

**North East Derbyshire District Council**

**Planning Committee**

**31 July 2018**

**Development Management Applications**

**Report No PM/06/18-19/AK of the Planning Manager – Development Management**

This report is public

**Schedule of Planning and Other Applications under the Town and Country Planning (General Development Procedure) Order 2015, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012**

**FOR THE INFORMATION OF MEMBERS**

**Legal and Financial Implications**

Members are advised that there may be legal and financial implications arising from determination of planning and other applications and the authorisation of enforcement action.

There is a right of appeal against a refusal of planning permission or the imposition of conditions on a planning approval, which may attract an award of costs against the Council. Preparation of the District Council's case in such appeals may necessitate expenditure on legal advice or Counsel.

Breaches of planning control, such as unauthorised development or the unauthorised use of buildings and land, or failure to comply with conditions may be redressed by the District Council's powers to take enforcement action. Such action may lead to possible further action in the Magistrates' or Crown Courts which may involve expenditure on legal advice and costs.

There is a right of appeal against the service of an enforcement notice. If any appeal is upheld it may attract costs against the Council.

**Human Rights Act 1998**

The reports consider decisions by the Council which may affect property rights of the owner (Article 8 and Article 1 may be relevant). Under the Human Rights Act 1998 the Council must be in a position to show:

- its action is in accordance with clearly established law
- the objective is sufficiently important to justify the action taken
- the decisions taken are objective and not irrational or arbitrary
- the methods used are no more than are necessary to accomplish the legitimate objective
- the interference impairs as little as possible the right or freedom

All action taken in considering applications, consents, and enforcement is the lawful duty of this Authority as Local Planning Authority. Decisions are objective and proportional being based on consideration of the National Planning Policy Framework and the policies contained in the North East Derbyshire Local Plan and all other material considerations.

There is a right of appeal against all decisions made by the Council.

### **Environmental Considerations**

There are environmental implications arising from the determination of planning applications and the authorisation of enforcement action. The consideration of the development of any site seeks to take into account the need to safeguard the environment, and the relevant issues are dealt with in each case in the Planning Assessment and Summary.

### **Community Safety Implications**

Members are advised that there are Community Safety Implications arising from the determination of planning applications.

Crime prevention is capable of being a material consideration in the determination of planning applications as set out in the National Planning Policy Framework. Where relevant these matters are addressed in each case in the Planning Assessment and Summary.

The safety of development sites is the responsibility of the site's operative and enforced by specialist agencies.

Issues with regard to highway safety are relevant to the determination of planning applications. These issues where relevant are addressed in each case in the Planning Assessment and Summary with the relevant advice of the Highway Authority incorporated in the report.

### **Background Papers**

The background papers relating to each application are the application forms, plans, representations received and replies to consultations, contained in the application file, the reference of which is given at the head of each report.

### **With reference to applications made for works to Protected Trees**

#### **Financial Implications**

The prescribed format when a Tree Preservation Order is made includes a section which makes provision for the payment by the Local Planning Authority, subject to such exceptions and conditions as may be specified in the Order, of compensation in respect of loss or damage caused or incurred in consequence of:-

- (a) the refusal of any consent required under the Order; or
- (b) the grant of any such consent subject to conditions.

Liability for compensation may be avoided by the Local Planning Authority in relation to trees which are subject to a Tree Preservation Order made prior to 2<sup>nd</sup> August 1999, and incorporating the appropriate wording, where in refusing consent or imposing conditions on an approval the Local Planning Authority are satisfied that their decision is in the interest of good forestry or that the tree(s) has/have an “outstanding” or “special” amenity value, unless the Council’s assessment of the amenity value of the Tree(s) is successfully challenged.

### **Legal Aspects**

Once an Order is made, applications for consent are required in respect of any proposed cutting down, topping, lopping or uprooting of any trees. There is a right of appeal to the Secretary of State against the decision of the Council to either refuse consent or grant permission for works subject to condition.

### **Environmental Considerations**

The making of a Tree Preservation Order, and the subsequent control of works to trees covered by Orders are likely to benefit the local environment through the contribution of the protected tree(s) to visual amenity and the retention of their ecological value. The assessment of all applications for consent for works balances this with the need for the works proposed.

### **Trees (Community Safety Implications)**

The health of a protected tree and its safety remain the responsibility of the tree’s owner, even where the tree is covered by a Tree Preservation Order. If a tree is dead, dying or dangerous, works to rectify the danger may be undertaken without the consent of the District Council.

The safety and health of a tree covered by a Tree Preservation Order is a material consideration in the determination of any application to undertake work to a protected tree. However, this has to be balanced against all other material factors when considering any particular submission.

## **DEVELOPMENT MANAGEMENT APPLICATIONS INDEX**

<b>PARISH</b>	<b>APPLICATION NUMBER</b>	<b>TITLE</b>	<b>PAGE NUMBER</b>
ASHOVER	NED/18/00291/RM	Reserved matters application for approval of access, appearance, landscaping, layout and scale relating to outline permission NED/15/01302/OL for a residential development of 5 dwellings (Departure from Development Plan) on and south of Jetting Cottage and Jetting Forge, Fallgate, Milltown, Ashover for Mr Philip Barltrop – Stenfold Resources Ltd).	<b>5 - 13</b>
ASHOVER	NED/18/00384/OL	Outline application for the construction of a two storey dwelling with integral garage (matters relating to access and layout under consideration and matters relating to appearance, landscaping and scale reserved) for Mr Perez (Amended Plans) (Amended Title).	<b>14 - 26</b>
PILSLEY	NED/18/00107/RM	Application for approval of the reserved matters for access, appearance, landscaping, layout and scale for the erection of 32 dwellings (pursuant to outline permission 11/00602/OL) at Fox Hall, Green Lane, Pilsley for A Rock Construction Limited (Major Development) (Amended Plans).	<b>27 - 42</b>
TUPTON	NED/18/00421/FL	Proposed erection of summerhouse to be used as a dog grooming business at 62 Burton Street Wingerworth Chesterfield for Miss C Vickers.	<b>43 - 49</b>

**PARISH:** Ashover

NED/18/00291/RM

**APPLICATION**

Reserved matters application for approval of access, appearance, landscaping, layout and scale relating to outline permission NED/15/01302/OL for a residential development of 5 dwellings (Departure from Development Plan) on and south of Jetting Cottage and Jetting Forge, Fallgate, Milltown, Ashover for Mr Philip Barltrop – Stenfold Resources Ltd.)

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The Site Inspection Group is to visit the site to look at the site and its relationship to neighbouring properties and the area.

**1.0 SITE DESCRIPTION:**

- 1.1 The site is situated towards the south-western side of the hamlet of Fallgate, Milltown and to the western side of Jetting Street. The site was previously part of an old quarry site but now has the character of a rough grassed paddock.
- 1.2 The site is flat and bounded by post and wire fencing, stone walls and hedging. To the south east of the site is a single storey building constructed of metal which is understood to have been associated with the Ashover Light Railway. The building is not to be changed as part of the proposals. Beyond this building is the River Amber which has trees on either side of its banks.
- 1.3 There is a concessionary footpath between the site and the river which is not affected by the proposal.

**2.0 PROPOSAL:**

- 2.1 The application seeks reserved matters approval relating to the layout, scale, appearance and landscaping of five dwellings. The layout shows the dwellings sitting close to the line of the existing track that crosses the site and accessed off Jetting Street close to its junction with the primary highway network. The properties increase in size the further away from the point of access. All properties are two storey with plot 5 having additional accommodation shown as an attic area within the roofspace.
- 2.2 The properties are to be constructed of stone with slate roofs and timber painted windows and black plastic rainwater goods replicating a cast iron appearance. A bin presentation area with a concrete slab surface is shown close to the access point which would be surrounded by a stone rubble wall.
- 2.3 The applicant has submitted information with the application including detailed elevations, a site plan, levels details, a proposed drainage scheme, proposed boundary treatments, the proposed bin presentation area and a contractors compound plan. During the course of the application revised details have been submitted for drainage, landscaping and planting and boundary treatments.
- 2.4 Access to the dwellings is via the lane which leads off from Jetting Street and which was formerly the access to the main quarry site to the rear.

### **3.0 PLANNING HISTORY:**

- 3.1 NED/01/00244/OL: Outline application initially for 24 dwellings which was then reduced down to twelve dwellings. Application refused and appeal dismissed. The appeal was dismissed as the Inspector decided that the development would harm the special landscape area and that the proposal would harm sustainability objectives in reference to the reuse of previously developed land and the use of the private car.
- 3.2 NED/02/00254/OL: Outline application for five dwellings, restoration of Ashover Light Railway station and creation of bowling green. Refused 18<sup>th</sup> April 2002. The site comprised of the three paddocks which formed part of the originally submitted application. The site was considered to be inappropriate development in the location by virtue of its scale, form, layout and relationship with Milltown. The site was also considered to be remote from local services and employment and would be significantly dependent on the use of private motor vehicles.
- 3.3 NED/15/01302/OL: Outline application for five dwellings with all matters reserved. The site was shown in the draft Ashover Neighbourhood Plan as a housing allocation site. The application was approved.

### **4.0 DEVELOPMENT PLAN POLICIES:**

- 4.1 The Development Plan for this area consists of the **North East Derbyshire Local Plan**. The relevant policies are discussed below.
- 4.2 The site lies outside the Settlement Development Limit for Ashover and as such countryside policies prevail. Policy GS5 of the North East Derbyshire Local Plan defines settlement development limits and states that outside settlement development limits new development will be considered against countryside policies.
- 4.3 Policy GS1 establishes the principles of sustainable development against which all development should be assessed. It states: "All development proposals will be required to have regard to the need to maintain or improve the quality of life of our communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute towards achieving a sustainable pattern of development.
- 4.4 The site is within the Special Landscape Area. Policy NE2 of the Local Plan states that within Special Landscape Areas as defined on the Proposal Maps, development will be permitted where:
  - (a) It would not materially detract from the surrounding landscape, nor adversely affect the setting of any heritage or wildlife resources; and
  - (b) The siting, scale, design, landscape treatment and the use and colour of materials in any building or engineering works are in keeping with the special character of the area; and
  - (c) It would not unduly disturb or detract from the visual amenity of an area by the attraction of large numbers of people or excessive traffic.
- 4.5 Policies NE1, NE3, NE6, NE7 and NE9 are all relevant Natural Environment Policies. These policies state the importance of protecting and enhancing the natural environment and protecting flora and fauna, including rare species and trees. NE9 relates to development within flood risk areas and states the importance of mitigating against any flood risk.

4.6 Policy BE1 sets out the following design principles to be used in assessing developments: "Proposals for new development and extensions to existing buildings will only be granted planning permission where they are of a density, scale, massing, height and layout, and use materials that:

- (a) respect the character and appearance of the surrounding area; and
- (b) contribute towards providing a safe and secure local environment.

Proposals will also need, where necessary, to provide landscaping appropriate to the setting, particularly where the development is visually prominent or located on the edge of a settlement".

4.7 Policy H12 states that new housing developments will be expected to respect the character of the site and its surroundings, not damage the amenities of neighbours, provide appropriate landscaping, provide satisfactory access and parking and provide adequate standards of privacy and outlook.

4.8 Policy T2 relates to Highway Access and the Impact of New Development and states that planning permission will only be granted for development which includes access by vehicles provided that:

- (a) The development would be served by a safe access with appropriate gradient, width, alignment and visibility;
- (b) The site is accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network;
- (c) There is satisfactory provision within the site for access, manoeuvring and circulation;
- (d) There is no significant adverse impact on the environment or amenity of local communities; and
- (e) The needs of pedestrians, people with disabilities, cyclists and public transport users are also taken into account.

4.9 The **North East Derbyshire Local Plan: Publication Draft (PD)** has now reached its publication draft stage and it has been formally submitted to the Secretary of State for examination. In accordance with Annex 1 of the NPPF, the PD is considered to carry *weight* at this stage.

4.10 The policies of the PD are consistent with the policies of the extant Local Plan as set out above and re-affirms their general intentions. Policy SS1 relates to sustainable development, SS9 to development in the countryside, policy SDC1 to landscape character, SDC4 to biodiversity, SDC11 to flood risk and drainage, SDC12 to design and SDC13 to Environmental Quality.

4.11 The **Ashover Neighbourhood Plan (ANP)** was adopted on 9 February 2018.

The following policies are considered pertinent to the determination of this application:

- AP2 Development Proposals Outside SDL's
- AP4 New Housing Mix
- AP11 Design
- AP14 Landscape Character

- 4.12 The **National Planning Policy Framework (NPPF)** seeks to ensure that new development is of a high quality design and that there is a good standard of amenity for all future occupants of the buildings, that new development conserves and enhances the natural environment and that it is undertaken in a manner that makes the fullest possible use of public transport, walking and cycling focussing development in sustainable locations.

