



Planning Committee 9th April 2024

APPLICATION NUMBER		23/01126/FUL	
SITE ADDRESS:		Land adjacent Highfields, Oakerthorpe Road, Bolehill DE4 4GP	
DESCRIPTION OF DEVELOPMENT		Construction of 4no. short stay holiday accommodation units, amenity building, access road, landscaping and other associated works	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr and Mrs Walton
PARISH/TOWN	Wirksworth	AGENT	Mr Gabriel Babenko – Babenko Associates
WARD MEMBER(S)	Cllr P Slack Cllr D Greatorex Cllr L Peacock	DETERMINATION TARGET	20/12/23
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Slack	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Principle of the development, having regard to its location;
- Impact of the development on the character and appearance of this part of the countryside,
- Impact on the Conservation Area
- Highway safety.

RECOMMENDATION

That the application be granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located to the east of Wirksworth just north of The Malt Shovel public house. It is located within the Wirksworth Conservation Area and the countryside. The grassed field is to the north west of Highfields which is the last property in the linear row of dwellings with the public house on the corner of the B5035. The land rises slightly to the west with a steep drop at the field boundary with open views of the lower valley and Wirksworth.
- 1.2 The site is approximately 3.1 Ha (2998 sqm) and is part of a larger site (9.8 acres / 3.96 ha) owned by the applicant. The wider site is a mix of pastureland, steep grassy slopes and existing woodland on steep slopes to the lower west and south part of the site - roughly half grassland and half woodland. The property Highfields was historically part of Malt Shovel Farm, together with The Malt Shovel Inn and neighbouring properties but was subdivided many years ago with the property and land in residential use only. Wirksworth Public Footpath No. 9 runs approximately in a northeast southwest direction to the south of the proposed development site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the construction of 4no. short-stay holiday accommodation units, an amenity building, new access road, landscaping and other associated works (including a solar panel array). The glamping pods would be sited in a semi-circle set into the existing gradient of the land in the part of the field. A new access is proposed onto Oakerthorpe Road to replace the existing field access. The access road, parking area and holiday accommodation units would be constructed by cutting and banking the land around the development and the units having mono-pitched roofs. The remaining land would be re-wilded and ground mounted PV solar panels are proposed.
- 2.2 The accommodation would comprise of a double bedroom, basic shower room, WC, kitchen facilities and dining and sitting area. One of the units would be accessible for wheelchair users with a designated disabled access parking space and internal layout suitable to wheelchair use. Externally, each unit to have a private seating and dining space and secure bike storage. Remote car parking, plus a designated disabled space, would be provided utilising the access road serving the site from an existing field entrance from Oakerthorpe Road.
- 2.3 The site incorporates a turning head adjacent to where the amenity building is proposed. The building would be a twin-apex style with a roof pitch of 10 degree and would house the solar PV batteries and grounds-maintenance equipment, refuse and recycling bins and provide a covered section for maintenance and storage of bikes. The amenity building would be a height of 3.3m to the ridge. The solar PV array adjacent to the accommodation units and/or solar PV panels on the roof of the accommodation units are proposed together with possibly solar thermal and/or ground source heating. The accommodation would be sited on re-graded land with gradual blending of bunds to the west and east with the heights of units sloping from 2.8m to 2.3m with a 5 degree pitch.
- 2.4 The holiday units and amenity building would be rectangular boxes with timber cladding to the walls and metal standing-seam roof in anthracite grey. Windows and doors are to be in powder-coated aluminium.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1	Sustainable Development Principles
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
EC1	New and Existing Employment Development
EC8	Promoting Peak District Tourism and Culture
EC9	Holiday Chalets, Caravan and Campsite Developments
HC19	Accessibility and Transport
HC21	Car Parking Standards

3.2. Material Considerations

The National Planning Policy Framework (2023)

National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

23/01176/FUL - Alterations and extension to dwelling (Highfields) (resubmission of 23/00671/FUL), Granted 09/11/23

23/00671/FUL - Proposed single storey porch, conversion of loft with dormers, new roof windows to front elevation, photovoltaic panels, new chimney and associated alterations and landscaping, Granted 16/08/23

5.0 CONSULTATION RESPONSES

5.1 Wirksworth Town Council

Objects on the basis that this development goes beyond the settlement boundary, and it potentially opens the floodgates to other developments of this nature without any strategic planning. In response to re-consultation, they state that their position will be that a building's impact on the environment should be of greater importance than the impact on the streetscape.

