals will be expected to:

- a. Be well located in relation to the local transport network and accessible by public transport;
- b. Be of a scale that is compatible with the role of any nearby settlement;
- c. Ensure that visitor numbers can be accommodated without detriment to the environment or the vitality of existing centres;
- d. Respect local landscape character and the character and appearance of the open countryside;
- e. Respect the site's location through careful siting, scale, design and use of materials; and
- f. Not have a significant adverse impact on any environmental designation.

Principle of Development

- 7.8 The existing building on the site is currently used in association with Amber Lodge and is used as a garage/domestic storage. As such, the site is previously developed.
- 7.9 In view of the above, the principle of the re-development of the site under LP policy SS9 is considered acceptable subject to an assessment as to whether the replacement building would have a greater impact on the character of the countryside than the development it is replacing and against the various strands of landscape, heritage and design planning policies as outlined above.

Design and impact on the character of the Landscape and Conservation Area (CA)

- 7.10 Although located within the current curtilage of Amber Lodge, the building is considered more closely associated with the cluster of buildings which form Amber Mill to the north and east. These are stone and slate buildings dating from the 19th century which form the heart of the Toadhole Furnace CA. Further to the north are the buildings which form Amber Farm, some of which are listed. As a consequence, with the exception of Amber Lodge itself, the CA is characterised by 19th century stone and slate built buildings some of which have an industrial (Mill) background. A plan showing the outline of the conservation area (hatched yellow) and the application site (shown) is given below at figure 4.
- 7.11 It is considered that, whilst the Nissen Hut (in its original form), would not have been seen as a traditional building compatible with the overall character of the conservation area, it had some historical connection.
- 7.12 A limited Heritage Statement has been submitted to support the application setting out that the original building was built in the late 1940's and has most recently been used in association with the adjacent bungalow. It sets out that the new building will incorporate a basement and otherwise follow a design that is intended to replicate the original hut design.
- 7.13 The CA is dissected by the River Amber and is surrounded by agricultural fields to the north, south and east characteristic of its landscape classification and AMES

designation. To the west is Broom House Farm which comprises a number of large, modern agricultural buildings.

- 7.14 When entered from the south, Amber Lodge is the first building visible in the CA followed by the building, the subject of this application. Their rendered finish is not characteristic of the wider CA and Officers conclude neither building currently contributes positively to the CA. However, the building proposed for demolition has a more limited impact than Amber Lodge due to its ancillary nature and character, smaller scale, recessed location back from the road and its limited openings and associated activity. Its impact would have been further reduced if it had been clad in stone as required by the conditions of the 2014 permission.

