

North East Derbyshire District Council

Special Planning Committee

2 October 2018

Development Management Applications

Report No PM/10/18-19/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 2nd 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.

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CLAY CROSS	NED/18/00273/FL	Proposed residential development comprising 23no. dwellings (Amended Plans/Amended Title) – Watercress Farm, Watercress Lane, Danesmoor, Chesterfield.	21 - 31
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PARISH: North Wingfield

Application: 18/00505/OL

APPLICATION: Outline application (all matters reserved except access) for residential development and associated infrastructure (Major Development/Departure from Development Plan/Affecting a public right of way) on land east of Little Morton Road, North Wingfield for David Wilson, William Wilson, Robert Wilson and Zafeen Limited

The Site Inspection Group is to visit the site to view the impact of development on the character of the area, surrounding landscape, residential amenity, highway safety and biodiversity

1.0 SITE DESCRIPTION

- 1.1 The site is located beyond the settlement development limit ["SDL"] of North Wingfield and so lies in the countryside for planning purposes. It comprises a number of interconnected fields separated by hedgerows falling away to the east and south towards a well wooded valley. In addition, there are a number of significant trees that occupy the site and which are generally located within the hedgerows.
- 1.2 Residential development borders the site to the west and which in turn fronts onto Little Morton Road. To the north, east and south is open countryside.
- 1.3 Little Morton Farm and its associated outbuildings occupies part of the site on its western extremity.
- 1.4 A range of public footpaths criss-cross the land to the north, south and east of the site with one public right of way routeing through it. A footpath roughly forms the eastern boundary of the site running generally along the aforementioned valley.
- 1.5 A run of overhead power lines occupies a portion of the eastern edge of the site.

2.0 PROPOSAL

- 2.1 The application seeks consent in outline for residential development on 11.36 hectares of currently primarily agricultural land to the east of Little Morton Road, North Wingfield.
- 2.2 All matters save access are reserved for further approval. A single point of access is proposed to Little Morton Road on the portion of the site just to the south of the existing farm.
- 2.3 The application originally sought consent for up to 265 houses and was supported by an indicative layout. However, the general design of the indicative layout was not considered by Officers to demonstrate adequately that 265 dwellings could be satisfactorily accommodated on the site. The applicant therefore decided to remove any reference to numbers in the application details and to seek consent generally for residential development.

- 2.4 The application is supported by the submission of the following documents:
- A. A planning statement
 - B. Arboricultural survey
 - C. Coal Mining Risk Assessment
 - D. A Design and Access Statement
 - E. A viability report
 - F. A Flood Risk Assessment
 - G. Geophysical Survey/Ground Investigation Report
 - H. A Landscape and Visual Assessment
 - I. An Ecological Survey
 - J. A Supporting Statement from Persimmon Homes stating work would start in winter 2019 with completion in 2026.
 - K. A Transport Assessment
 - L. A Travel Plan
- 2.5 These documents were submitted to support the originally submitted scheme and have not been updated subsequently to address either the changes made to the scheme or following the publication of the revised National Planning Policy Framework in July 2018. However, whilst referred to in the report below, they may be considered and read in full by reference to the on line record.
- 2.6 In short the **applicant** contends that the proposal will provide high quality, sustainable development delivering a mix of housing. It is contended the site is sensitively located and respectful of its context and surroundings and contributes sensitively to the wider local community, its services, businesses and social infrastructure.
- 2.7 It is also contended the development will boost housing supply and contribute to the District's strategic housing needs. The applicant takes a view that the Council cannot demonstrate a five year supply of housing based on a variety of assumptions relating to the Objectively Assessed Need, the SHMA, the Local Plan and the relevant buffer to apply (as referred to in the NPPF). The applicant therefore considers that the "tilted balance" as set out in the NPPF should apply in these circumstances.
- 2.8 The applicant notes that the submitted TA demonstrates the development will not adversely affect the highway network whilst the FRA details that development will be located in Flood Zone 1 and so not be affected by flooding.
- 2.9 It is also set out in the submitted documents that there would be no adverse impact on the local landscape character or features, ecology, heritage features or archaeology.
- 2.10 The applicant concludes that the scheme complies with the relevant policies of the Local Plan, save those relating to housing which are considered to be out of date due to a lack of a 5 year housing supply and the NPPF.