## **5.0 HIGHWAY MATTERS:**

- 5.1 The Highway Authority (HA) has commented on the proposal raising concerns. It considers that the access on to Jetting Street is substandard but due to the little development along the lane and the fact that speeds are likely to be negligible it would be difficult to sustain an objection.
- 5.2 It also has concerns over the access from Jetting Street across the bridge onto Fallgate. However given the overall traffic volumes and what they state is the “narrow width and tortuous alignment” speeds would be low and unlikely to be in regular use by larger vehicles and consequently they are of the view that emerging visibility would be acceptable.
- 5.3 They believe that the existing bridge over the River Amber is single track in width and also on the line of a bridleway. They consider that in order to improve pedestrian safety it would be desirable to raise the height of the parapets. Officers note that the bridge is outside of the application site and it would not be reasonable for this work to be done. If the application was to be approved a note could be added to address this concern.
- 5.4 The HA also note that detailed drawings of the access have not been provided and it has requested swept path analysis of the access. However given the fact that the access was used by large HGV's accessing the former quarry Officers do not consider it reasonable to require this information at this stage. Moreover additional plans have been submitted which show the access in detail show the first 5m to be asphalt surfaced with the remaining track being formed from limestone chippings similar to those already in place.
- 5.5 The HA also point out that they would not adopt this private drive and that there is no defined turning head at the end of the drive. Each property however, does have its own turning area and it is not considered as necessary to require a turning head at the end of the drive.

## **6.0 CONSULTATIONS AND REPRESENTATIONS:**

- 6.1 The **Parish Council** have stated that they have no comments to make.
- 6.2 **Derbyshire Police** have confirmed that they have no comments to make.
- 6.3 **Derbyshire Wildlife Trust (DWT)** welcomed the fact that development is only proposed in the first field but also noted that condition 17 of the outline consent requires an ecological mitigation scheme. They have concerns regarding landscaping and in particular the use of non-native hedging and advise that the grassland should be retained and not reseeded. The application has been revised and now shows native hedgerow planting in addition to wildflower planting on the



southern boundary but no further comments have yet been received from the DWT but will be reported to Committee as appropriate.

- 6.4 **Environmental Health** note that the submitted Phase I contaminated land assessment has identified the need for remedial measure. Consequently they have asked further questions from the applicant. The applicant has submitted further information to address these concerns and the response from Environmental Health is awaited and will be reported to Committee as appropriate.
- 6.5 **Severn Trent Water** has been consulted on the proposals and has no objections subject to the inclusion of an informative regarding the connection to a sewer.
- 6.6 The **County Archaeologist** has confirmed that they have no additional comments to make on this application further to their comments on the outline permission.
- 6.7 As discussed in the previous section the **Highway Authority** has been consulted and offers no objections in principle.
- 6.8 The **DCC Flood team** has confirmed that they have no comment to make on the application.
- 6.9 The **Environment Agency** have no objections.
- 6.10 The local footpaths secretary of the **Ramblers** have noted the concessionary path to the south east of the site and suggest that this path be granted a public right of way status. (N.B. This is not a matter for consideration in this instance)
- 6.11 **Streetscene** have no objections but pointed out the need for space for bins and that the proposed bin collection area needs to be on hardstanding and not gravel
- 6.12 Twelve neighbouring properties have been notified and a site notice and advertisement published. One comment has been received pointing out an error on the originally submitted plans which has been corrected in the revised submitted plans. A second asks for the concessionary footpath to be made a public right of way.

## **7.0 PLANNING CONSIDERATIONS:**

- 7.1 The planning considerations for this application are its design, any impact on the character of the surrounding area, the amenity of neighbouring uses and highway safety issues.

## **8.0 PLANNING ASSESSMENT AND SUMMARY:**

- 8.1 The site is located outside the settlement development limits (set out in the adopted Local Plan), and so in the countryside, and in an area designated as a Special Landscape Area
- 8.2 The principle of development has already been established through the granting of outline planning permission, under planning reference NED/15/01392/OL, with all matters reserved. It is therefore only the issues of detail that are to be considered at this stage
- 8.3 The site is in the countryside and a Special Landscape Area where policies state that development should either preserve or enhance the character of the landscape area and be in keeping with the character of the countryside and not represent a prominent intrusion into the countryside. New housing development should generally respect the character of the site and its surroundings, ensure adequate standards of amenity, provide safe traffic circulation and provide adequate landscaping as appropriate.

- 8.4 The development site is generally open in character and visually divorced from other built development. However, as the development has permission in principle the two storey nature of the development, whilst impacting on the open nature of this area is considered generally acceptable, as the site has no overriding special character and is generally screened from medium or long distance views by belts of trees or woodlands, it is of a limited scale and area and so it is considered will preserve the special landscape area.
- 8.5 The site is close to the Flood Zone 3, the area of highest risk from flooding. Following on from the outline permission the proposal shows all new development to be outside of the flood zone. Some garden areas do however extend into the flood zone area. As such, it is considered as reasonable to impose a condition removing permitted development rights for any outbuildings to ensure that built development is not sited in the flood zone areas without consent as well as mitigating the impact of potential outbuildings on the character and appearance of the area. It is noted that there are no objections from either the Environment Agency or Derbyshire County Council acting as Lead Local Flood Authority.
- 8.6 The outline permission showed five dwellings on an indicative layout. This layout has been broadly followed in the current application with two smaller dwellings (three bedroomed) to the left of the access road and then three larger dwellings (four bedroomed) the first two of which have single garages to the front with the third having a double garage.
- 8.7 Officers consider that there are certain design deficiencies in the proposed layout, the most obvious of which is the suburban character of the development which may appear at odds with the prevailing character of the area and the proposal to have three garages to the front of, and so dominate, the dwellings.
- 8.8 However, whilst Officers would normally expect garaging to be to the side or rear of new dwellings, in this case it would expose them to greater public view from both the concessionary footpath and the highway network.
- 8.9 The dwellings themselves are to be built of stone with slate roofs and stone cills, which is welcomed and a materials schedule has been supplied showing timber painted windows and plastic cast iron style rainwater goods. Whilst the materials are considered as acceptable it is still considered as necessary to require samples of the stone and slate to be used particularly as the scheduled indicates the use of a number of possible stones and either reclaimed or new slates.
- 8.10 The dwellings are large in size and will be generally larger than the majority of the nearby former quarry cottages. However, their design is not dissimilar to those built elsewhere in Fallgate including those at the former Wildgoose site and at the former public house site. This is considered to weigh in favour of the proposal. However, due to the scale of the dwellings it is considered appropriate in this location to further limit extensions to ensure that any further development to the dwellings themselves is controlled.
- 8.11 Due to their location and orientation the new dwellings will not impact on the privacy of any nearby properties.
- 8.12 The site was formerly part of the Milltown Quarry site and mapping from the fifties suggest that tipping has occurred on the development area. Conditions were imposed on the original permission and a study submitted as part of the application. Environmental Health have been consulted on the proposal and reviewed the information. They noted the high levels of lead and requested further information. This has been submitted by the applicant but the further response from

Environmental Health has not yet been received. It will be reported to the Committee as appropriate.

- 8.13 Derbyshire Wildlife Trust asked for changes to the proposed landscaping and that the garden areas should not be reseeded. A revised landscaping plan with new boundary treatments has been submitted. This shows native hedgerow planting for the boundaries on the south side of the dwellings together with a wildflower mix on the southern boundary. Outside of the curtilages of the dwellings there is another buffer of existing grassland between the garden areas and the river. It is not possible to require the lawns not to be reseeded as the contamination remedial measures will include a capping layer of new soil.
- 8.14 The Highway Authority has(HA) been consulted on the proposal and has no fundamental objection to the application. They do have some concerns which are detailed in Section 5 above.
- 8.15 The access to the site was formerly used by HGV vehicles accessing the old quarry. Whilst no swept paths are shown given the space available and the former use of the track it is considered as unreasonable to require further details on this issue. There is sufficient parking and turning areas to each property and subject to a condition requiring this being in place before first occupation of the dwellings the details provided are considered as acceptable.
- 8.16 The HA also express concerns over the narrow width of the bridge over the River Amber and the low parapets. Whilst they acknowledge that it was previously used by HGV's accessing the quarry they would like the parapets to be higher to improve pedestrian safety. However given this is outside of the application site and as it is an existing and longstanding situation it is not considered as reasonable to require the parapets to be raised.
- 8.17 Overall the access is considered to be acceptable. Details have been submitted within the application to cover a construction compound details, drainage schemes and bin presentation areas. No consultee response has been received objecting to those details. STWA have asked for an informative to be added to any permission that may be granted regarding connections to the sewer whilst Streetscene have requested a flat area for bin storage. An informative can be place on any decision as requested whilst the bin presentation area is of an adequate size and with a concrete slab surface. These details are considered as acceptable.

### **Conclusion**

- 8.18 The application seeks consent for 5 dwellings on a site that has an extant outline consent to construct 5 units.
- 8.19 Officers are generally disappointed with the design of this scheme which, in particular, is suburban in appearance, seeks to maximise the built form within the site and has garages that come forward of the units and so dominate them.
- 8.20 However, the application has been submitted to address the details relating to appearance, landscaping, layout and scale. Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the proposal is, on balance, acceptable as it already has consent granted for its development, is generally hidden for longer range views, it is shielded to an extent by vegetation close to the river corridor and is to be built of appropriate materials.

8.21 Therefore, it is recommended that planning permission is granted subject to conditions

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## 9.0 **SUMMARY OF CONSULTATIONS:**

<u>County Highways:</u>	No objections in principle
<u>County Planning:</u>	N/A
<u>Environmental Health:</u>	Require conditions re contamination
<u>Access Officer:</u>	N/A
<u>Neighbour:</u>	None objecting with two offering general comments
<u>Environment Agency</u>	No objections
<u>Others:</u>	N/A
<u>Parish Council:</u>	No comments

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## 10.0 **RECOMMENDATION:**

**GRANT** planning permission subject to the following conditions:

- 1) The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless 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:

15-041-P0002 Rev C	Site Plan
FGH.MW.0001 E	Planting Plan
15-041-P010	Bin Presentation Area
15-041-P007	Plot 5
15-041-P006	Plots 3 and 4
15-041-P005	Plots 1 and 2
15-041-P011	Contractors Compound
16544-240 Rev F	Drainage Layout
15-041-P008	Surface Water Drainage Layout
16544-210 rev B	Levels plan

- 2) Before any above ground work starts, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 3) Before the dwellings are first occupied, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the areas shall be used for those designated purposes only and maintained free from any impediment to those uses.
- 4) 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) or curtilage buildings (Part 1 Class E) shall be erected without first obtaining planning permission.



NED/18/00291/RM

**PARISH: ASHOVER**

NED/18/00384/OL

**APPLICATION:**

Outline application for the construction of a two storey dwelling with integral garage (matters relating to access and layout under consideration and matters relating to appearance, landscaping and scale reserved) for Mr Perez (Amended Plans) (Amended Title).

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The Site Inspection Group is to visit the site to view the impact of development on the character of the site and the surrounding Special Landscape Area, the impact upon non-designated heritage assets, the ecological impacts, the amenity of neighbouring land uses and highway safety.

**1.0 SITE DESCRIPTION:**

- 1.1 The application site forms the residential garden of Overton Lodge, with the site currently containing a linear single storey building projecting from the main house. The site fronts onto Jetting Street to the east and land levels slope up steeply to the west.
- 1.2 To the north of the application site is elevated sloping land which has been cleared of any tree planting and has outline planning permission, with all matters reserved for one dwelling (17/01359/OL).
- 1.3 Further to the north, at the former entrance of Milltown Quarry, another single dwelling has been approved in outline, with all matter reserved (17/00030/OL).
- 1.4 Jetting Street extends south towards Fallgate and into the countryside to the north. A number of listed buildings lie in elevated positions on the hillside to the west, including Common Bank Cottage and Commonbank House. These properties are accessed via a steep track which leads from Jetting Street to the north of the application site.
- 1.5 Jetting Street also doubles as a Public Right of Way (PRoW 60) and Bridleway (136). It is also the former route of the Stretton and Ashover Light Railway.
- 1.6 The River Amber lies to the eastern side of Jetting Street, with a footpath (PRoW 143) crossing the river further to the north of the application site. A small section of the eastern part of the application site sits within Flood Zone 2 and 3.
- 1.7 The site is located within open countryside which is designated as a Special Landscape Area. It also sits within Stars Wood and Milltown Quarry which is a designated Local Wildlife Site (NE300).

**2.0 PROPOSAL:**

- 2.1 Originally permission was sought, in outline, for a two storey dwelling with appearance, landscaping and layout under consideration. However concern was raised lack of information provided with the submission.
- 2.2 As a result of discussions with the applicant, it was decided to seek outline consent for the construction of a two storey dwelling with integral garage, with matters relating

to the access and layout under consideration. Matters relating to the appearance, landscaping and scale being reserved.

- 2.3 An amended indicative layout has been submitted illustrating a detached property set back in the application site, with an area of hardstanding fronting the site. Access would be taken from Jetting Street.
- 2.4 The application is also accompanied by a Design and Access Statement, Biodiversity Survey and Bat Report.