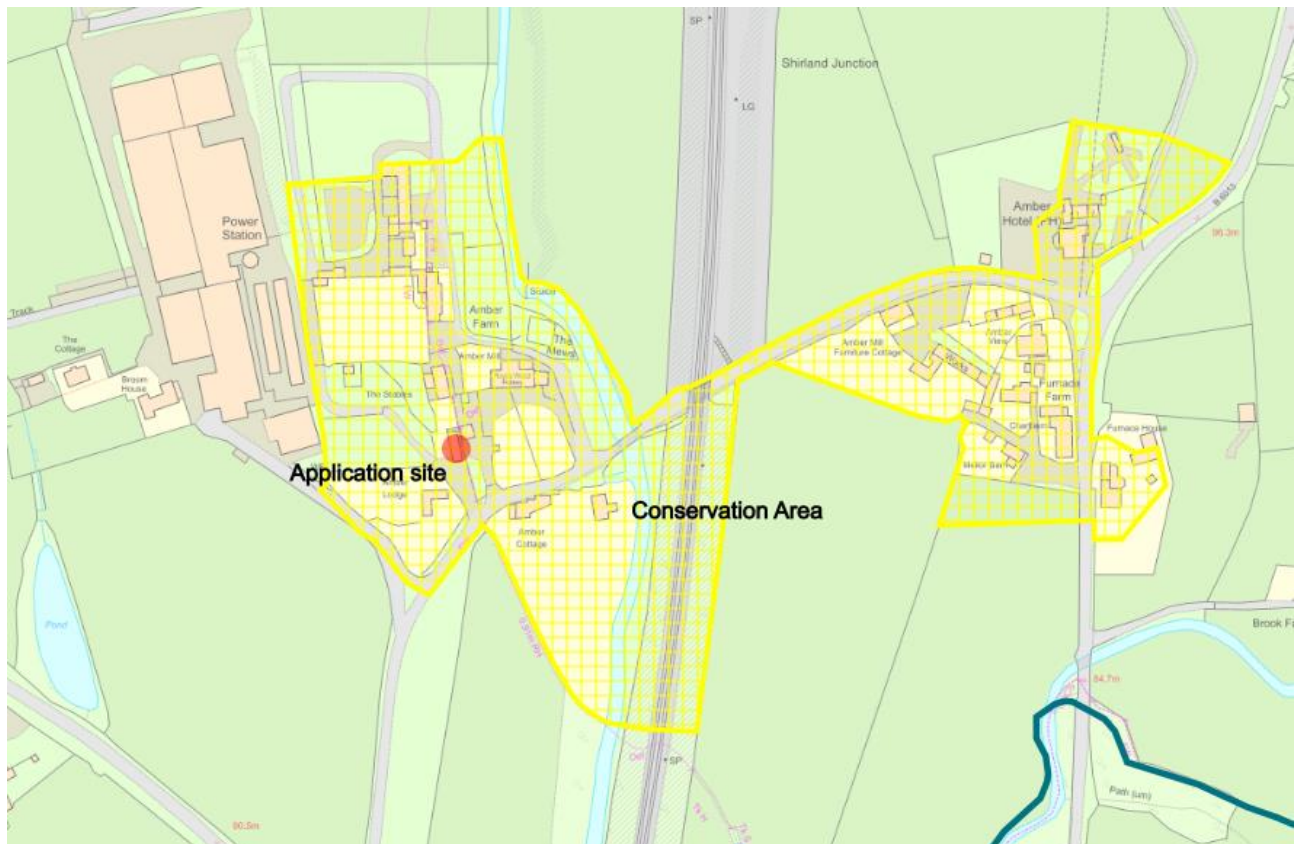


Figure 4: Application site shown and Conservation Area (hatched yellow)

- 7.15 Overall, the CA has a tranquil character. Although Amber Farm to the north of the application site is already in use as a collection of holiday lets, these are set back from the most public parts of the Conservation Area and so their impact on the CA and the wider AMES classified landscape is limited.
- 7.16 The proposal seeks permission to demolish the existing structure and replace it with a new building designed to reflect the semi-circular design of the Nissen hut but with an additional basement level. The new building would be approximately 5cm taller, 90cm wider and 80cm longer than the building it would replace. As such, the building

would be marginally larger (20%) than the existing (if the basement is included it will be approximately 112% larger).

- 7.17 The building would be constructed of a standing seam panel roof, with inset aluminium windows on the west side elevation. The southern elevation would be constructed of brick with a large picture window taking up most of the end gable and this would be clearly visible from the road and at the entrance to the CA.
- 7.18 Officers consider that, whilst larger than the existing, the new building would remain recessive in terms of its location set back from the road and be similar in scale to the building it would replace. The design would also reflect the recent history of the site and would not be unsympathetic to this part of the CA, which is dominated by the larger modern bungalow, Amber Lodge, next door. As such, Officers conclude that the new building would, on balance, respect the character of the landscape in which it would be located and preserve the character of the CA.

Parking and Amenity

- 7.19 The building is proposed to be used as a 6 bed roomed holiday let. This would be in addition to the use of Amber Lodge, potentially for holiday let purposes, which has permission to be extended and would, if that work was carried out, be a 5-bed unit.
- 7.20 A holiday let of this type has the potential to generate a significant number of cars and vehicle movements and it is likely that at least 2 vehicles would be associated with each letting and this could be as many as 1 vehicle per bedroom if, for instance, a group of friends were to use the building. Officers are of the view that it would not be possible to limit car movements to and from the site.
- 7.21 The parking for both properties is proposed to be the west of Amber Lodge, on an area of existing hardstanding (see Figure 5 below) which is an area large enough to park the cars and which would be well screened from view both from the road and the adjacent public right of way to the west by hedges within the garden of Amber Lodge and by the building(s).
- 7.22 In noting the comments of the statutory consultee, the Highway Authority, Officers consider that there would be no adverse impact on highway safety from the proposal and that cars could be parked such that they do not adversely impact the character of the area or the amenity of adjoining residents.
- 7.23 Officers note and accept that the new use would intensify the activity on the site. Residential neighbours to the application site have expressed reservations about the impact of visitors using the outside spaces on the amenity of the surrounding residential properties. They have stated that in their opinion the existing holiday lets already cause disturbance particularly when they are hosting parties of adults.

7.24 The proposed building is approximately 16m from The Stables and 27m from Amber Mill, closer than the existing holiday lets at Amber Lodge and the Amber Farm complex to the north (see figure 6 below).