3.0 PLANNING HISTORY

- 3.1 None relevant

4.0 DEVELOPMENT PLAN POLICIES (AND GUIDANCE)

4.1 North East Derbyshire Local Plan (LP)

The LP has “development plan” status. Planning law requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The relevant policies of the LP are as follows:

GS1: Sustainable Development
GS5: Settlement Development Limits
GS6: Development in the Countryside
GS9: Planning Obligations
NE1: Landscape Character
NE3 Protecting and Managing Features of Importance to wild Flora and Fauna
NE7: Protection of Trees and Hedgerows
NE8: Tree Planting
NE9: Development and Flood Risk
BE1: General Design Principles
BE5: Percent for Art
H3: New Housing Outside Settlement Development Limits
H6: Affordable Housing Provision in the Main Settlements
H12: Design and Layout of New Housing
T2: Highway Access and the Impact of New Development
T5: Walking and Cycling
T9: Car Parking Provision
R5: Providing for Children’s Play Space through New Development
CSU4: Surface and Foul Water Drainage
CSU6: Contaminated Land

4.2 North East Derbyshire Local Plan: Publication Draft (LPPD):

The 2014-2034 Local Plan has now been submitted to the Secretary of State for examination and has, therefore, reached an advanced stage. It should be accorded weight in line with this stage of its development.

The relevant policies of the LPPD are as follows:

SS1: Sustainable Development
SS2: Spatial Strategy and the Distribution of Development
SS9: Development in the Countryside
LC2: Affordable Housing
LC4: Type and Mix of Housing
SDC3: Landscape Character
SDC4: Biodiversity and Geodiversity
SDC11: Flood Risk and Drainage
SDC12: High Quality Design and Place Making
SDC14: Land Potentially Affected by Contamination and Instability
ID1: Infrastructure Delivery and Developer Contributions
ID2; Provision and safeguarding of Transport Infrastructure
ID4: New Social Infrastructure
ID9: Open Space, Sports and Recreation Facilities

4.3 **Supplementary Planning Documents and Guidance:**

Affordable Housing
Developer Contributions
Recreation and Open Space
Successful Places Guidance

4.4 **National Planning Policy Framework [NPPF]:**

In terms of other material considerations the NPPF is relevant to this application.

5.0 **CONSULTATIONS AND REPRESENTATIONS**

- 5.1 **NEDDC Housing** – The affordable housing mix should be 80% social or affordable rent to 20% shared ownership. Houses and not bungalows are required and they should be managed by a local Housing Association.
- 5.2 **NEDDC Drainage** – No comments received.
- 5.3 **NEDDC Employment and Skills Officer** – Condition requested for a scheme and timetable to enhance employment and training to be submitted and approved before development commences.
- 5.4 **NEDDC Parks Department** – Recommends an onsite play facilities are provided due to the size and location of the development.
- 5.5 **NEDDC Environmental Health** – A number of conditions are recommended to be attached to any planning permission granted. Concerns are raised regarding potential land contamination on the site which would be addressed by conditions.
- 5.6 **NEDDC Economic Development** – No comments received.
- 5.7 **DCC Highways (HA)** – No formal comments received although informally the HA do not object to the proposal.
- 5.8 **DCC Infrastructure** – Appropriate mitigation is required – a contribution is required for the local Primary and Secondary Schools. Advisory note to be attached to planning permission for broadband.
- 5.9 **DCC Rights of Way** – No comments received.
- 5.10 **Flood Risk Team** – A number of conditions are to be included if permission is granted. The applicant is to submit a detailed assessment of the proposed surface water drainage system and a comprehensive management plan.
- 5.11 **DCC Archaeology** – A number of conditions should be attached to any planning consent granted in relation to below-ground archaeological remains including a Written Scheme of Investigation which should be approved before any development takes place.