### **3.0 PLANNING HISTORY:**

- 3.1 01/00111/LDC - Application for a certificate of lawful existing use relating to the use of Overton Lodge, Commonbank House, Brookside Cottage and Jetting Cottage as domestic dwellings and associated curtilages (Certificate Part Issued)
- 3.2 03/01190/FL - Proposed engineering operation to remove bund (Refused)
- 3.3 04/00114/LDC - Continued use of the former 3 Milltown Cottages as a dwelling (Certificate Issued)
- 3.4 17/00137/OL - Outline application (all matters reserved) for one dwelling on land adjacent (affecting setting of a listed building) (Withdrawn)

### **4.0 DEVELOPMENT PLAN POLICIES:**

- 4.1 The most relevant policies of the Local Plan are:-

GS1	Sustainable Development
GS6	Open Countryside
H3	Housing Development Outside SDL
H12	Design and Layout of New Housing
NE1	Landscape Character
NE2	Special Landscape Area
NE3	Protecting and Managing Features of Importance to Wild Flora and Fauna
NE6	Development Affecting Nationally Rare Species
NE7	Protection of Trees and Hedgerows
BE1	General Design Principles
BE6	Archaeology
T2	Highway Access and the Impact of New Development
T5	Walking and Cycling
T6	Public Transport
T9	Parking Provision
CSU4	Surface and Foul Water Drainage
CSU6	Contamination Land

- 4.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.

- 4.3 The Ashover Neighbourhood Plan (ANP) was adopted on 9 February 2018. The following policies should carry weight in any decision:

AP2	Development Proposals Outside SDL's
AP11	Design
AP13	Landscape Character

- AP15 Important Trees and Hedgerows
- AP16 Dry Stone Walls
- AP19 Dark Skies (Should be more than 50m from a street light)
- AP20 Traffic
- AP21 Footpaths, Cycleways and Bridleways

4.4 The following Council Policies and documents are also relevant:

- Interim Housing Policy
- Sustainable Buildings SPD

4.5 The policies of the National Planning Policy Framework (NPPF) are also a significant material consideration.

## **5.0 CONSULTATIONS AND REPRESENTATIONS:**

5.1 The **Parish Council** does not support the proposed development as it lies outside any defined settlement development limit and therefore contrary to Policy AP2 of the Ashover Parish Neighbourhood Plan. No affordable housing need has been demonstrated and concerns are also raised regarding the access and inadequate parking is provided for visitors.

5.2 The **Local Ward Member** raised no comments.

5.3 The **County Highways Authority** initially recommended at least 2.4m by 18m visibility sightlines from the site access. It is also noted that the driveway gradient would be 1 in 6, which is far steeper than typically allowed. However the Highways Authority would not object purely on the gradient of the proposed access. There appears to be ample on-site parking provided. As such the Highways Authority states that if adequate visibility splays could be provided then no objection would be made subject to conditions.

5.4 The **County Highways Authority** was re-consulted on the amended plans and note that a splay of 2.4m by 18m can be achieved and parking can be provided on site, albeit with limited manoeuvring provision. The Highways Authority therefore consider the submitted details to be acceptable, providing the conditions recommended in the original comments are included in any issued decision.

5.5 The Councils **Environmental Health Officer** reviewed the submitted details and are not aware of any recorded historical uses on the application site that would pose a significant risk to future users of the site. It is assumed that there will be no need to deal with contamination of surface soils on site and therefore no objection is made subject to the inclusion of a number of land contamination conditions on any decision issued.

5.6 **Derbyshire Wildlife Trust (DWT)** considered the Preliminary Ecological Appraisal undertaken by Absolute Ecology dated February 2018 and the associated application documents. DWT noted that the buildings on site have a moderate bat roost potential and as such additional nocturnal bat surveys are required prior to determination so that the LPA can fulfil their duty under the Habitat Regulations 2017. The site is located at the edge of Stars Wood and Milltown Quarry Local Wildlife Site, neither of which were picked up in the submitted ecological report. The report is unclear as to whether the trees located to the west will be retained or whether further site clearance will be required on site. DWT are concerned that the proposal will result in more site clearance and encroachment into the neighbouring Local Wildlife Site. Additional impacts such as lighting are also likely to arise. The cumulative effect of the numerous planning applications in this area to local habitats and wildlife should also be considered by the LPA.



- 5.7 Following the submission of a Bat Presence/Likely Absence Survey dated June 2017 and produced by Absolute Ecology the **Derbyshire Wildlife Trust (DWT)** was consulted for a second time. DWT considers that the survey work was undertaken in accordance with standard guidance and sufficient survey work has now been undertaken. No roosting bats were recorded in association with the onsite building and therefore no specific mitigation for roosting bats is required. A moderate to high level of bat activity around the site was recorded, as anticipated, and therefore lighting should be carefully designed and a sensitive scheme secured through a planning condition. A bat box within the proposed development would represent a net gain for biodiversity.
- 5.8 The submitted details still do not clarify whether the tree lined western boundary of the site would be retained and it is also unclear whether the footprint of the proposed dwelling will be located within the existing garden or if further clearance of the slope to the rear will be required. DWT are concerned that the proposal would lead to further habitat clearance and encroachment into neighbouring local wildlife sites. Furthermore the impact of domestic lighting may also arise. It is therefore considered that the cumulative effect of the numerous planning applications in this area to local habitats and wildlife should be considered by the LPA when reaching a decision. If the LPA are minded to approve the scheme the DWT considers that conditions relating to lighting and ecological enhancements should be included in any issued decision.
- 5.9 Derbyshire County Council **Lead Local Flood Team (LLFA)** reviewed the submitted application against the flood risk matrix and as such a bespoke response from the LLFA is not required. It is not considered that the site is at risk from surface water flooding, however impermeable surfacing should be used on site where possible. A Sustainable Drainage Systems (SuDS) should be incorporated into the proposed development. Any scheme should be designed in line with DEFRA's non statutory technical standards for SuDS. The LLFA also note that the site is not at risk of flooding, however the site may be at risk of flooding from historical mining and mineral extraction. Any work undertaken on the nearby watercourse would require consent under the Land Drainage Act 1991 from the LLFA.
- 5.10 **Derbyshire County Council Archaeologist** notes that the site contains a record on the Derbyshire HER for the line of the former Stretton and Ashover Light Railway (HER 4211), however a heritage impact assessment submitted recently for the adjacent site (17/01359/FL) established that the line in fact ran along what is now Jetting Street, to the east. The house known as Overton Lodge was formerly the George IV public house, with attached stables. The building appears to be of late 18<sup>th</sup> or early 19<sup>th</sup> century date, is undesignated and does not have an entry on the Derbyshire HER, however it could be considered to be an undesignated heritage asset of local importance, with evidential value relating to the development of Fallgate as an industrial hamlet during the 18<sup>th</sup>/19<sup>th</sup> centuries. The current proposals would involve demolition of the stables block to the former public house, with corresponding loss of legibility and group value. The proposed development would also be harmful to the asset through its setting, through a rather dominating raised design in comparison to the historic building. The proposals would therefore result in a moderate (low-medium) quantum of harm to the significance of a heritage asset of local (low) importance. This should be weighed in the balance by the Local Planning Authority in judging the application against NPPF para 135.
- 5.11 **2 objections** have been received from local residents relating to the proposed development. The main points raised in the objections can be summarised as follows:

- The partial demolition of Overton Lodge to facilitate the proposed new dwelling, which is of historic interest
- Overton Lodge was a former public house and the stables identified for removal are an integral part of that building and its history
- Demolition of the stables would adversely affect the character and profile of this building
- Plot is too small and will require significant excavation into the bank behind
- Inadequate parking and turning proposed on site
- Located on narrow lane with no opportunities for on road parking
- Two dwellings have already been approved on Jetting Street and development will exacerbate parking and turning in locality. Turning of vehicles in private drives is not acceptable
- This is not an 'infill' site
- Contrary to the Local Plan
- Sufficient housing supply in local area – no need for new 4 bedroom dwelling
- Overdevelopment of site
- Fallgate is an unsustainable location with no shops or facilities and a very limited bus service
- Increase in traffic along Jetting Street would be detrimental to highway safety
- No further increase in traffic movements can be safely accommodated
- Delivery vehicles already have difficulty navigating Jetting Street
- The property would be on a bend in the road and again the number of pedestrians and walkers would be at risk from any vehicle pulling out effectively blind from the proposed property onto the single track lane with no margin for error
- Elevated property would appear out of keeping with the character of the area and be intrusive on the adjacent historic building
- Proposal would be detrimental to ecological features and wildlife of the area
- Development would result in the destruction of the fabric of an historic building
- Development would be unsympathetic
- Proposal would dominate the historic building
- Proposal is too large for the application site
- Jetting Street has no footpath
- Jetting Street used by pedestrians, cyclists and horse riders
- Water pressure issues in local area
- Sewerage infrastructure poor
- Blackspot for mobile telephones
- Fallgate has enough large executive homes

## **6.0 PLANNING CONSIDERATIONS:**

- 6.1 The main considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding Special Landscape Area, the impact upon local heritage assets, the ecological impacts, the amenity of neighbouring users and highway safety.

## **7.0 PLANNING ASSESSMENT AND SUMMARY:**

- 7.1 The application submitted for consideration is for outline consent for one dwelling, with matters relating to the access and layout under consideration and matters relating to appearance, landscaping and scale reserved for subsequent approval.

- 7.2 A layout has been submitted for consideration, along with a topographical survey, Design and Access Statement, Preliminary Ecological Appraisal and Bat Survey.
- 7.3 The application site is outside any defined Settlement Development Limit, within open countryside which is designated as a Special Landscape Area.

### **Principle of Development**

- 7.4 The application site is located in the hamlet of Fallgate, outside any defined Settlement Development Limit within open countryside. Local Plan Policy H3 seeks to resist development in such areas outside settlement development limits, unless the proposal falls within an overriding exemption category. This scheme does not fall within one of the exemption categories and no special circumstances have been submitted.
- 7.5 The site sits within open countryside which is designated as a Special Landscape Area with the most relevant Local Plan Policies being GS6 and NE2. These policies seek to restrict development unless there is a genuine need. Policy GS1 also seeks to ensure that all development proposals have regard to sustainable development.
- 7.6 The Council has recently submitted the Publication Draft Local Plan for examination and has reported to members that it has over 7 years supply of deliverable housing land. This is based on an objectively assessed need (OAN). Therefore it should be considered that Saved Local Plan Policies relating to housing should not be considered out of date and can be given due weight in the determination of planning applications.
- 7.7 In view of the above, it is considered that the proposed development would be contrary to countryside protection policies GS1, GS6, NE2 and H3 of the saved Local Plan. Furthermore, the Council is now at an advanced stage in the production of a new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. In this instance the site lies outside any defined settlement development limit, so is located in the countryside.
- 7.8 However, it is also accepted that the NPPF looks to encourage development (including residential development) when considered against the three strands of sustainable development; these being economic, social and environmental factors.
- 7.9 The construction of one dwelling would deliver a short term benefit through the construction phase and some limited ongoing benefits as a result of the spending capabilities of one additional family to the area generally. However, one dwelling would not make a significant contribution to the Council's housing land supply, and so should be afforded very limited weight in this case, and it would offer little to enhancing or maintaining the vitality of Fallgate and Ashover due to its isolated location and distance from the centre of Ashover. Indeed, any occupant of a future dwelling is far more likely to visit more distant larger settlements.
- 7.10 The nearest bus stop is approximately 0.3 miles from the application site, close to the former Nettle Inn to the north east. However this is along a narrow, predominantly unlit road, with only a short section having a footpath. It is not considered that this would be an attractive option for a young family. Even having navigated the route to the bus stop, the bus service is very limited. One service connects Matlock and Clay Cross, with the other serving Chesterfield and Matlock. It is therefore highly likely that any new residents would drive to Ashover and beyond. Moreover, once in their cars,

the potential for travelling further afield to access employment, leisure and retail services would be enhanced, particularly given the proximity and limited services in the immediate locality. Therefore the economic and social benefits arising from the proposed development would be very limited.

- 7.11 In environmental terms, the application site is steeply sloping and contains a number of mature trees close to the north and western boundaries. One large tree will need to be removed from the northern boundary and extensive excavations will be required to accommodate the proposed dwelling. These trees and features form part of a Local Wildlife Site. Furthermore a single storey extension will need to be demolished at Overton Lodge, which used to be stables associated with the former George IV public house; and which is a non designated heritage asset. As such, it is considered that the proposed development would lead to an irreversible loss to the natural and historic environment. Therefore it is considered that any benefits relating to the construction of a new dwelling, would not be outweighed by the environmental harm arising from such development.
- 7.12 Furthermore the Publication Draft Local includes an updated Settlement Role and Function Study which reassessed Fallgate as a level 4 settlement which is considered to be a “very small settlement or hamlet”, with no plans to draw a settlement boundary around its limits. In addition to this, Fallgate is also identified as a countryside location in the Ashover Parish Neighbourhood Plan.
- 7.13 In view of the above, it is considered that the construction of a single dwelling in this location would not represent sustainable development, as such the principle of development is not considered to be acceptable.