5.2 Highways Authority (DDC)

The proposed development seeks the construction of 4 short stay holiday accommodation units, an amenity building, access road and other associated works to be accessed from Oakerthorpe Road, a classified road subject to the national speed limit. The access to Oakerthorpe Road includes emerging visibility sightlines measuring 2.4m x 215m in both directions, as illustrated in the application drawing "Visibility Splay Plan", which is considered acceptable. The width of the access/driveway is considered sufficient for the passing of vehicles. The inclusion of a turning head within the site also facilitates manoeuvring, enabling vehicles to enter and exit in a forward gear. The proposal also provides adequate off-street parking, in accordance with Parking Standards. This includes provisions for a disability parking bay and 8 cycle spaces, contributing to accessibility and promoting sustainable transport measures.

The Public Rights of Way Team's comments dated 13/11/23 must be adhered to by the applicant. In conclusion the highway authority has no objections to the proposal subject to conditions regarding the access and gates.

In response to re-consultation on the amended plans it is stated that there has not been any other significant changes apart from the relocation of the proposed parking provisions, for this reason, the highway authority maintains no highway objections.

5.3 Peak & Northern Footpaths Society

No objection. The proposed link from the site to Footpath 9 is welcome.

5.4 Ramblers Derbyshire Dales Group

No objection providing that:

- i) Wirksworth Footpath 9 remains unaffected at all times, including the path surface, both during and after any development
- ii) The link from the proposed development of short stay accommodation is very welcome. This would allow those staying and the owners to access the Right of Way footpath into town avoiding the busy and dangerous B5035. There is no footway until the first house lower down the highway
- iii) This meets sustainable and active travel criteria
- iv) If the landowners own the land adjacent to the highway up to the Malt Shovel Inn, could consideration be given to an extension of the present FP 9 where it meets the highway. The circa 150m to the Inn has no footway and a dangerous blind bend.

5.5 Councillor Slack

As Ward member he would like this application to go to committee and site visit, as its in the open countryside and outside Wirksworth settlement boundary. Having reviewed the amended plans he states that he is in support of Farmer diversifying to help sustain them in Farming, if the holiday units are not in prominent and blend to the background, and if in your opinion they do, there is no reason for a site visit, but if its debatable we will need a site visit.

5.6 Trees and Landscape Officer (DDDC)

Initially it was recommended that the applicant should be required to submit to the Local Planning Authority, before determination of the planning application, an Arboricultural Impact Assessment, however, the amended plan has moved the proposal further away from the existing trees. The submitted tree protection plan drawing indicates that adequate protection to the retained trees can be provided and on this basis no AIA needed is required. The site is located in undeveloped open countryside so there is potential for negative impacts to the character and appearance of the landscape resulting from the proposals which must be assessed.

5.7 Derbyshire Wildlife Trust

Having reviewed the information submitted including the amended Preliminary Ecological Appraisal (ML Ecology, October 2023) and our Biological Records Database and they can confirm the following:

- Local records of brown hare, hedgehog and common lizard on or adjacent to site
- No notable habitats have been recorded to date on site

- The site is not covered by a statutory nature conservation designation although a grade 3 site (Ref: DD317/3 Malt Shovel Site) lies close to the western boundary of the proposed development area.

The report identifies the presence of ponds within 150m of the development site although these are separated by Oakerthorpe Road and the PEA report states that habitat on site is unsuitable terrestrial habitat for great crested newts. The development is therefore unlikely to have an impact on Great Crested Newts (GCN) and any low residual risk can be mitigated by securing Reasonable Avoidance Measures for GCN with any planning approval. It is essential that established hedgerows and trees are retained and protected during construction activities. The minor loss of low-quality grassland should be offset by sympathetic landscape planting.

5.7 Rights of Way Section (DDC)

No objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works and that the applicant's intention is to increase the Rights of Way network with the proposed link. The creation should be considered as part of the overall planning permission as a creation agreement under Section 25 of the Highways Act. It is noted that the applicant is wanting to connect the path privately as stated, therefore they will not need a creation agreement. If planning permission is granted and the time comes when they want to connect the path, they will then need to consult with a ROW inspector just to ensure the path is not damaged as a result of the physical connection.

6.0 REPRESENTATIONS RECEIVED

- 6.1 One comment of support was received from a resident of Swadlincote which stated that accommodation for tourists with bikes was hard to find and they would look forward to being able to book a unit.

7.0 OFFICER APPRAISAL

- 7.1 Having regard to the policies of the development plan and national planning policy the main issues to assess are:

- Principle of the development, having regard to its location;
- Impact of the development on the character and appearance of this part of the countryside,
- Impact on the setting of the heritage asset: and
- Highway safety.