- 5.12 **Derbyshire Health Service** – A financial contribution is required to improve the local surgeries in North Wingfield as they are currently at full capacity.
- 5.13 **The Coal Authority (CA)** – Initially stated that the site falls within the Development High Risk Area and a holding objection was issued and further information was requested. Subsequently it has been acknowledged that the further information that has been submitted addresses the concerns and there are now no objections raised.
- 5.14 **Environment Agency (EA)** – A planning condition should be added to any approval granted to reduce the risk of flooding to the proposed development and future occupants.
- 5.15 **Yorkshire Water (YW)** – Conditions should be attached to any planning permission granted to protect the local aquatic environment and Yorkshire Water infrastructure.
- 5.16 **Derbyshire Wildlife Trust (DWT)** – Advise that the requisite surveys are undertaken and the submitted report is updated to fully assess the impacts of the proposals on the ecology of the site. Further information on this issue has been submitted and DWT have been consulted on it. The final comments of DWT are awaited and will be reported to the Committee as appropriate.
- 5.17 **Peak and Northern Footpaths Society** – No comments received.
- 5.18 **The Ramblers Association** – Ask that the public rights of way are maintained as stated in the application details. BN Wingfield FP15 and 19 are both well used paths connecting to a wider network.
- 5.19 **Ward Councillor** – A number of concerns have been raised and it has been requested the application is considered and determined by the Planning Committee.
- 5.20 **North Wingfield Parish Council** – Strongly opposes the application. Raises a number of concerns including environmental and agricultural impact, traffic and local services.

6.0 PUBLICITY

- 6.1 Site Notices were displayed on 11/06/18. The application was also publicised in the local press on 21/06/18 and 181 neighbours were directly consulted by letter on the application.
- 6.2 112 letters have been received of which 94 are objection letters. The objections submitted are précised as follows:-
 - A. Increased noise pollution and loss of peace and tranquillity to houses on Little Morton Road.
 - B. Loss of view from dwellings on the east side of Little Morton Road. The density and position of houses on the development in not in keeping with the surrounding area. There will be an adverse effect on Little Morton Farm.
 - C. 75 and 77, Little Morton Road will be adversely affected by a house across the back blocking views, affecting privacy, creating shade and negatively impacting on daylight in the gardens and properties. There will be over-shadowing and loss of privacy on Fairfield Drive.

- D. The fields on which the development is to be built are water logged for much of the year and some gardens and houses on Little Morton Road suffer from flooding in winter. There are concerns the development may make neighbouring fields unusable due to flooding and over plans for foul water to be put into the existing combined drain as at times of heavy rain foul water comes out of the existing manhole cover and into the field.
- E. This is high density development losing the open aspect of the neighbourhood. The development is not needed as the local housing requirement has been met and there are other more suitable sites within 1-2 miles at Biwater and Holmewood. The development is at odds with the Level 1 and Level 2 Housing Provision of the Local Plan. The site is outside the Settlement Development Limit but current Local Planning Policy is in a weak position leaving North East Derbyshire as an area targeted by Developers. There is a danger in Chesterfield of losing the separate towns due to housing developments on the land between them.
- F. There will be increased pressure on schools, GP services and other local amenities and the local infant school is full. There is no capacity for new patients at the local GP Practice and there are already two new developments taking place within the area. Infrastructure will not support the development. The closure of Deincourt Secondary School means more pupils commuting to school.
- G. There will be an increase in traffic and difficulties in turning right onto St Lawrence Road. There are road and pedestrian safety concerns and there is no traffic control on Little Morton Road. There will be an increase in traffic congestion at surrounding road junctions and the development would bring an additional 500 cars to the area.
- H. The road/traffic survey did not take into account traffic coming in and out of the estate leading off Chatsworth Drive and did not count the traffic coming from the Elvaston Estate. People and children on the Elvaston Estate will be affected by extra traffic cutting through to avoid the junction. Has the Egstow Park, Clay Cross development been considered in the traffic study? There will be traffic congestion caused by the building works and there are no local business and therefore new residents will have to commute to work.
- I. There is only one entrance/exit to the site and an accident at the site entrance would prevent emergency services from accessing the development. St Lawrence road is a main road to the M1 and very busy with traffic already.
- J. The site lines for vehicles exiting at The Gate Inn are inadequate, Little Morton Road is very narrow and difficult to widen and develop footways. The Greenway is not required – there are no paths or access with higher rights linking to a proposed Greenway. A proposal for traffic lights on the road was previously turned down and an application for a road at the same site was rejected 20 years ago and there has since been a substantial increase in traffic. There will be a detrimental impact on residents of St Lawrence Road such as increased traffic and access in and out of their properties.
- K. The small beck at the bottom of the field of the southern portion of the proposed development floods quite badly when there is more than a couple of days of rain. Will there be a plan to repair the drainage ditch and dredging of the Beck to the main waterway to assist with any flood mitigation measures? The land is prone to flooding and becoming waterlogged and there are concerns over the combined drainage for foul water.
- L. Roman artefacts (coins) have been found on the southern portion of the development. Will the developers be carrying out an archaeological survey? The fields are historical field patterns. The CPRE objects strongly and attaches high

significance to the presence of fossilised medieval strip fields within the site boundary.