### **Landscape Considerations**

- 7.14 The application site represents garden land associated with Overton Lodge and is edged by woodland to the west. The site sits within open countryside which is designated as a Special Landscape Area and appears isolated away from main built form of Fallgate.
- 7.15 The application site is made up of steeply sloping ground, with the rear part of the site, containing a number of mature trees. A number of other mature trees lie to the northern boundary of the site. The submitted plans illustrate that one mature tree, close to the northern boundary of the site will have to be removed.
- 7.16 The site immediately abuts and fronts onto Jetting Street. Views from the south of the new dwelling along Jetting Street would be partially screened by Overton Lodge but the proposed dwelling would be highly visible when approaching the site from the north. Whilst Jetting Street is relatively low trafficked by vehicles, the route is well used by ramblers and horse riders. In fact, Jetting Street is a designated bridleway (Bridleway 136) and two footpaths connect onto Jetting Street to the north (PRoW 143) and west (PRoW 60).
- 7.17 Although the site is relatively well screened from far reaching views, it is considered that the localised impact of constructing a single detached dwelling in this location would represent an obtrusive encroachment into the countryside, which would have a detrimental impact upon character and appearance of the Special Landscape Area.
- 7.17 In view of the above, it is considered that the proposed development would materially detract from, and be out of keeping with the special character of the area. Furthermore, it would represent development that would fail to meet the environmental tests of sustainable development.

## **Impact upon Neighbours**

- 7.18 The single storey element of Overton Lodge would have to be demolished make way for the proposed dwelling. Planning permission has recently been approved for a single detached dwelling on land to the north, however this was in outline only with all matters reserved. Therefore the proposed dwelling would be most likely to affect the privacy and amenity of neighbouring residential properties to the north west and south.
- 7.19 The proposal is in outline with only matters relating to the layout and access under consideration. The proposed dwelling would be positioned back in the application site and in all likelihood in an elevated position. However no specific details have been provided as to how a new dwelling would be accommodated on the site and how land levels would have to be amended to accommodate the proposed dwelling. The layout illustrates that the proposed dwelling would be double storey in scale and be set back from the rear elevation of Overton Lodge to the south. It is considered that a two storey dwelling, on such a steeply sloping site, would have an overbearing impact upon Overton Lodge to the south.
- 7.20 The relationship with the proposed property to the north is more unknown, due to it having only recently been approved, in outline with all matters reserved. If permission was to be allowed on this site then it is considered that a suitable scheme could be approved at the reserved matters stage so that the future relationship with any property to the north west is acceptable.
- 7.21 Consideration should be made to the general comings and goings associated with the creation of a single dwelling in this location down a narrow track which doubles as an informal public footpath. Several dwellings are located further to the south east along Jetting Street, with two properties abutting the public highway. Any vehicles using the track to access the application site would pass close to these properties. However, I do not consider that the comings and goings associated with one additional dwelling would be harmful to the amenity of these existing residents.
- 7.22 Moving onto the potential future residents of the proposed dwelling, the Councils Successful Places Interim Planning Guidance requires dwellings to have minimum outdoor amenity space. The requirements range from 50sqm, for a 2 bed dwelling and up to 90sqm, for a 4 bed dwelling. Whilst, on paper, the outdoor amenity space would broadly comply with the requirements of the Councils Successful Places Interim Guidance, Officers have concern regarding the practicality of having such a steeply sloping garden, which is heavily dominated by mature tree planting and this resulting in a substandard outdoor amenity space for any future residents. However, no such details have been submitted as to how the proposed outdoor amenity space would function and how many bedrooms would be provided in the proposed dwelling.
- 7.23 Notwithstanding the above, it is considered that a single dwelling could be satisfactorily accommodated within the site without giving rise to any loss of privacy and amenity to neighbouring residents, however Officers would raise concern as to the steeply sloping nature of the site and the lack of practical outdoor amenity space that could be provided for a family dwelling.

## **Highway Safety Considerations**

- 7.24 The proposed dwelling would be located along Jetting Street, which is a narrow, roughly surfaced highway which doubles as a bridleway. It serves a number of existing properties to the south, north and west.

- 7.25 The indicative layout illustrates a single point of access onto Jetting Street with a large area of hardstanding made up of space for the parking and manoeuvring vehicles allowing them to enter and exit the site in a forward gear.
- 7.26 The County Highways Authority was consulted on the proposal and note that a splay of 2.4m by 18m can be achieved and adequate parking can be provided within the application site. The Highways Authority therefore considers the submitted plans to be acceptable providing relevant highway safety conditions are included on any decision issued.
- 7.27 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

### **Ecology and Biodiversity Considerations**

- 7.28 The application site is made up of steeply sloping ground which forms part of the domestic garden associated with Overton Lodge. The proposal would result in the removal of a single storey element and a mature tree located along the northern boundary. The application is accompanied by a Preliminary Ecological Appraisal, produced by Absolute Ecology dated February 2018 and a Bat Presence/Likely Absence Report produced by Absolute ecology, dated June 2018. However no tree assessment has been submitted as part of the application process.
- 7.29 The application site falls within the Stars Wood and Milltown Quarry Local Wildlife Site (LWS) (NE300) which is a designated ancient semi natural Oak woodland.
- 7.30 Derbyshire Wildlife Trust (DWT) considered the submitted documentation and note that the building on site has a moderate bat roost potential and as such additional survey work was requested. It was noted that the application was located on the edge of Stars Wood and Milltown Quarry LWS and would impact upon native tree planting.
- 7.31 As a result of further survey work the DWT considered this was now sufficient to allow a decision to be made by the LPA. No roosting bats were recorded on site and therefore no bat mitigation is required. However lighting on site should be limited and sensitively designed due to the high level of bat activity in the locality. Any bat boxes would represent a net gain for biodiversity. DWT are concerned about site clearance and the encroachment into the LWS, especially given the cumulative effect of numerous planning applications having already been approved in this area to local habitats and wildlife. If the LPA are minded to approve the scheme the DWT considers that conditions relating to lighting and ecological enhancements should be included in any issued decision.
- 7.32 In view of the above, the proposed dwelling would be located on land which is currently domestic garden and it is considered that a sympathetically designed scheme, together with a sensitive scheme of on-site lighting and the implementation of ecological and biodiversity mitigation could be adequately addressed through suitably worded conditions on any decision issued by the LPA. Therefore it is not considered that the scheme should be refused on ecology grounds in this instance.

### **Heritage Considerations**

- 7.33 The application proposes the demolition of a single storey element which used to form the stable building attached to a former George IV public house. The building is dated from the late 18<sup>th</sup> or early 19<sup>th</sup> century and is undesignated and does not have an entry on the Derbyshire HER, however the Councils Archaeologist considers it to be of local importance, with evidential value relating to the development of Fallgate as an industrial hamlet during the 18<sup>th</sup>/19<sup>th</sup> centuries.

- 7.34 The NPPF states at para 135 that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 7.35 The County Council Archaeologist notes that the proposal would result in the demolition of the stable block to the former public house, with corresponding loss of legibility and group value. The proposal would also be harmful to the asset through its setting, through a rather dominating raised design in comparison to the historic building. The proposals would therefore result in a moderate (low-medium) quantum of harm to the significance of a heritage asset of local (low) importance. This should be weighed in the balance by the Local Planning Authority in judging the application against NPPF para 135.
- 7.36 In view of the above, the proposed amended layout illustrates the creation of a T shaped dwelling on land immediately to the north of Overton Lodge. The former stable building attached to Overton Lodge would have to be demolished in order to make way for a new access and turning area associated with the proposed dwelling. A large swathe of hardstanding is proposed to the site frontage and the proposed dwelling would, in all likelihood, require a significant amount of digging into the sloping application site. It is therefore considered that the proposed development would result in a dominating raised design that would lead to a loss of legibility and group value of the heritage asset, which would not be outweighed by the benefits of approving such development.

### **Other Considerations**

- 7.37 The application site is within Flood Zone 1, where standing advice for surface water management should be used by the Local Planning Authority to determine the planning application as guided by the Environment Agency.
- 7.38 The Lead Local Flood Authority (LLFA) reviewed the submitted application against the flood risk matrix and as such a bespoke response from the LLFA is not required. It is not considered that the site is at risk from surface water flooding, however impermeable surfacing should be used on site where possible. A Sustainable Drainage Systems (SuDS) should be incorporated into the proposed development. Any scheme should be designed in line with DEFRA's non statutory technical standards for SuDS. The LLFA also note that the site is not at risk of flooding, however the site may be at risk of flooding from historical mining and mineral extraction. Any work undertaken on the nearby watercourse would require consent under the Land Drainage Act 1991 from the LLFA.
- 7.39 Severn Trent Water Authority and the Councils Drainage Engineer raised no comments to the proposal. However, if permission was to be granted it is considered that conditions relating to foul and surface water drainage could be included in any decision issued by the Council.
- 7.40 The Councils Environmental Health Team was consulted on the proposed development and was not aware of any historical uses on the application site that would present a significant risk to future users of the site. However it is considered that conditions should be attached to any decision issued by the LPA that would cover the eventuality of made ground being found on site.
- 7.41 The application site lies within a Development Low Risk Area as defined by the Coal Authority.

## Conclusion

- 7.42 Having taken into account all the material planning considerations, it is considered that the proposed development would not accord with the three strands of sustainable development and is therefore considered an unsustainable form of development.
- 7.43 The proposed development would result in the irreversible loss of the natural and historic environment that would represent an obtrusive encroachment into the countryside that would have a detrimental impact upon the character and appearance of the Special Landscape Area.
- 7.44 Furthermore, it is considered that the public benefits of approving such development would not outweigh the harm to the legibility, group value and setting of this local heritage asset.
- 7.45 Whilst a single dwelling could be accommodated within the site without giving rise to a loss of privacy and amenity to neighbouring residents, the dwelling would be positioned in steeply sloping site, with a lack of practical outdoor amenity space that is considered unsuitable in terms of outdoor amenity standards for a family dwelling.
- 7.46 In ecological and biodiversity terms the proposal could be developed so that there is a net benefit to biodiversity, subject to the inclusion of a number of conditions.
- 7.47 It is considered that the proposed development would not have a detrimental impact upon highway safety. Matters relating to land contamination and drainage could be addressed by suitably worded conditions if members were minded to approve the scheme. In addition, the proposal would not be at risk from off-site flooding subject to the approval of appropriate finished floor levels.
- 7.48 As such it is considered that the proposed development should be refused.

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## 8.0 SUMMARY OF CONSULTATIONS:

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Derbyshire Wildlife Trust:</u>	Concerns but conditions requested
<u>Severn Trent Water Authority:</u>	No comments
<u>NEDDC Drainage:</u>	No comments
<u>Lead Local Flood Team:</u>	Comments
<u>Neighbours:</u>	Two letters of objection
<u>DCC Archaeologist:</u>	Comments relating to impact on non-designated heritage asset
<u>Parish Council:</u>	Objection
<u>Ward Member:</u>	No comments

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## 9.0 RECOMMENDATION:

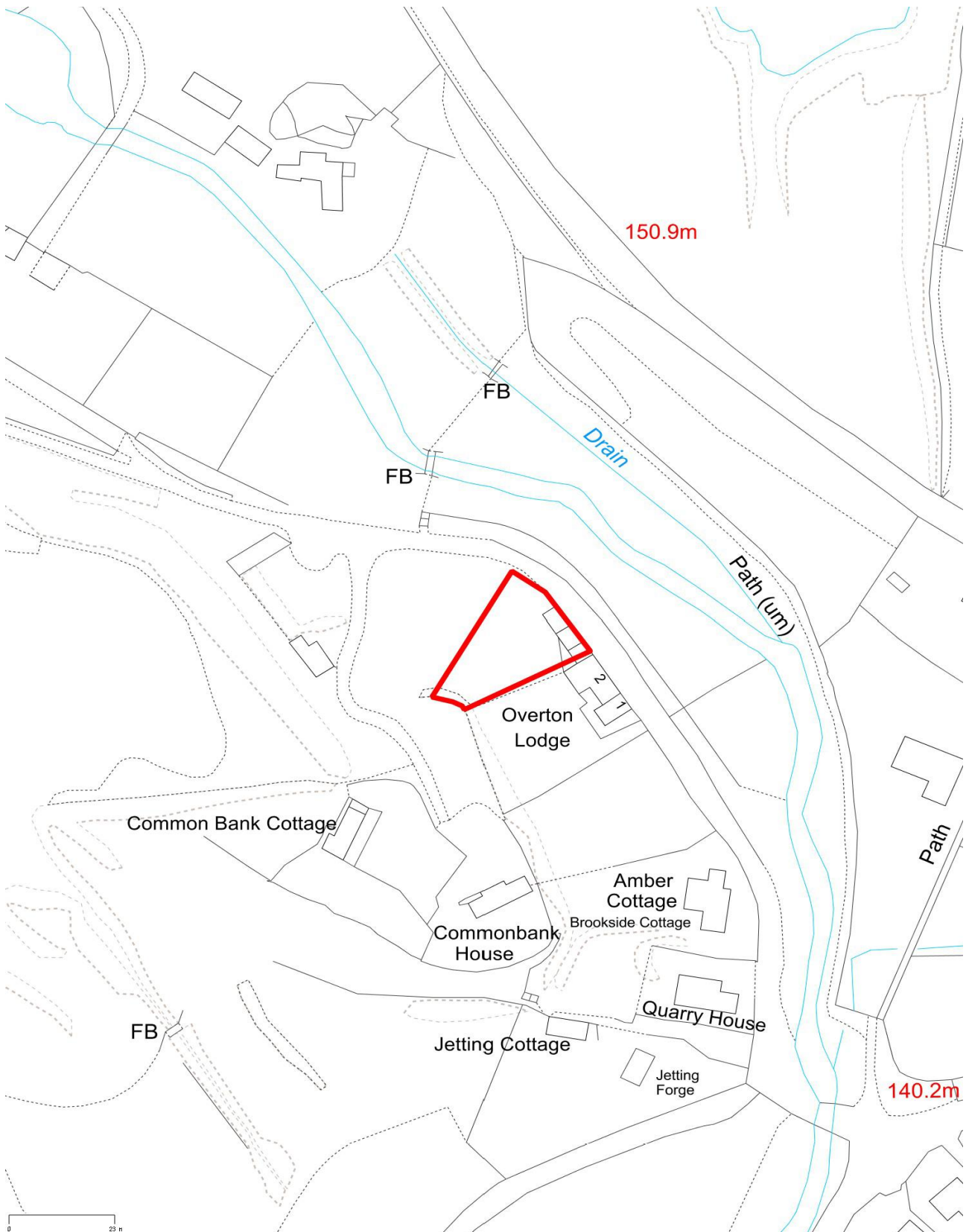
**REFUSE** Permission subject to the following reason/s:-

1. The application proposes the construction of a single isolated dwelling in open countryside location away from any defined Settlement Development Limit. The proposed dwelling would not fall into any categories where new dwellings are considered acceptable in the countryside, as set out in Local Plan Policy H3. In addition, no special circumstances have been submitted which would justify the



construction of an isolated new dwelling in what is considered to be an unsustainable location in the countryside. Furthermore, the proposed dwelling would detract from the character and appearance of the Special Landscape Area. Therefore, to grant permission would be contrary to Local Plan Policy GS1, GS6, NE1, NE2 and H3 of the North East Derbyshire Local Plan, Policy AP2, AP11, AP13 and AP15 of the Ashover Neighbourhood Plan and the National Planning Policy Framework.