Principle of the development, having regard to its location

- 7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) supports applications for development in the countryside when it represents the sustainable growth of tourism and where the proposal would contribute to the ongoing operation of the existing business.
- 7.3 *Policy EC1* of the Adopted Derbyshire Dales Local Plan (2017) provides support for proposals for new or expansion of existing business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.
- 7.4 Policy EC8 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with 'promoting Peak District tourism and Culture' supports new tourist provision and initiatives

in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.

- 7.5 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) specifically relates to proposals for new holiday accommodation which considers the appropriateness of a site in terms of sustainability as well as other matters which will be explored later in the report. It states development will be permitted provided that the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycle ways and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
- 7.6 The site is located within easy walking distance (100m) of The Malt Shovel pub, within the hamlet settlement of Wirksworth Moor and the site is 1.5 k (18 mins) walking distance from Wirksworth centre using Wirksworth footpath No.9 to walk from the site to the Market Place via Wash Green or 19 mins walk using google maps and walking via roads. Wash Green does not have footpaths on its eastern most section so pedestrians would need to walk on the road for a short distance in order to reach the start of the footpath route. This existing situation is proposed to be improved for the users of the accommodation through a private agreement with the adjacent land owner to provide direct access onto Footpath 9. Where it links back onto Wash Green there are footpaths into the town. The nearest bus stops are in the Market Place with bus routes 6.1 The Sixes and 110. Therefore, on this basis, the proposal is considered to meet the requirement of Policy EC9 of being within 10 mins walk of the nearest bus stop. The site does have good links to existing footpaths to Wirksworth centre and The High Peak Trail can be accessed directly off Oakerthorpe Road to the north west at a distance of 1.6k. It is thus accepted that the site is within a sustainable location in accordance with this part of the Policy.

The impact of the development on the character and appearance of this part of the countryside

- 7.7 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) seeks to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment.
- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.9 Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.10 Policy EC9 of the Adopted Derbyshire Dales Local Plan (2017) further states that proposals for caravan and campsite developments will be permitted provided they would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and that any visual impact would be screened by existing landscape features from areas outside the site to which the public has access for the whole of the proposed operating season. Camping, caravan and chalet development will need to be carefully controlled to ensure that they do not have an adverse impact up.

7.11 Due to the fact the site was considered a sustainable location for tourist accommodation, negotiations were undertaken prior to the submission and during the application process to reach a scheme that was considered to be acceptable within this sensitive landscape. The development has been moved further to the east away from the steep slope on the land and involves excavating the land in order to create gradual bunds to mitigate the visual impact from the west and east. Both the visuals and the section demonstrate that the level of impact on the landscape from both long distance views from Wirksworth to the west and Oakerthorpe Road to the east are minimised to an acceptable degree with only 1m of the roofs of the units visible above the bund to the west and tree planting providing screening to the east. The stealth nature of the development and its scale is considered to be appropriate in this landscape context in accordance with the above mentioned policies.

Impact on the setting of the heritage asset

- 7.12 The site lies within Wirksworth Conservation Area with Policy PD2 requiring developments in Conservation Areas to demonstrate how the proposal has taken account of the local distinctive character and setting including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing in accordance with Character Appraisals. The Character Area Appraisal for Wirksworth identifies important views of the entire town and surrounding landscape from most of the sub area 11 and with the fields providing an important backdrop to the town. The area is included within the Conservation Area due to the historic medieval field patterns. The rising landscape to the east of Wirksworth was included within the Conservation Area as it forms an important landscape backdrop to the town and in this regard plays an intrinsic role in the character, appearance, setting and significance of the historic market town. On this basis, any proposals for development on this rising land must be considered and assessed in terms of its potential impact on the Conservation Area.
- 7.13 As the land in question is relatively flat and open it is intended to carry out engineering works to conceal, as much as possible, the proposed development. The sections show that the new access roadway would be cut into the level land and descend slightly to an area that would be excavated flat to house the four holiday accommodation units and amenity building. In front of the curved row of units it is proposed to use the excavated land to create a gradually raised earth bund (its height will be to approx. 1m to the height of the units and which would have some planting on it). To the rear of the units the land will be angled (just under 30 degrees) and a further earth bund created. The slope or angle of this bund would accommodate the solar panel array. The eastern slope of the new bund would be planted with new planting/shrubs. Parking (three spaces) would be located on the northern side of the site at the end of the new accessway and a section of this area has been provided to aid assessment.
- 7.14 The primary conservation issue is the impact of the proposed development on the landscape and setting of the Conservation Area. The proposed earth bund/mound to the front of the units is set at a height of 1m that would allow 1m of the roof height to be visible, limiting the potential impact of the cabins on the brow / horizon. In this regard, it is considered that the earth bund/mound is sufficient to aid concealment of the units. This would assist and negate any possibility of the development appearing as 'skyline' development.
- 7.15 The proposed earth works associated with the development depicted in the sectional drawings would ensure the site/development is as natural and organic as it can be and that no part of the earth works/development appears overtly 'artificial' or anomalous in the landscape setting and context. Having the bank to the front (west) limits the view of the lodges as they are set within a dip and curved recess in the landscape and the organic layout and discrete entrance is considered appropriate. The planting proposed to the rear