- M. Lighting concerns – there are relatively low lighting levels in the area apart from the 1970's lighting on Little Morton Road. How will this be kept to a low level with the new development?
- N. The land is not in the Local Plan as development land and is productive agricultural land. There would be a loss of environmentally friendly farmed land including red clover. There is a breach of Policy GS6 as “a prominent intrusion into the countryside”
- O. The proposed development is outside the established village limits and its size far exceeds the needs set out in the Local Plan.
- P. The footpath link at the top end of the development above Fairfield Drive will not be a safe access for pedestrians and children on bikes. It has shared access and is used for vehicles such as tractors, lorries and mowers.
- Q. There is wildlife on the site including rare partridge, bats, owls, hawks, buzzards, newts, dragon flies and water vole in the brook. There are hedges and nesting birds also on the site.
- R. The footpath network is regularly used and green spaces increase wellbeing. The development would break up the agricultural land from Lower Pilsley to North Wingfield.
- S. Privacy, security, light and noise pollution issues from the proposed footpath to the North West specifically for no.15 Little Morton Road.
- T. The open Common Land would be compromised due to the proposed footpath at the North West.
- U. There will be increased pollution levels and the loss of fresh air and countryside will have a negative impact on health and well-being of residents.
- V. The site with 265 homes will be too large for the village of North Wingfield and there will be a severe impact on village life. Brownfield sites should be built on before countryside. Will the open space area on the plan be kept? Unlike the Elvaston Estate which has been built on.
- W. Many of the current surrounding houses have problems with subsidence. There are coal seams underneath the land. Past proposals on the site have been rejected due to drainage and subsidence.
- X. Irreversible loss of agricultural land, environment and impact on green belt.
- Y. No demand for extra houses in the area there are already plenty of homes and starter homes for sale.
- Z. Residents made it clear at previous consultation meetings for the Local Plan that they do not want another large housing development in North Wingfield. The Government thinks local communities should have the genuine opportunity to influence the future of the places in which they live.
- AA. There would be a loss of uniqueness and character of the village. There are concerns over the style and design of new properties and whether they are in keeping with the character of the village.
- BB. There are concerns over the proximity of the development to the current properties that surround it.
- CC. There will be noise, inconvenience and pollution from building works and car headlights will shine into existing properties.
- DD. There will be an adverse impact on walkers, dog walkers and children using the local path network, an adverse impact on local farmers and consumers and an adverse effect on climate change.
- EE. Detrimental impact on farmland birds, which are already in sharp decline due to farmland being used for housing development.
- FF. The only people who would benefit are the developers from financial gains.

- GG. Little room on the development plan for parking.
- HH. The application ignores reasons why the development should not take place including the coal mining legacy and instability of the land, roosting bats on the site and other wildlife habitats, underestimation of traffic increase.
- II. There will be an increase in waste from residents living on the development and refuse vehicles, an increase in anti-social behaviour and an increased pressure on emergency services.
- JJ. There are registered common land parcels where development is not permitted.
- KK. Has the RSPB been contacted as the area is a Priority area for Countryside Stewardship measures addressing lapwing habitat issues?
- LL. DOS (Derbyshire Ornithological Society) states the ecology report by ARC Ecology is naïve and dismissive as there are many nesting birds within the site including the Willow Tit and Lesser Whitethroat, which are both classified as “uncommon”.
- MM. There are already a significant number of empty properties within North Wingfield and adjacent towns it would be better to invest in these. There is already a community to support local businesses in North Wingfield it is up to the businesses to attract local customers and prevent them from going further afield for what they want.
- NN. Due to Brexit and the UK leaving the EU we need to keep our agricultural land.
- OO. Who will clean and maintain the proposed footpaths?