2. The proposed development would involve the removal of a former stable building which forms part of the Former George IV public house, which is a non designated heritage asset of local importance. The proposed development would result in the loss of legibility, group value and setting of this local heritage asset, which would not be outweighed by the public benefits of the scheme. Therefore, to grant permission would be contrary to Local Plan Policy NE2, H12 and BE6 of the North East Derbyshire Local Plan, Policy AP2 and AP11 of the Ashover Neighbourhood Plan and the National Planning Policy, with specific reference to paragraph 135.
3. Whilst a single dwelling could be accommodated within the application site without giving rise to any loss of privacy and amenity to neighbouring residents, the steep sloping nature of the site would result in a lack of practical outdoor amenity space being provided for a family dwelling. Therefore, to grant permission would be contrary to Local Plan Policy H12 of the North East Derbyshire Plan, Policy AP11 of the Ashover Neighbourhood Plan and the National Planning Policy Framework.



NED/18/00384/OL

**PARISH:** PILSLEY

NED/18/00107/RM

## **APPLICATION**

Application for approval of the reserved matters for access, appearance, landscaping, layout and scale for the erection of 32 dwellings (pursuant to outline permission 11/00602/OL) at Fox Hall, Green Lane, Pilsley for A Rock Construction Limited (Major Development) (Amended Plans)

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The Site Inspection Group is to visit the site to view the relationship of the site with the surrounding street scene, open countryside, neighbouring residential properties and access arrangements.

### **1.0 SITE DESCRIPTION:**

- 1.1 The site is an open field which lies to the east of the village of Lower Pilsley and measures 2.5 hectares in size. It lies outside the defined settlement of Pilsley, within open countryside.
- 1.2 The site lies to the east of properties on Hazel Avenue and Acres Road, with the site generally sloping down to the west, towards existing residential properties. The western boundary of the site is made up of a mix of boundary treatments, including hedgerow and close boarded fencing.
- 1.3 The north and eastern boundaries are made up of mature hedgerow planting, containing a number of small trees separating the site from the open countryside to the east. To the north the site abuts a site which has planning approval for 13 dwellings, however work is yet to start on site (reference 16/00665/FL).
- 1.4 Access is taken from Green Lane to the south, with two existing properties located adjacent to the application site. Further along Green Lane to the west is a large detached bungalow and the Kingdom Hall on the junction with Rupert Street. Two other properties are located to the southern extent of Green Lane.
- 1.5 Outline permission has already been granted, with all matters reserved on this site for the erection of up to 32 dwellings, under planning reference 11/00602/OL.

### **2.0 PROPOSAL:**

- 2.1 This application seeks the approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline approval 11/00602/OL for the erection of 32 dwellings.
- 2.2 The proposed layout illustrates a mix of detached and semi-detached two storey properties along with a mix of 2 and 3 bedroom bungalows, including 2 x M4 category 2 access friendly bungalows. The properties would be constructed from a mix of red brindle facing brick and horizontal timber boarding (finished appearance to be confirmed), with dark grey concrete interlocking tiles, with exception of plot 1 that would be constructed in natural stone.
- 2.3 A single point of access would be taken from Green Lane to the south, with a road connecting straight through the site terminating with a turning head. A secondary loop of block paving would be provided around the focal outdoor recreation area. A

formal refuse presentation area is proposed adjacent to the outdoor recreation fronting onto the main adoptable road through the application site.

- 2.4 The north and eastern parts of the site would contain bungalows, with larger two storey properties located at the site entrance and around the focal outdoor recreation space. Each property would be provided with a minimum of two parking spaces, with only the two storey properties having garages.
- 2.5 A detailed scheme of landscaping, boundary treatments, ecological enhancements and outdoor recreation space has been submitted to the LPA for consideration. The details include feature wild flower meadows at the site entrance and around the electricity pylon to the north, along with the retention of the mature boundary hedge to the eastern boundary. The plans also indicate a scheme of bird and bat box mitigation.
- 2.6 Other plans submitted with the application include details of the access onto Green Lane, the proposed footpath link to Rupert Street, along with a cross section plan of the proposed development and site levels.
- 2.7 In addition to the above, details were submitted relating to a Building for Life Assessment and a Revised Affordable Housing Scheme, along with details confirming the size of outdoor amenity space for each dwelling.

### **3.0 PLANNING HISTORY:**

- 3.1 11/00602/OL - Outline application (all matters reserved) for a residential development comprising 32 dwellings on land to the rear (Major Development) (Amended Title/Amended Plans/Additional Details) (Further Amended Plan/Additional Information) (S106 Complete)
- 3.2 10/00930/OL - Outline application (all matters reserved) for a residential development comprising 30 units on land to the rear (Major Development) (Withdrawn)
- 3.3 05/01287/FL - Change of use of agricultural land to recreational use (sports pitches) (Major Development) (Refused)
- 3.4 88/00851/FL – Dwelling (Refused)
- 3.5 79/01025/FL – Caravan site (Conditionally Approved)
- 3.6 78/00966/FL - Storage of touring caravans (Refused)
- 3.7 78/00965/FL - Storage of caravans on field adjacent (Conditionally Approved)

### **4.0 DEVELOPMENT PLAN POLICIES:**

- 4.1 The most relevant policies of the Local Plan are:-

GS1	Sustainable Development
GS5	Settlement Development Limit
GS6	Open Countryside
GS12	Access for All
H3	Housing Development Outside SDL
H6	Affordable Housing in the Main Settlements
H12	Design and Layout of New Housing
NE1	Landscape Character
NE3	Protecting and Managing Features of Importance to Wild Flora and Fauna
NE7	Protection of Trees and Hedgerows
NE9	Development and Flood Risk
BE1	General Design Principles
T2	Highway Access and the Impact of New Development

- T5 Walking and Cycling
- T9 Parking Provision
- R5 Providing for Children's Play Space Through New Development
- CSU4 Surface and Foul Water Drainage
- CSU6 Contaminated Land

- 4.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.
- 4.3 The following Council Policies and documents are also relevant:
- Sustainable Buildings SPD
  - Successful Places Interim Planning Guidance
- 4.4 The policies of the National Planning Policy Framework (NPPF) are also a significant material consideration.

## **5.0 CONSULTATIONS AND REPRESENTATIONS:**

- 5.1 The **Parish Council** raised no comments.
- 5.2 A **Ward Member** requested that the application be considered by planning committee due to a number of concerns from local residents.
- 5.3 The **County Highways Authority** was consulted on the original submission and made a number of comments and recommendations. Whilst the formal comments of the Highways Authority were not available at the time of writing this report, the Officer did provide comments on a similar revision where it was noted that the improvements requested had been implemented, however some further amendments were still required to the margins around the turning head and constraining strips. These amendments have been included in the latest revision and are currently under consideration by the Highways Authority. The latest comments and any proposed conditions recommended by the Highways Authority will be reported to members prior to the committee meeting.
- 5.4 The Councils **Environmental Health Officer** notes that conditions 29 and 30 relate to providing a Phase II Intrusive Site Investigation and any necessary Phase III remediation work. No details relating to discharging this condition have been submitted with the application so no comments of the Councils EHO are required.
- 5.5 The **Councils Housing Strategy Officer** notes that the on-site affordable housing provision is generous and welcomes the provision of much needed bungalows. The Officer is satisfied that the mix and type of affordable units provided on site would fulfil the affordable requirements and could be sold as shared ownership. The Officer also welcomes the provision of M4 category 2 access friendly bungalows.
- 5.6 **Yorkshire Water Authority (YWA)** raised no comments.
- 5.7 **Derbyshire Wildlife Trust (DWT)** were originally consulted on the proposed development and advised that clarification was sought on a number of matters and amendments were also proposed to the scheme. On-going discussions have been undertaken with DWT on the proposed development and it is considered that the scheme is in line with the recommendations and a Reptile Survey has been submitted for consideration. The final comments of the DWT were not available at the time of writing this report, however they will be reported to members as late

representation prior to the planning committee meeting along with any proposed ecological and/or biodiversity conditions that are considered necessary to be included in any decision.

- 5.8 **The Councils Parks Department** raised no comments as they note that the on-site open play space will be constructed and maintained by a management company. No comments were raised with regards to any proposed tree works.
- 5.9 **The Coal Authority** notes that condition 29 on the outline approval requires the submission of intrusive site investigations in order to investigate shallow coal mine workings and to identify any remedial works. No details have been submitted as part of this application so the Coal Authority has no comments to make.
- 5.10 **NEDDC Refuse Team** was consulted on the proposal and note that all properties must have enough storage for a black, green and burgundy 240 litre bin. NEDDC operate an alternate week collection scheme, where one week black bins collected and the other collecting green bins. There is also a fortnightly collection of burgundy bins. When collecting from the kerbside, these bins must be presented by residents at 6:30am and returned to a storage point as soon as possible after emptying. Access is required for a Refuse Collection Vehicle (RCV) which has a Gross Vehicle Weight (GVW) of 26t with a 19.1m turning circle, allowances should be made in the construction of highways for this vehicle and the need to consider its manoeuvrability. There must be adequate off street parking to allow full access for the refuse vehicle as obstructions may lead to missed collections. The refuse vehicle will not access or cross any block paved, gravelled or other un-adopted areas, unless an alternative solution is put forward by the developer and an indemnity agreement is in place to ensure that the Council is not made liable to any damage caused to any private access. This agreement must include a clause entitling the Council to terminate waste collection with written notice and for residents to present their waste and recycling at a point designated by the Council.
- 5.11 **Crime Prevention Design Adviser** made a number of comments relating to the originally submitted scheme, which were taken into account in the amended scheme submitted for consideration. Any comments made on the latest revision will be reported to members prior to the committee meeting.
- 5.12 **12 objections** have been received from 11 local residents relating to the proposed development. The main points raised in the objections can be summarised as follows:

#### Landscape Character

- Application site is protected Green Belt land *[Officer Note: land is open countryside and has never been designated Green Belt.]*

#### Ecological Considerations

- Loss of important habitats
- Eastern boundary should be retained as a mature native hedge and not replaced by urban boundary treatments

#### Privacy and Amenity Considerations

- Plot 17-20 will be only 7m from the boundary so no extensions should be allowed to these properties
- Plot 17-20 these bungalows should be restricted to single storey only with no rooms in the roof space to avoid any overlooking
- Bungalows at plots 17-20 will be imposing and obtrusive

- Land levels should be reduced where plots 16-21 are located to avoid overbearing impact
- 18 Acres Road would be overlooked by no less than 5 properties
- Loss of natural light and privacy
- Overshadowing will be harmful
- Like living in a goldfish bowl
- Plot 12 and 13 will overlook number 18 Acres Road and have views directly into first floor habitable rooms
- Noise and light pollution from proposed development
- Gardens are too small and mean development is closer to existing properties
- Permitted development should be removed for rooms in the roof space of bungalows on the proposed development which overlook Acres Road
- Plot 11 would overpower neighbouring residential properties
- Development should be entirely bungalows to reduce impact on neighbouring residents

#### Highways Considerations

- Insufficient space on Green Lane for vehicles to pass each other
- Green Lane junction onto Rupert Street is poor with limited visibility
- Development will over intensify Green Lane making it unsafe
- Green Lane cannot cope with additional traffic movements
- Visibility along Green Lane is poor
- Local road network is already busy especially around school times
- Lorries will struggle to access Green Lane
- Green Lane is the main access route to the 5 pits trail
- Two disabled bays close to the junction of Green Lane would be harmed by proposed development
- Insufficient parking on site
- Green Lane is used by dog walkers – development could harm their safety
- Green Lane is unlit
- Green Lane has poor drainage
- Accident waiting to happen

#### Other Matters

- Fence and hedge at turning head will be a security risk for neighbouring rear gardens on Acres Road
- Who is responsible for landscaping features on new development?
- Existing residents should not have to pay out for new fencing
- Not enough facilities in the locality, including GP's and schools [*Office Note: matter relating to the suitability of the scheme have already been assessed as part of the outline application*]
- Poor facilities in village [*Office Note: matter relating to the suitability of the scheme have already been assessed as part of the outline application*]
- Drainage is issue on site, neighbouring properties already flood
- Phone and internet signals are poor
- Water quality issues in the locality

## **6.0 PLANNING CONSIDERATIONS:**

- 6.1 The main planning considerations for this application are matters relating to the approval of all reserved matters, which includes access, appearance, landscaping, layout and scale of the proposed development. This can relate to the suitability of the proposal in policy terms, its effect on the character of the site and the surrounding area, the impact upon the amenity of neighbouring land uses and residents and specifics about the safety of the proposed access into the site and proposed new footpath link along Green Lane, leading to Rupert Street.