of the lodges and solar panels would require planting in the first planting season in order to establish and mitigate. Whilst timber cladding to the walls of the units are considered acceptable this should be stained/painted (opaque) a recessive colour (mid/dark grey) appropriate to the rural setting and context. The proposed window/door frames would need to be of a matching colour. The stone cladding is not considered appropriate and external materials shall be controlled by condition.

- 7.16 Section 72 of the 1990 Act imposes a general duty on Local Planning Authorities with respect to any buildings or other land in a Conservation Area that they should pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Subject to conditions in respect of external materials and landscaping, it is considered that the proposal is considered acceptable as it would preserve the character and appearance of the Conservation Area in accordance with Policy PD2.
- 7.17 All existing trees and hedgerows are to be retained on site and the car parking zone has been amended to avoid the root protection area (RPA) of the two trees. The RPA has been calculated as 6m and the site plan indicates an 8m distance and included the provision for temporary protective fencing. This change negates the need for any detailed tree assessment and the proposal is considered to accord with Policy PD6.
- 7.18 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. This proposal includes ground mounted solar panels and/or solar PV panels on the roof of the accommodation units are proposed together with possibly solar thermal and/or ground source heating with details to be agreed by condition in accordance with this policy.
- 7.19 To conclude the proposal is considered a sustainable location for tourist accommodation within walking distance of public transport and services within Wirksworth town centre. The organic layout, bunds and landscaping is considered to sufficiently mitigate the development within the landscape and would preserve the character and appearance of the Wirksworth Conservation Area.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason: This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This consent relates solely to the application as amended by the revised plans received by the Local Planning Authority on the 13th February 2024 numbered 1250/P04 Rev D, 1250/P07 Rev D, 1250/P08 Rev D and Accommodation design drawings 1 Rev D sheets 1 to 5.

Reason: For the avoidance of doubt.

3. Details including finish and colour of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is

carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policies PD1 and PD2 of Adopted Derbyshire Dales Local Plan.

4. Prior to the floor slabs of the buildings being constructed the proposed land levels, bund heights, surfacings and planting shall be inspected and agreed in writing by the Local Planning Authority and works implemented in accordance with these approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policies PD1 and PD2 of Adopted Derbyshire Dales Local Plan.

5. The accommodation hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 28 days in any calendar year or more than a total of 56 days in a calendar year and it shall not be reoccupied by the same person/s within 28 days following the end of that period.

Reason:

The development is not considered appropriate other than as a holiday accommodation because it is outside any Settlement Framework boundary and does not accord with the Development Plan policies for general housing, namely policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

6. The Development hereby approved shall not be brought into use until the access (including visibility sightlines), parking and turning facilities have been provided as shown on drawing "Site Layout Plan, as proposed" 1250/P04 Rev D. The area in advance of the visibility sightlines shall be maintained throughout the life of the development clear of any object greater than 0.6m relative to adjoining nearside carriageway channel level.

Reason:

In the interests of highway safety.

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

Reason:

In the interests of highway safety.

8. Prior to the works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason: In the interests of mitigating the effects of and adapting to climate change in accordance with the aims of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

9. Notwithstanding the submitted mitigation planting on plan 1250/P04 Rev D a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include :-
- a. all vegetation to be retained including details of boundary hedgerows within or overhanging the site.
 - b. all tree and plant species, sizes, densities, the number of each species to be planted and their protection;
 - c. means of enclosure; and
 - d. hard surfacing materials;

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing landscape features in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

10. All soft landscaping comprised in the approved details of landscaping required by condition 16 above shall be carried out in the first planting and seeding season following the first occupation of the stables or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application and during the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating landscape impact and setting of the Conservation Area.

This permission relates solely to the application plans and documents: -

1250/P04 Rev D,
1250/P07 Rev D,
Accommodation design drawings 1 Rev D sheets 1 to 5
Front Full site Elevation Proposed and Existing Rev D
Drainage strategy
Design, Access and Heritage Statement September 2023
The "Outside Inn" Business Strategy and Ethos

- a. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take

the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk

- b. The Highway Authority recommends that the first 5m of the modified/proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

Site signage is not permitted by this permission and advice from the Local Planning Authority should be sought prior to the erection of any signs.

The Wirksworth footpath 9 must remain open, unobstructed and on its legal alignment.

- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works.
- A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section.