18 support letters have been received and a petition in favour signed by 21 people from local businesses and residents of the area. Comments are:-

- A. The houses in North Wingfield are far cheaper than surrounding areas such as Wingerworth making it affordable for people to relocate to or buy in this area. The Report on settlement sustainability (Dec 2017) states North Wingfield as the 5th most sustainable area in North East Derbyshire.
- B. North Wingfield’s housing provision is only 4.6% the lowest of all the Level 1 and Level 2 Settlements. The site was designated as one of the potential sites in the SHLAA assessment.
- C. The site is in a nice location and close to the centre of North Wingfield and its amenities. The selling of houses on the site would help to further support local businesses and amenities. The price of the houses would enable young people to progress on the property ladder. The development will improve the local economy. Many businesses find it hard to survive in North Wingfield. The development will provide a much needed boost to the area. Since the pit closures the economy has declined in North Wingfield and many local businesses have had to close down. There will be extra local jobs from the construction of the development.
- D. There is a lack of suitable new houses in North Wingfield.
- E. North Wingfield has been given the lowest allocation of new houses for a Level 2 village only 131 compared to Wingerworth 1316.
- F. North Wingfield has excellent transport links.
- G. The local junior school has plenty of space.
- H. There is plenty of affordable housing on the site allowing people to get on the property ladder.
- I. There will be sustainable and environmentally friendly houses.
- J. The land is low grade farming land and plenty of green land will still remain for walkers to enjoy.

- K. Traffic lights would improve the junction of Little Morton Lane and St Lawrence Road although the traffic congestion on Little Morton Road is currently not too bad. The developer proposes improvements at the junction of Little Morton Road and St Lawrence Road and this will greatly improve traffic and safety within the area. The developers and not tax payers will foot the bill for this.
- L. Currently there are no new build bungalows available in North Wingfield and according to the Draft Local Plan there won't be for the next 16 years.
- M. Benefits far outweigh the disadvantages.
- N. A housing development in this location would not contribute to the merging of North Wingfield with any of its neighbouring villages. In February 2015 this site was a potential site for development in the Draft Local Plan. This site was taken out of the Local Plan and replaced by a number of Green Belt sites, surely building on Green Belt should be a last resort?
- O. The lack of new housing development within North Wingfield over the next 16 years does not bode well for the economic prosperity of the village.
- P. Most of the wildlife is down near the brook, which is proposed to be retained.
- Q. The site already receives a lot of trespass specifically from dogs and is of poor quality rarely growing crops.
- R. Many people would prefer to buy a house on land that hasn't been previously contaminated.
- S. A number of local business owners are in support of the application including local pub, nursery, store and garage who believe it will benefit the economy of the village.

7.0 PLANNING CONSIDERATIONS

- 7.1 The main planning 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 area and landscape, its effect upon biodiversity and highway safety.
- 7.2 Other planning considerations that also need to be assessed are archaeology, land contamination, amenity and flooding/drainage.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 The site lies outside (although adjacent to) the SDL as identified in the LP for North Wingfield and, thus, falls to be considered as "countryside" for planning policy purposes.
- 8.2 Policy GS1 of the LP states that all development proposals will be located within the defined SDLs, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDLs is to restrain development in the countryside and to focus development upon sites within the SDLs and/or allocated sites to achieve a sustainable pattern of development. Unrestrained housing development is not generally considered to be acceptable development in the countryside.
- 8.3 Policy H3 of the LP sets out the very limited circumstances in which proposals for housing may be permitted in the countryside (such as the change of use of existing buildings, dwellings that are essential for the operation of an agricultural or other rural based use, replacement dwellings or affordable housing on rural exception sites) but the development does not fall into any of these categories.

- 8.4 Neither can the circumstances of the proposal be considered to amount to “overriding exceptional circumstances” as set out in GS1. Whilst the development would contribute towards the stock of housing in the district, the Council, contrary to the views of the applicant, considers it is currently able to demonstrate in excess of a 7 year supply of deliverable housing land and, through the LPPD, has already planned for substantial new housing development in the District, including in North Wingfield. Contribution to housing supply is not, therefore, considered by Officers a consideration to which substantial weight can be afforded or that it can be considered an “exceptional circumstance”. There is nothing that distinguishes the site exceptionally, sufficient to override the “countryside” restraint that is placed upon it.
- 8.5 The emerging policy as set out in the LPPD makes no change to the SDL adjacent to and in the vicinity of the application site. The Council has now submitted the LPPD for examination on the basis that such a stance is defensible. The LPPD supports the ongoing restraint upon development so far as the application site and this edge of North Wingfield is concerned.
- 8.6 The policies of the NPPF are a further weighty material considerations to which regard must be had. The implications of the NPPF are discussed below. Suffice to say, national policy as expressed in the NPPF is not (in this case) a consideration which indicates in favour of the proposal.
- 8.7 It is therefore concluded, contrary to the views of the applicant, that the development, in principle, is contrary to policies of the statutory development plan and thus is contrary to the development plan as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan.