## **7.0 PLANNING ASSESSMENT AND SUMMARY:**

- 7.1 The application submitted for consideration includes the construction of 32 dwelling, with a mix of 7 four bedroom detached two storey houses, 4 three bedroom semi-detached two storey houses, 3 two bedroom detached bungalows, 4 two bedroom semi-detached bungalows, 2 three bedroom detached bungalows, 5 three bedroom detached bungalows, 1 two bedroom detached bungalow, 2 three bedroom detached bungalows and 4 three bedroom semi-detached properties.
- 7.2 Access would be taken from Green Lane to the south and includes a single point of access, a terminating turning area to the north of the site and a block paved circular access road around a focal green space. The detached two storey dwellings include garaging and all properties are provided with at least 2 off street parking spaces.
- 7.3 The application site is within open countryside, abutting the Settlement Development Limit of Pilsley to the west.

### **Principle of Development**

- 7.4 The principle of development has already been established through the granting of outline permission, under planning reference 11/00602/OL, which was approved with all matters reserved.
- 7.5 In view of the above, only matters relating to the access, appearance, landscaping, layout and scale of the proposed development can be considered as part of this application.

### **Affordable Housing**

- 7.6 As part of the outline approval, details requiring the submission of a scheme for 13 on-site affordable housing were required. A Revised Affordable Housing Scheme was submitted dated 10<sup>th</sup> May 2018 stating that 13 affordable units will be provided on site, including 9 bungalows and 4 houses. The scheme confirms how properties will be assigned to tenants and transferred to the Registered Social Provider (RSL). The scheme also identifies an occupancy criteria for these shared ownership properties.
- 7.7 Local Plan Policies suggest that in the main settlements, such as Pilsley, affordable housing should be sought on schemes of 15 or more dwellings. Therefore the Council should seek the provision of up to 40% of all new dwellings on the application site to be provided as affordable housing.
- 7.8 The Councils Housing Enabling Officer notes the generous offering of on-site affordable housing as well as the provision of bungalows. The mix and type of affordable units on site is considered acceptable and can be sold under a shared ownership agreement. The provision of M4 category 2 access friendly bungalows is also welcomed.



- 7.9 In view of the above, the proposed development will provide 13 on-site affordable units, including much needed bungalows. This would accord with Policy H6 which requires the provision of 40% on site affordable housing.

### **Street Scene, Landscaping and Design Considerations**

- 7.10 Local Plan Policy and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area or the character of the open countryside.
- 7.11 The proposed development comprises 32 dwellings, these being a mix of 17 bungalows and 15 two storey properties. The two storey properties will be located mainly to the western section of the site, with bungalows to the northern and eastern area. Properties will be constructed from a mix of red brick and horizontal timber boarding, with grey tile. On site hardstanding will be a mix of tarmac and Regular block paving.
- 7.12 Seven properties will be provided with off street garages, with plots 1 and 2 having double garages and the others having large single garages. The double garages would measure 5.5m by 6m and single garages would measure 6.4m by 4.3m, with the latter easily according with the Councils Successful Places Interim Guidance and the double garages providing ample space for one vehicle. The properties containing a double garage would also be provided with ample off street car parking.
- 7.13 A Building for Life Assessment has been submitted by the applicant in accordance with the outline approval. The details provided in this report should be implemented in full and retained as part of the approved scheme for the lifetime of the development.
- 7.14 Land levels are such that the properties to the northern half of the site will appear nearly 2m higher than the centre of the site, with Green Lane being at a similar level to the northern section of the site. A complete proposed levels plan of the site has been submitted illustrating the spot levels from across the site and finished floor levels of each dwelling.
- 7.15 The submitted landscaping scheme illustrates native tree and hedgerow planting through the site, including tree planting around the open space within the site. The wildflower planting area will be provided prior to the occupation of 75% of the dwellings on site, with planting on each plot provided prior to its occupation and the public open space delivered prior to the occupation of 50% of dwellings on site. All privately owned landscaping areas will be owned and managed by a management company and funded by a small site service charge. Most importantly the mature hedge along the eastern boundary of the site would be retained and protected by a post and rail fence. The hedge and other public open landscaping will be funded and maintained by a private management company.
- 7.16 The boundary treatments plan illustrates a mix of 1.2m railings, low wall with railings above, close boarded fencing and post and rail fencing. Railings would be provided around the wildflower areas, around the site entrance and around the open space area. As discussed above, timber post and rail fencing would be provided along the eastern edge of the site to ensure that the hedgerow is protected for the future and not consumed by private residential gardens. Therefore it will be important to ensure that new close board fencing is not installed by future occupants, so a condition restricting the construction of boundary treatments should be included on any

decision for the occupants of plots 24 to 32. Close boarded fencing would only be used in all other private garden areas away from public viewpoints. It is considered that the scheme of boundary treatments would complement the site and the surrounding street scene and work towards retaining the important hedgerow along the eastern extent of the application site.

- 7.17 A detailed plan relating to the public open space on site has been submitted, illustrating that an area measuring approximately 335sqm will be provided within the site. The plans suggest that the space will be a flexible open space with children's play equipment, a meeting patio, secret garden and picnic lawn area. This space will be privately owned and the Council will not have to adopt this space. It is identified that the central green space would be delivered prior to the occupation of 50% of the dwellings on site.
- 7.18 As part of the reserved matters submission, a Sustainable Building Policy Statement has been submitted for consideration, in accordance with condition 6 on the outline approval. The report includes details covering water management, lighting, waste management and overall reduction of carbon emissions. These are considered to be broadly in line with the Councils Sustainable Buildings SPD and as such are sufficient to discharge this condition.
- 7.19 The submitted layout illustrates a bin collection area to the east of the focal outdoor amenity space, which would serve plots 4-14. Other properties will present bins at the kerbside in accordance with the Councils kerbside collection service. In addition, the turning head to the north of the development is large enough to allow a refuse vehicle to turn safely and exit the site in a forward gear.
- 7.20 A crime prevention statement was included in the submitted Building for Life Statement and covered the provision of a well overlooked open space and private gardens with secure fencing. Furthermore it is noted that the proposed development includes proposed dwellings offer good visibility and limit opportunities for anti-social behaviour. The Crime Prevention Design Adviser raised no objection to the proposed development. As such, it is considered that this matter has been adequately addressed in this reserved matters submission.
- 7.21 Concern was raised during the application process with regards to the size of gardens being provided to some of the proposed dwellings. However as part of the final draft, a Dwelling Schedule has been submitted confirming that the smallest outdoor amenity space provided on site would measure 54sqm and the largest 333sqm. The Councils Successful Places Interim Guidance considers that the minimum outdoor amenity space that should be provided for a 2 bedroom dwelling is 50sqm and 90sqm for a 4 bedroom dwelling. As such, it is considered that the proposed development would accord with the minimum requirements set out in this policy document.
- 7.22 In addition to the above, it is noted that some local residents were concerned about some properties to the east of those on Hazel Avenue and Acres Road being too close to the boundary with their rear gardens. However it is noted that the Councils Successful Places Interim Guidance suggests that any first floor windows should be no closer than 10.5m from the boundary of an adjoining garden. It is considered that the proposed layout would accord with the Councils design guidance.
- 7.23 It is noted that the Council would normally seek to negotiate a scheme which is outward facing into the open countryside, similar to that approved to the north of this site, off Locko Road approved under planning reference 16/00665/FL, however it was considered that assurances of the retention of the mature native hedge to the east of the site and the use of bungalows along the north and eastern sections of the site

would minimise the impact on the open countryside. It was considered that seeking a scheme that was truly outward facing could impact negatively on the affordable housing provision on site and the benefits of providing on site affordable housing would not be outweighed by the design changes sought.

- 7.24 In view of the above, it is considered that the proposed development would broadly accord with the Councils Successful Places Interim Planning Guidance and be in keeping with the site and the surrounding street scene, respecting the built traditions of the area and ensure a positive interaction with open countryside to the east.

### **Impact on Neighbouring Uses**

- 7.25 The properties most likely to be affected by the proposed development would be those on Hazel Avenue and Acres Road to the west. Other properties affected by the proposed development would also include those on Green Lane and future properties to the north on land off Locko Road.
- 7.26 Properties to the west on Hazel Avenue and Acres Road include detached and semi-detached two storey properties, and single storey bungalows. Detached properties would be set back in excess of 10.5m from the boundary of the site and over 21m from properties on Hazel Avenue.
- 7.27 Plot 11 is a large detached 4 bedroom property which backs onto Hazel Avenue and side on to a dormer bungalow on Acres Road to the north. The side elevation of the proposed dwelling is in excess of 14m from the property to the north and has one side facing first floor window which should be obscured in nature to avoid any overlooking. Whilst the concerns of local residents is appreciated, guidance suggests that a minimum separation distance of 12m is adequate in this instance. The amended layout clearly meets the minimum requirements.
- 7.28 Plots 16 to 21 back onto properties on Acres Road and are provided with a 9m rear garden separating them from properties to the west. No rooms are proposed in the roof space of these properties and concerns have been raised from local residents about future conversion of the loft space which may harm the privacy of residents on Acres Road. It is agreed that the Councils guidance suggest a separation distance of 10.5m from the rear elevation of any first floor window to the adjoining garden is provided. It is not considered that this would be possible, so a condition should be included on any decision removing permitted development for any dormer windows and alterations to the roof to protect the privacy and amenity of residents to the west on Acres Road.
- 7.29 Plot 22 is also located close to the western boundary of the application site, but given the gable of this property would be blank it is not considered that similar restrictions are necessary in this instance.
- 7.30 Plot 22 and 23 would be set back at least 8m from the northern boundary of the application site. This boundary is made up of mature hedgerow and tree planting. In view of this, it is not considered that the conversion of any loft space would have a detrimental impact on future properties approved on land to the north off Locko Road.
- 7.31 Moving onto the general layout of the proposed development, each property is provided with adequate separation distances and there are no overlooking issues arising from the proposed layout. As considered above, each property would also be provided with adequate outdoor amenity space in accordance with the Councils Successful Places Interim Planning Guidance.

- 7.32 Future vehicular movements from the application site is inevitably going to lead to some disruption to neighbouring properties both on and off site. It is considered that this has already been agreed in principle by virtue of the approval of the outline permission. The submitted scheme is for 32 dwellings, with vehicles likely to exit the site and head west along Green Lane onto Rupert Street. Vehicle speeds will be low and the comings and goings of vehicles are unlikely to have a detrimental impact upon residents on Green Lane. However, concern has been raised to construction vehicles entering the site at unsocial hours from Rupert Street to the west. Problems arising from the construction period, for example relating to dust, noise, construction vehicles or the hours of work on site are covered by the Control of Pollution Acts (including the Environmental Protection Act 1990), is an Environmental Health matter and matters relating to highway safety can be controlled by the police or County Council. Furthermore details have been provided by the applicant illustrating adequate on site space for a construction site compound.
- 7.33 A number of objections have been received from local residents concerned that the proposed development will have an overbearing impact on neighbouring residents on Hazel Avenue and Acres Road. Furthermore, some residents consider that there will be a significant loss of light and privacy and that noise pollution will be unacceptable. It is considered that the proposed development will accord with the Councils Successful Places Interim Guidance and would not lead to a demonstrable harm to the privacy and amenity of both existing and future residents.