Figure 5: The site showing the area of existing hardstanding (Google image)

7.25 The introduction of another 6-bed unit would be likely to impact on the amenity of the residential neighbours. The applicant has explained that noisy parties are fined their deposits and he is willing to use electronic means of monitoring noise. Officers consider that controlling the use of the premises through planning restrictions would not be able to restrict the use such that no additional impact will be caused. However, in accord with the general advice of the EHO, Planning Officers consider that controls over the number of occupants of the premises, boundary treatments, lighting and the

parking of vehicles could be addressed through the imposition of a planning condition such that any impacts are maintained at an acceptable level. It is not considered, however, that any misuse of the outside space, an area west of the building, could be controlled by planning condition, although that would not mean other legislation could not be used to deter inappropriate behaviours.

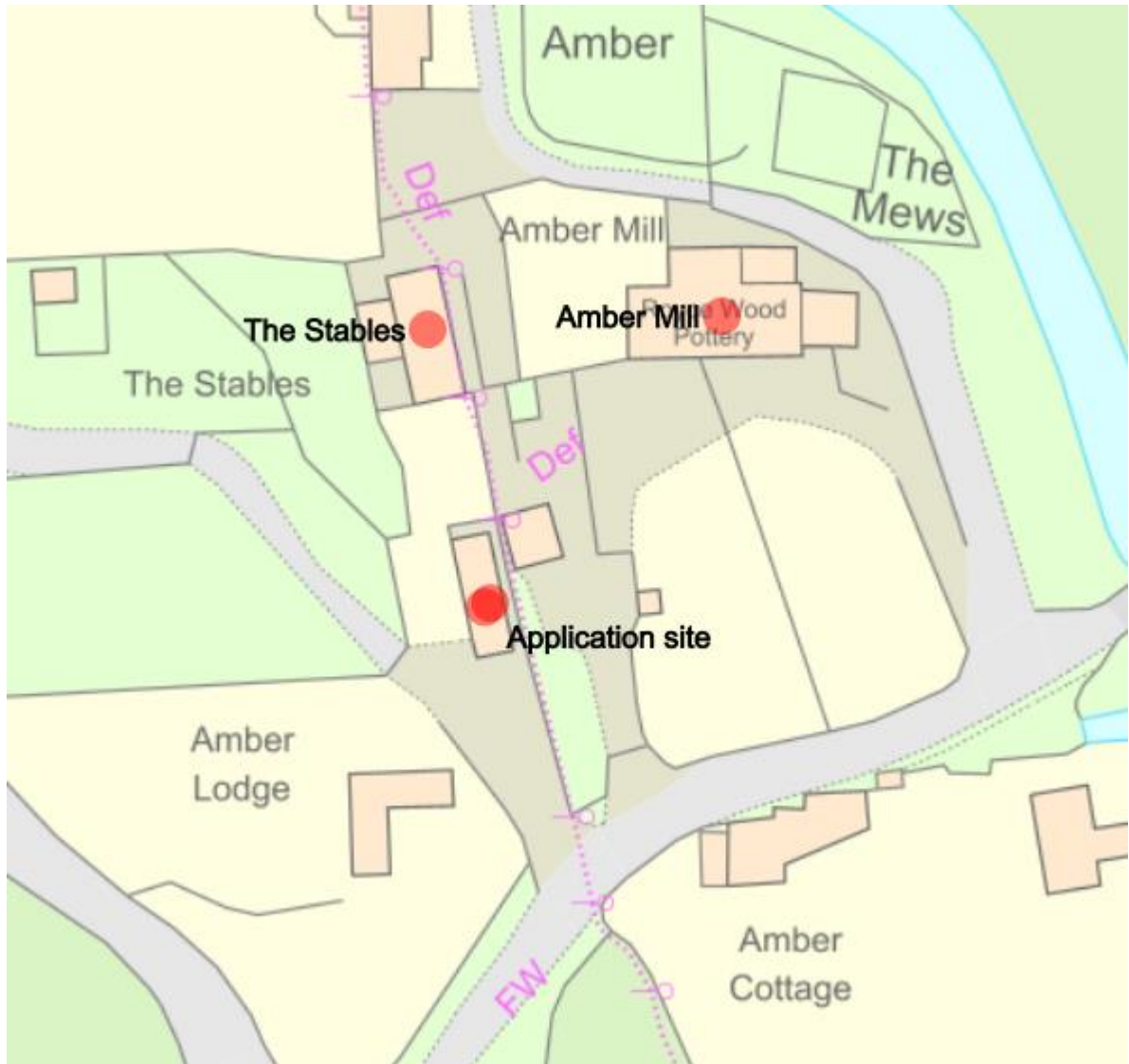


Figure 6: Application Site and the location of adjoining properties

Fall back

7.26 The applicant does have a fall-back position which is to finish the re-roofing of the existing building and to carry out the cladding of the gable end in stone, as conditioned. The building would have a permitted use in connection with the use of Amber Lodge and this may include an ancillary residential occupation. In terms both

of an existing building occupying the site and a domestic use, therefore, there is an accepted fallback position which carries weight in the planning balance.