Affordable housing

- 8.8 20% affordable housing is offered by the applicant in this case. The general mix of affordable units proposed is also appropriate as the applicant has also agreed to fulfill the Council’s request to provide 80% of the affordable units for either social or affordable rent with the remaining 20% being shared ownership properties.
- 8.9 In this case, the affordable housing offer (in all the circumstances of this case) is considered to be acceptable and meets the requirements identified through the recently completed SHMAA, which is the most up to date evidence available on which to base this assessment of need. Such provision would be secured through the completion of a section 106 legal agreement.

Highways

- 8.10 The Transport Assessment (TA) states that the development is generally sustainable being close to local services and will not give rise to any overriding unacceptable impacts on the highway network and not adversely impact on the operation of the local highway network when appropriate mitigation has been taken into account which includes a traffic controlled junction at the junction of St Lawrence Road and Little Morton Road.
- 8.11 The formal comments of the Highway Authority (HA) have yet to be received but it is understood that the HA generally accept the conclusions of the TA and that the development will not have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would not be severe.
- 8.12 Significant comment on this matter has been expressed by stakeholders, although no substantive evidence to support those assertions has been submitted. Therefore, little weight can be placed on those comments.

- 8.13 However, without the formal comments of the HA on any necessary mitigation it is yet to be concluded what exactly may be required but subject to no adverse comments being formally received from the HA the issue of highway safety and/or traffic increase are not considered to be reasons to withhold permission in this case.

Archaeology

- 8.14 There is some evidence that the site has archaeological remains along the eastern side of the site maybe associated with the brook. If permission is granted this matter could be addressed by a planning condition requiring archaeological field evaluation before the commencement of development.
- 8.15 The formal comments of the Archaeologist have been received and Officers place significant weight on them in this case.

Ground Stability and Land Contamination

- 8.16 As the site appears to have an area of reworked coal spoil within it there is a need for further investigation of these issues. The same is true for potential outstanding land contamination.
- 8.17 However, these matters can be addressed by appropriate planning conditions in the event that permission is granted as per the advice received.

Drainage

- 8.18 A significant level of representation has been received on this issue and it is acknowledged that a stream occupies a valley on the eastern side of the site and that surface water runoff is proposed to be mitigated by infrastructure introduced to the most southerly and easterly part of the site coinciding with its lowest point.
- 8.19 The site lies within Flood Zone 1 (lowest risk of flooding) and there is no reason to doubt that an acceptable drainage scheme can be designed and implemented as per the comments of the Environment Agency and the DCC Flood Risk Team. Further details for the scheme and its implementation can be secured through the imposition of conditions.

Education Provision/Health Provision/Effect on Local Services (section 106 issues)

- 8.20 The development gives rise to the need for a financial contribution towards both education and health provision thereby mitigating the impact of the development on these services. These can be secured through a section 106 obligation and the applicant has pledged to fully meet these requests as follows:
- £2 million for education (subject to a formula based calculation in the Section 106 Agreement to reflect the eventual number of dwellings and dwelling types).
 - £101,000.00 for health facilities (as with education on a formula based calculation)
- 8.21 Additionally, and for sake of completeness any section 106 would also need to include the provisions for the delivery of affordable housing (considered above), any off site highway requirements (see above) and open space provision and its future maintenance as necessary (see below).
- 8.22 Whilst there may be local concern about the capacity of the nearby services no adverse comments have been raised by the relevant statutory providers who have sought the relevant mitigation and so it is considered by Officers that subject to the necessary contributions etc. that the development in this respect is acceptable.

Recreation/Play Space Provision

- 8.23 The proposal gives rise to the need for a recreation provision contribution on the site and for its ongoing maintenance.
- 8.24 The applicant has confirmed that this will be provided as required and it can be secured through a section 106 obligation which the applicant has also confirmed will be met in full (see above).

Impact on Neighbours

- 8.25 The proposal will affect the living conditions of neighbours to some extent, including in terms of increased traffic and visual impact. However, there appears to be no technical highway objection to the proposal, although the final comment of the HA is awaited and there is no reason to doubt that separation distances and adequate levels of privacy and outlook could not be achieved for neighbouring residents to the standards set out in Successful Places in any subsequent reserved matters application made.
- 8.26 If the principle of the development was to be accepted (because the Committee considered that the benefits of the scheme outweighed any adverse impacts) these negative effects upon the living conditions of neighbours are not considered of sufficient weight, in themselves, to justify a reason for refusal.