### **Trees, Hedgerows and Ecology**

- 7.34 The application site is framed by mature hedgerow, with intermittent tree planting, along its northern and eastern extents. The rest of the site is made up of rough grassland.
- 7.35 The application is accompanied by a Landscaping Plan, Bat and Bird Nest Box Plan and a Public Open Space plan. The schemes include the retention of the mature hedgerow to the east, along with a scheme for its future maintenance. A post and rail fence will also be installed 750mm from the hedgerow to ensure it is not damaged by future residents and any gaps in the hedge will be enhanced as part of the landscaping scheme. New native hedge and tree planting is proposed through the site and a public open space will also include further native planting. Two areas of wildflower planting are proposed within the site and bird and bat box mitigation will be provided around the site.
- 7.36 The outline permission was unusual in that it included a condition requiring the submission of ecological mitigation and enhancement measures for across the application site as part of any future reserved matters application. Normally these matters should be addressed prior to determination.
- 7.37 Derbyshire Wildlife Trust (DWT) were originally consulted on the proposed development and advised that clarification was sought on a number of matters and amendments were also proposed to the scheme.
- 7.38 The applicant took on board the comments of the DWT and submitted an amended layout and sought to address the issues raised. The applicant confirmed that the hedgerow to the east, open space and landscape areas would be maintained by a private management company paid for by a small service charge. The grassland would be provided on site prior to the occupation of 75% of the dwellings on site. The eastern hedgerow was removed from the ownership of residents and more native planting species included in the site landscaping scheme. Details were also included on the submitted plans illustrating tree and hedgerow protection during the construction process. A process has also been put in place to control Japanese

Knotweed and public landscaping elements will be monitored on a 6 monthly bases by the management company. Furthermore a Reptile Survey has now been undertaken on site and submitted to the DWT for consideration.

- 7.39 The updated comments of the Derbyshire Wildlife Trust were not available at the time of writing this report, however they will be reported to members as late representation prior to the planning committee meeting along with any proposed ecological and/or biodiversity conditions that are considered necessary to be included in any decision.
- 7.40 Concern has been raised to the loss of important habitats on site and the importance of the hedgerow along the eastern boundary. It is considered that the scheme would result in a net benefit to biodiversity and safeguard the important hedgerow along the eastern boundary.
- 7.41 In view of the above, it is considered that the proposed development would result in a net benefit to on-site biodiversity. Therefore, subject to conditions to be confirmed prior to the planning committee meeting, it is not considered that the proposed development would result in a detrimental impact upon wildlife and ecological features in and around the application site.

### **Highway Safety Considerations**

- 7.42 The proposed development includes a single point of access from Green Lane to the south, which is provided with good visibility sightlines in both directions. The footpath along Green Lane connecting with Rupert Street to the west will be upgraded to allow safe pedestrian access to the village. Each property would be provided with two parking spaces and seven properties will include garages.
- 7.43 A detailed site layout plan has been submitted along with the relevant swept path drawings which illustrate that the site is capable of allowing large vehicles to enter and exit the site in a forward gear.
- 7.44 The County Highways Authority was consulted on the original plans and made a number of recommendations/comments including provision of a footway within the site, indemnity insurance being required to access un-adopted blocked paving areas, the spine road being overlong, lack of dropped crossings, bin presentation areas and confirmation as to what visibility is achievable along Green Lane, along with the submission of relevant speed surveys. A later revision was also reviewed by the Highways Officer who requested enlarged margins at the turning head and that constraining strips be amended to block paving.
- 7.45 The latest amended site layout took on board the above comments and was viewed by the Highways Officer at the Council Offices. The amended plan was found to be broadly acceptable, however final comments and conditions were not available at the time of writing this report so will be reported to members prior to the committee meeting.
- 7.46 Concern is raised about the suitability of Green Lane for two way traffic and for it to serve such a large residential development. Whilst these concerns are appreciated, the principle of using Green Lane to access the proposed development has already been accepted and the only matter under consideration is the access details and the internal road layout. No objection has been raised by the Highways Authority, therefore it is not considered that there would be good reason to refuse the scheme on highway safety grounds.
- 7.47 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

## **Drainage Considerations**

- 7.48 Details relating to the surface and foul water drainage of the site have not been submitted for consideration as part of this reserved matters application. These matters remain outstanding and should be addressed prior to work commencing on site.
- 7.49 Concern has been raised as to the poor quality of water in the area and recent flooding issues. However these comments are entirely anecdotal, without any substantiating evidence. Furthermore, no comments have been received from Yorkshire Water Authority, as such only limited weight can be attributed to these comments.

## **Ground Stability/Land Contamination Considerations**

- 7.50 Details relating to the submission of Intrusive Site Investigations and the submission of validation reports have not been submitted for consideration as part of this reserved matters application. These matters remain outstanding and should be addressed prior to work commencing on site.

## **Departure from the Development Plan**

- 7.51 The Town and Country Planning (Development Plans and Consultations) (Departures) Directions require certain planning applications which do not accord with the provisions of the Development Plan, and which the Local Planning Authority do not propose to refuse, to be notified to the Secretary of State. The Secretary of State then has the opportunity to 'call in' the application for determination.
- 7.52 At the time of determining the outline application the Council was unable to deliver a five year supply of housing land, therefore in accordance with the NPPF and as a result of the scale of the proposed development this development is not considered to represent a Departure from the Development Plan in terms of the Departure Directions. The application would not therefore need to be referred to the Secretary of State should planning permission be granted.

## **Conclusion**

- 7.53 The application has been submitted to address the details relating to the access, appearance, landscaping, layout and scale of the proposed development. Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the proposal is in accordance with the NPPF, the Councils policies and would be in keeping with the character and appearance of the site, the surrounding street scene and open countryside.
- 7.54 The proposed development would provide 40% on site affordable housing, including 9 bungalows and 4 houses, in a location where there is a great demand for such affordable properties. Furthermore, some of the bungalows on site would be access friendly. This weighs heavily in favour of the development.
- 7.55 in addition, the proposed development would accord with the Councils Successful Places Interim Planning Guidance in terms of its layout and separation distance from neighbouring residents. As such the impact upon the privacy and amenity of existing and future residents would be acceptable.
- 7.56 The proposed development would also represent a net increase in biodiversity on site and safeguard an important hedgerow along the eastern boundary of the site. As such, it is not considered that the proposed development would result in a detrimental impact upon wildlife and ecological features in and around the application site.

- 7.57 In highway safety terms, the proposed development would not result in a demonstrable harm to highway safety and the development would include a new footpath link along Green Lane, connecting to Rupert Street.
- 7.58 Matters relating to the finished materials on site, public art, foul and surface water drainage, the submission of a Residential Travel Plan and site investigation work will be addressed at a later date through the discharge of conditions associated with the outline permission. All matters requested at the outline stage to be submitted with the reserved matters application have been submitted and considered as part of this assessment.
- 7.59 It is therefore considered that the proposed development is acceptable in planning terms and should be conditionally approved.

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## 8.0 **SUMMARY OF CONSULTATIONS:**

<u>County Highways:</u>	No objections. Final comments to be provided to members as late representations
<u>Environmental Health:</u>	No comments
<u>NEDDC Refuse:</u>	No objections
<u>Housing Strategy Officer:</u>	Comments
<u>Derbyshire Wildlife Trust:</u>	Comments/Final comments to be provided to members as late representations
<u>NEDDC Parks:</u>	No comments
<u>Crime Prevention:</u>	No objections
<u>Coal Authority:</u>	No comments
<u>Yorkshire Water Authority:</u>	No comments
<u>Neighbour:</u>	12 objections from local residents
<u>Parish Council:</u>	No comments
<u>Ward Member:</u>	A request for application to be heard at Planning Committee

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## 9.0 **RECOMMENDATION:**

**GRANT** Permission in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

### **CONDITIONS**

#### **Approved Plans**

- The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless 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:
  - 17-040-LP (Location Plan)
  - 17-040-P00 (Existing Site Layout and Levels Plan)
  - 17-040-P01 Rev K (Proposed Site Layout)
  - 17-040-P02 Rev B (Proposed Site Levels Plan)

- 17-040-P03 Rev E (Proposed Site Boundary Treatments Plan)
- 17-040-P04 Rev D (Proposed Landscaping Plan)
- 17-040-P05 Rev A (Proposed Construction Site Containment Plan)
- 17-040-P06 Rev B (Proposed Sectional Site Elevations)
- 17-040-P07 Rev C (Proposed Bat and Bird Nest Box Plan)
- 17-040-P08 Rev B (Open Green Space Plan)
- 17-040-P09 (Proposed Site Entrance Plan)
- 17-040-SK20 Rev A (Comparison of Site Layouts – Design Development)
- 17-040-HT1 Rev B (House Type One – Floor Plans and Elevations)
- 17-040-HT2 (House Type Two – Floor Plans and Elevations)
- 17-040-HT2 Mirror (House Type Two (Mirrored) – Floor Plans and Elevations)
- 17-040-HT3 Rev B (House Type Three – Floor Plans and Elevations)
- 17-040-HT3 Mirror (House Type Three (Mirrored) – Floor Plans and Elevations)
- 17-040-HT4 Rev A (House Type Four – Floor Plans and Elevations)
- 17-040-HT5 Rev A (House Type Five – Floor Plans and Elevations)
- 17-040-HT6 Rev B (House Type Six – Floor Plans and Elevations)
- 17-040-HT7 Rev B (House Type Seven – Floor Plans and Elevations)
- 17-040-HT8 Rev C (House Type Eight – Floor Plans and Elevations)
- 17-040-HT9 Rev B (House Type Nine - Floor Plans and Elevations)
- 17-040-HT10 Rev B (House Type Ten - Floor Plans and Elevations)
- 17-040-HT12 Rev A (House Type Twelve - Floor Plans and Elevations)
- 17-040-HT12 Mirror (House Type Twelve (Mirrored) - Floor Plans and Elevations)
- 17-040-G1 Rev A (Detached Double Garage – Floor Plans and Elevations)

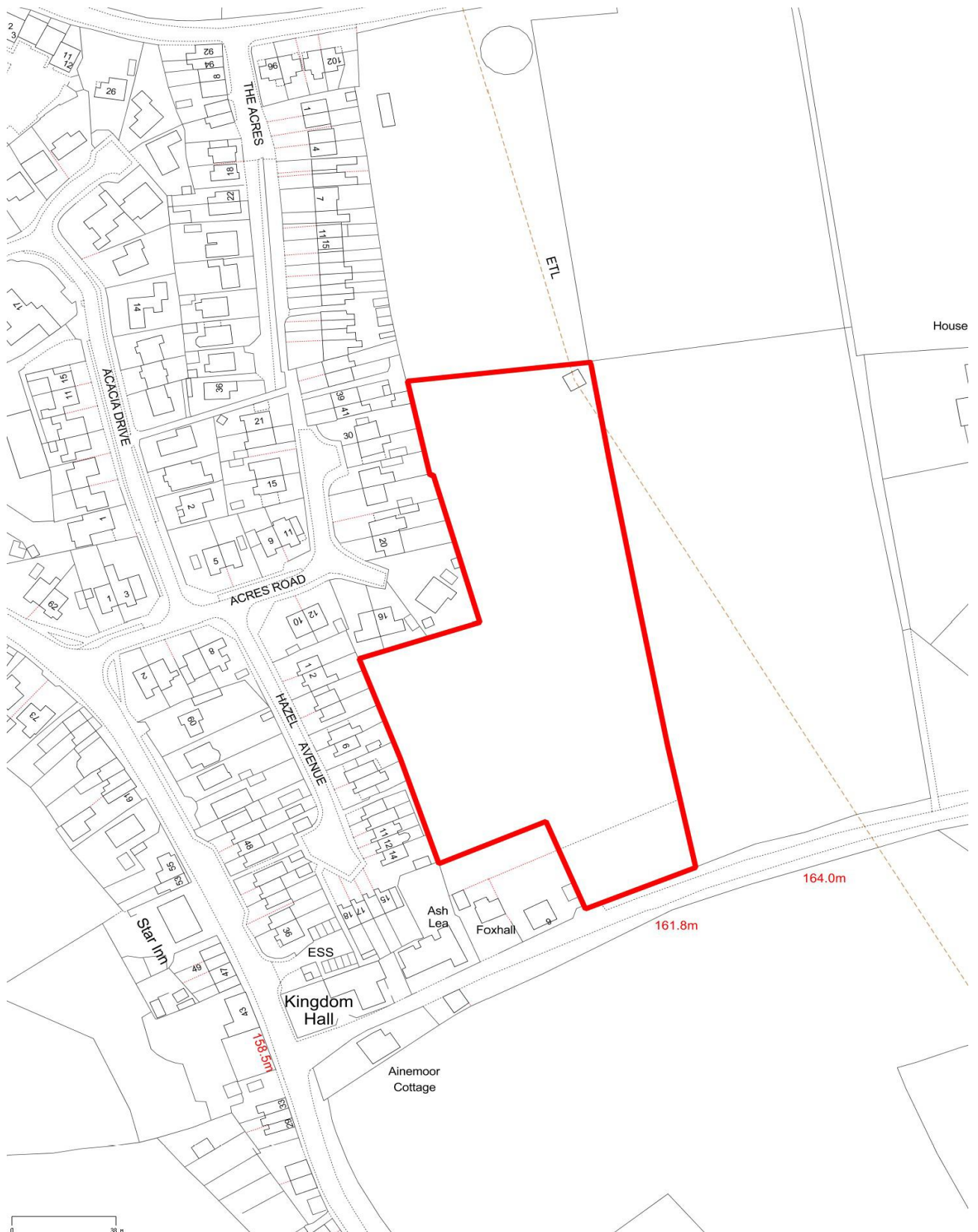
### **Privacy and Amenity**

2. Before the occupation of plot 11 hereby approved, the window shown on the approved plans to the first floor en-suite shower room on the dwellings north elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The window shall then be retained as such thereafter at all times.
3. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no dormer windows (Part 1, Class B) or alterations to the roof (Part 1, Class C) shall be erected/constructed on



Plots 17 to 20 without first obtaining planning permission from the Local Planning Authority.