Tourism Development

7.27 No evidence has been put forward as to how the proposal would meet the requirements of LP policy WC5. However, Officers are of the view that the use of the property as a holiday let would enhance the local tourism offer and also tie to the nearby Peak District as set out in policy WC5. This adds weight in favour of the proposal.

Highway Safety Considerations

7.28 The comment from the DCC Highways Team is noted and the view that the quantum of development would not result in traffic of a quantity which would impact the safety of the highway.

7.29 Officers agree with this overall conclusion on this issue.

Ecological Considerations

7.30 Derbyshire Wildlife Trust (DWT), as consultee, has confirmed that, due to the nature of the existing structure, requiring ecological surveys would be disproportionate. DWT recommend that permission can be granted subject to conditions.

Other matters

7.31 The comments made by the EHO on foul drainage are noted. This is a matter that is controlled by other legislation in this case and so is neutral in the planning balance.

8.0 Summary and Conclusion

8.1 Local and national planning policy aims to protect the countryside and heritage assets, such as CAs, from inappropriate and harmful development. Specifically, development in CAs should preserve or enhance the CA.

8.2 In this case, the applicant has permission to rearrange the existing building and construct the gables and form a pitched roof over the existing hut. The works have not been fully completed. It is considered that were that work to be completed, the building would have a neutral impact on the CA.

8.3 The proposal seeks to demolish the building and replace it with a structure which reflects the semi-circular design of the original Nissen Hut that occupied the site, but which would be larger and have a basement to form a 6-bedroom holiday let.

- 8.4 The redevelopment of the site in the form proposed is considered compatible with Development Plan policy, most notably policy SS9 of the Local Plan. It is also considered that the proposed design would preserve the CA, and not impact adversely the character of the area. These factors all weigh in favour of the proposal.
- 8.5 The use proposed would intensify activity at the Amber Lodge site. However, noting the extant use of the building and by the appropriate use of conditions it is considered that the impact on neighbouring amenity would not be unacceptable.
- 8.6 There would be some positive benefit to the local economy from the holiday activity and this adds some limited weight in favour of the application.
- 8.7 The matters of highway safety, ecology and drainage are neutral matters adding no further weight in favour of or against the scheme.
- 8.8 Therefore, Officers conclude that the proposal is, on balance, acceptable, and in accord with the Development Plan when reading it as a whole and there are no other matters to outweigh that conclusion.

9.0 Recommendation

- 9.1 That the application is **APPROVED** subject to conditions with their wording finally delegated to the Planning Manager (Development Management) but to include (at least) the following:
- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
 - 2 The development hereby approved shall be carried out in accordance with the details shown on drawing numbers [ADD DRAWINGS}
 - 3 Before any development above DPC level starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the 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.
 - 4 Notwithstanding the provisions of Part C, Class C3 “Dwelling House” to the Schedule of the Town and Country Planning (Use Classes) Order 2015, (or any Order revoking or re-enacting that Order), the premises 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 property shall not be occupied by any person(s) for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including their names, addresses and length of stay, and a copy of the register shall be made available for inspection by the Local Planning Authority or its representative by 31st January each year.

- 5 Prior to the first use of the building, hereby permitted, a plan showing the provision of parking for 6 vehicles shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme of parking shall then be provided as agreed within 28 days of written approval being given and be retained for use as parking only thereafter and it shall not be used for any other purpose.
- 6 Prior to the first use of the building, hereby approved, for letting/holiday use a Management Plan (MP) shall be submitted to and be approved in writing by the Local Planning Authority.

The MP shall include, but not be limited to, a limit on the number of occupants that may occupy the premises at any one time, how any outdoor space is to be used and any other reasonable measures put in place to ensure the premises is operated appropriately, and the mechanisms for ensuring the MP is adhered to.

The premises shall then be used strictly in accordance with the agreed MP.

- 7 Prior to the first use of the premises, hereby approved, a scheme for all/any external lighting to be placed/erected or installed on the site or building shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023).

The agreed scheme shall then be implemented as approved and no other external lighting shall be installed/erected or placed on the site or building.

- 8 Notwithstanding any other submitted details, prior to the first use of the premises, hereby approved, a plan., including a timetable for implementation, to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained 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 retained as such thereafter.

- 9 No stripping, demolition works or 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.
- 10 The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
- 11 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), satellite dishes (Part 1 Class H) or any other means of enclosure (Part 2 Class A) (other than as approved by condition 8 above) and renewable energy (Class Part 14 Class A) shall be erected/constructed/placed on the site without first obtaining planning permission.