4. With exception of the approved scheme of boundary treatments and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no fencing, walls or other means of enclosure (Part 2, Class A) shall be erected/constructed on Plots 24-32 without first obtaining planning permission from the Local Planning Authority.



NED/18/00107/RM

**PARISH:** Wingerworth

NED/18/00421/FL

**APPLICATION:** Proposed erection of summerhouse to be used as a dog grooming business at 62 Burton Street Wingerworth Chesterfield for Miss C Vickers.

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The Site Inspection Group is to visit the site to view the impact of the proposals on the character of the area and residential amenity.

### **1.0 SITE DESCRIPTION:**

- 1.1 The application site relates to 62 Burton Street which is located on a modern residential estate. The estate is situated south of Mill Lane, on the eastern side of the A61 Derby Road, which connects Wingerworth with Chesterfield to the north and Clay Cross to the south.
- 1.2 The application site falls outside of the defined settlement development limits for Wingerworth however the emerging Local Plan redraws the SDL around the estate. The application site forms the rear garden to the host dwelling which is a semi-detached property with off street parking for two vehicles currently.

### **2.0 PROPOSAL:**

- 2.1 The application proposes the erection of a timber summerhouse which is to be used for a professional dog grooming business. The summerhouse will occupy the northwest corner of the garden with a footprint of approx. 8.5 square metres.
- 2.2 The building itself will be insulated and contain two windows and a door which will look over the host dwelling's amenity area. The existing boundary treatments comprise of 1.8 metre timber panel fencing.
- 2.3 The application is accompanied with a supporting statement which advises that:
  - There will be no more than one dog on site at any one time;
  - Appointment times will be staggered with no more than three dogs visiting the site in any one day;
  - The operating times will be Monday to Friday only with no weekend work,
  - Visitors will be during the hours of 09:00-17:00hrs only;
  - Waste water will be collected in sealed contains and disposed of in the main sewers; and
  - Dog clippings will be collected in bags and disposed of in the general waste.

### **3.0 PLANNING HISTORY:**

- 3.1 None.

### **4.0 DEVELOPMENT PLAN POLICIES:**

- 4.1 The Development Plan comprises of the saved policies of the North East Derbyshire Local Plan (adopted November 2005), the Publication Draft Local Plan 2014-2034 and the Wingerworth Neighbourhood Plan. The Publication Draft Local Plan (PD) has been submitted to the Secretary of State for examination. In accordance with Annex 1 of the NPPF, the PD is considered to carry some weight at this stage.

- 4.2 In relation to this application the most relevant saved policies of the Local Plan, policies of the PD and Neighbourhood Plan are as follows:

Local Plan:

- GS1: Sustainable Development
- GS6: Development in the Countryside
- BE1: General Design Principles
- T2: Highway Access and the Impact of New Development
- T9: Parking Provision for Development

North East Derbyshire Local Plan: Publication Draft (PD):

- SS1: Sustainable Development
- SS2: Spatial Strategy and the Distribution of Development
- SS7: Development on Unallocated Land within Settlements with defined Settlement Development Limits
- SDC12: High quality Design and Place-Making
- ID3: Sustainable Travel

Wingerworth Neighbourhood Plan

- W1: Wingerworth Settlement Development Limit
- W12: Design Principles
- W18: Highway Safety: The A61

- 4.3 The National Planning Policy Framework (NPPF) is a material consideration. The NPPF seeks to promote sustainable development which includes strands of economic, social and environment roles. There is a presumption in favour of sustainable development where proposals are in conformity with the development plan. Paragraph 216 advises that due weight can be given to policies in emerging plans according to the stage of preparation, to the extent of unresolved objections and the degree of consistency with the framework.
- 4.4 The core principles contained at paragraph 17 relevant to this proposal is to seek high quality design and good standard of amenity, take account of the different roles and character of different areas, encouraging the effective use of land, promoting brownfield first and manage patterns of growth to make fullest possible use of public transport, walking and cycling.

## **5.0 CONSULTATIONS AND REPRESENTATIONS:**

- 5.1 **Ward Councillors: Cllr Hancock** requested that the application is determined by the Planning Committee. Concerns are raised in regards to highway safety and advises that there is a covenant that restricts business from operating on the estate.

**Cllr Peters** has also requested the application be determined by the Planning Committee.

- 5.2 **Wingerworth Parish Council:** Object to the planning application on grounds that the is a restrictive covenant put in place by the developer stating that no business can be operated from the property if this results in people visiting the property; the proposed business will require people to visit the property. The business will have a detrimental effect on traffic and parking in the proposed location. The Parish Council also has concerns regarding the impact of noise pollution and waste arrangements with the type of business the applicant is proposing to operate from the site.
- 5.3 **Derbyshire Highways Authority:** No objection raised but comment that that any new development is provided with an appropriate level of on-site parking. It is noted that there is limited site frontage and parking arrangements at this location however the applicant has advised that there will only be one car on site at any one time during the day and therefore space will be available for one customer. The Highways Authority have considered that given the small scale operation proposed it is unlikely that an objection based on the lack of onsite parking could be sustained at appeal.
- 5.4 It is recommended that the building and dog-grooming business are ancillary to the main dwelling i.e. 62 Burton Street with only the occupier(s) of said dwelling operating the dog grooming business. It is also recommended that a strict booking system is used (i.e. no onspec callers) restricting numbers of clients/dogs on site at any given time and that this is included in any advertising material. A suitable time should be allowed between clients to reduce competition for on-street parking.
- 5.5 The applicant has submitted a supporting statement which advises that a booking system will be in place with only 1no. dog on site at any one time. It is envisaged that there would be no more than 3no. dog's visiting per day.
- 5.6 **Environment Protection (EP):** Concerns were initially raised in regard to the loss of amenity of the existing residents. The applicant has subsequently provided further information in support of the proposal. This has been reviewed and EP now state that although the proposed business is located in a residential area, it is of a scale and intensity which, combined with good management of the proposed use, should limit the potential for any impact on the amenity of the neighbouring residents. Whilst EP has no objection to the proposal conditions have been recommend to control the use. It is also commented that it may be appropriate to restrict any permission to a temporary 12 months consent with a view to grant full permission should no adverse impacts arise.
- [It is the Officer view that permission should only be granted if the impacts are of the proposal are acceptable and are able to be controlled by condition(s). The applicant is not seeking a temporary consent. Given the small scale nature of the proposal the impacts of it are not considered to be so severe by the statutory consultees that it is reasonable or necessary to restrict this development to a temporary permission.]
- 5.7 **Yorkshire Water Services:** No comments received. The applicants have advised that dirty water will be collected in containers and disposed of down the foul waste drains.
- 5.8 **Interested Third Parties:** 9 objections have been received from 7 households on the estate. The objections raised are summarised below:
- Lack of parking.
  - On street parking already an issues.
  - Creation of additional traffic.
  - Noise impacts from barking dogs.
  - Smells and odour as a result of waste.

- Business use resulting in visitors to the property is not permissible under the current Covenant on the properties.
- If permitted the applicant would be in breach of the covenant which strictly prohibits planning applications for change of use, visitors to the business and noise or noxious businesses.
- Impact upon residential amenity through noise and disturbance.
- Loss of privacy through the additional coming and goings to the site.
- Overdevelopment – the garden areas are small and compact.
- Not suitable to run a business like this from which will impact upon the area.
- Where will the dogs be kept when not being groomed?
- Lack of consultation.
- Will reduce the saleability of other dwellings in the area.
- Who would enforce the conditions and use as suggested by Highways?

## **6.0 PLANNING CONSIDERATIONS:**

- 6.1 The main planning consideration is whether the proposed development is in conformity with the Development Plan and the NPPF in promoting sustainable development, which includes strands of environmental, social and economic benefits which are to be read as mutually dependant and as one. The key policy considerations are delivering sustainable development, and safeguarding the character of the local area and to not have any severe impacts upon highway safety.

## **7.0 PLANNING ASSESSMENT AND SUMMARY:**

### **Principle**

- 7.1 Following permission for housing in this location, the Settlement Development Limit (SDL) has been redrawn to include the site within the emerging local plan (eLP), whilst only limited weight can be applied to the eLP it is not considered appropriate to consider the site against countryside policies (GS6, NE1) given the area is now built up.
- 7.2 The application proposal is seeking planning permission to operate a dog grooming business from a dwelling house and therefore an assessment is to be made against the policies of the development plan which seek to protect the character of the area (GS5, BE1), residential amenity (GS5) and highway safety (T2, T9) from inappropriate development and policies SS1, SS2 and SS7 of the Draft Publication Local Plan (2014-2034) which are aligned to the extant policies referred to.

### **Impact upon the Character of the Area**

- 7.3 62 Burton Road is a semi-detached dwelling with front and rear garden amenity areas. The area is residential in character. The proposal seeks to erect a summerhouse in the northwest corner of the garden in timber. The summerhouse itself could be constructed under permitted development but planning permission is required to conduct a dog grooming business from the site.
- 7.4 The building is modest in proportions having a maximum height of 2.8 metres sloping to an eaves height of 2.2 metres. It is to be positioned adjacent the rear boundary fencing. It is regarded that the proposed building would not have a detrimental impact upon the streetscene due to its modest proportions and its set back from the road. There are also other examples on the estate where garden structures are visible and so the structure is not out of character with the wider area.
- 7.5 The operation of a dog grooming business has potential to impact upon the character of the area, particularly if it was to be intensely operated. Such an intensive use

would alter the nature of the site and would result in a material change which would be out of keeping with the residential nature of the area. The applicant is proposing to restrict the number of appointments to three per day with no more than one dog on the premises at any one time. In this form, the scale of development is considered to not create any adverse impacts but it would be appropriate to condition any approval accordingly.

### **Impact upon Residential Amenity**

- 7.6 Objections have been received from neighbouring properties raising concerns with regard to loss of privacy and adverse impacts on residential amenity as a result of coming and goings to the site and from barking dogs. The Environment Protection Officer has been consulted on the proposal and due to the small scale operation proposed and the manner in which it is intended to operate no objections are raised. Conditions are suggested to restrict the operation in terms of the number of visitors to the site and the times it would operate.
- 7.7 It is not considered that the small scale nature of the business would cause undue impact upon the residential amenity of the nearby neighbours.
- 7.8 The potential to issue a temporary permission exists. However, due to the manner in which the business would run and its limited scale, it is not considered a temporary consent appropriate in this case as the use proposed is otherwise considered acceptable.

### **Impact upon Highway Safety**

- 7.9 The Highways Authority (HA) have commented on the proposal and despite the objections received on highways safety matters, raises no objection. The applicants supporting statement advises that they are able to fit three cars on the driveway and that there would only be one car on the driveway during the working week, leaving space for visitors. There will be an appointment based system in place and visitors will be restricted so that there would be no overlap.
- 7.10 Given the small scale operation of the business, as proposed, there are no highway safety concerns and it is not considered that a refusal based on highways would be sustained at appeal.

### **Other Considerations**

- 7.11 It has been highlighted to the local planning authority that a covenant exists on the property which prevents business uses operating from the site which involve a change of use or that involve visitors to the site. This is a civil matter and not for consideration here.

### **Conclusion**

- 7.12 The objections raised have been fully considered and in light that there were no objections from the Environmental Protection Officer or Highways Authority there is no technical reason to withhold planning permission.
- 7.13 The scale of the proposal is considered largely ancillary to the main function of the property and Officers consider that there is no adverse or significant harm caused by the proposal. Conditions can be imposed to restrict the number of visitors/dogs on site in the interest of the public.
- 7.14 Therefore it is considered that the proposal is compliant with the Development Plan when taken as a whole.

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## 8.0 **SUMMARY OF CONSULTATIONS:**

<u>County Highways:</u>	No objection
<u>County Planning:</u>	N/A
<u>Environmental Health:</u>	No objection
<u>Drainage:</u>	No comments received
<u>Access Officer:</u>	N/A
<u>Footpath:</u>	N/A
<u>Neighbour:</u>	7 objections
<u>Others:</u>	
<u>Ward Councillor:</u>	Called in application to committee
<u>Parish Council:</u>	Objection

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## 9.0 **RECOMMENDATION:**

**GRANT** Planning permission and subject to the following conditions:

### **CONDITIONS**

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the submitted plans drawing unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. The summerhouse and associated dog-grooming business shall be operated solely in association with 62 Burton Street, Wingerworth and only the occupier(s) of the said dwelling shall work in the dog-grooming business. No other person shall be employed at or operate in association with the business hereby approved.
4. No dog shall be groomed at the premises unless it has a pre-arranged appointment to be so groomed. The applicant shall operate a strict booking system (i.e. no on-spec callers) limiting the number of clients/dogs to one being on site at any one time with a maximum of three dogs visiting the site in any one 24 hour period.
5. The use hereby permitted shall only be operated between the hours of 09:00 and 17:00 Monday to Friday.
6. No dogs associated with the permitted use shall be kept on the premises overnight between 17:00 and 09:00 on the following day.





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