Impact on Ecology

- 8.27 The Council has a legal responsibility to consider the impact of any development on biodiversity. Advice in the Planning Practice Guidance sets out that ecological surveys will generally be required in advance of a planning application if the type and location of development are such that their impact on biodiversity may be significant and existing information is lacking or inadequate.
- 8.28 In this case, it is noted that a habitat survey was undertaken in 2017 but that no surveys had subsequently been undertaken to determine the presence/absence of protected species. The advice of the Derbyshire Wildlife Trust was that due to the size of the proposed development and the potential impacts to habitats that the level of the submitted detail was insufficient to determine the planning application.
- 8.29 The agents were advised of this and indicated that they would provide the necessary information. Some further information was submitted just prior to the writing of this report and the DWT has subsequently been consulted on it, although the response to it is still awaited.
- 8.30 The applicant's agent has pressed for the determination of this application. Whilst the Council has sought the advice of the DWT on the submitted information at the time that this report was written the Officer conclusion has to be that it has not yet been proven sufficiently that the proposal will not result in significant harm to biodiversity and that this Council's obligations have been fully met.
- 8.31 In such circumstances the approval of the application would be clearly contrary to the policies of the Development Plan and also the aims of the NPPF and a reason alone to refuse planning consent in this case. If subsequently there has been time to fully assess the submitted information and the Council are assured issues of biodiversity have been fully protected the Committee will be advised accordingly.

Design and Landscape Issues

- 8.32 The site is located to the east of Little Morton Road on the eastern edge of North Wingfield. The site would represent a material block of development extending into countryside and flanked by it to its north, east and west.

- 8.33 The submitted Landscape and Visual Impact Assessment concludes that the site is reasonably well contained resulting in a restricted visual envelope overall and the replacement of the existing fields with high quality housing and associated green space is not considered to be incongruent with the surrounding context and it will be seen as a component of the landscape rather than dominating it. As such, it is concluded that the development will result in a Moderate-Minor adverse landscape effect and that visual receptors are limited and will not be significantly adversely affected by the development
- 8.34 An indicative layout did accompany the application when it was originally submitted but subsequently as Officers did not consider it had necessarily identified how up to 265 dwellings may have been satisfactorily accommodated on the site it has been re-titled and now seeks consent in principle only for residential development on the site with all matters reserved for further approval.
- 8.35 Officers note the conclusions of the applicant. However, views into the site from land to the south and east, much of which is elevated, are significant and wide ranging. Those from the public footpath network both within the site and close by are extensive. Officers consider the site is seen as part of the countryside and not part of the settlement and that it forms an attractive transition from one to the other. The development would be clearly a block of new housing extending out into the countryside and replacing a large area of green field with incongruent housing development.
- 8.36 Officers do not agree that the views of the site are restricted or that new housing on the site will be seen purely against the backdrop of existing development which is in any case closer related to Little Morton Road and clearly well defined as part of the existing settlement or that new housing will not be incongruent in this context.
- 8.37 On the contrary, the development is considered one that will erode the rural/urban interface in this location and fail to understand the intrinsic character and rural beauty of the area.
- 8.38 Whilst it is acknowledged that the details relating to appearance, landscaping, layout and scale are all reserved matters it is not considered that residential development on the site could be undertaken in a manner that respects the Development Plan policies which seek to protect the countryside from inappropriate development.

Other material considerations – the NPPF

- 8.39 Regard must be had to national policy as expressed in the NPPF. However, in the circumstances of this case, it is not considered that the NPPF indicates a decision other than in accordance with the development plan.
- 8.40 The tilted balance of paragraph 11 (i.e. the presumption in favour of sustainable development) is not triggered as the most important policies for determining the application are not considered out of date as set out above. Additionally, the Council can demonstrate that it has in excess of a 7 year supply of deliverable housing land.
- 8.41 The 7+ year supply has arisen partly as a result of permissions having been granted elsewhere in the district which are beyond the SDLs as existing. However, insofar as this edge of North Wingfield is concerned there is no proposal to make any change to the SDL in the LPPD which now articulates what the Council sees as the right balance between settlements and countryside and the sustainable pattern of development for the district going forward.
- 8.42 The policies most relevant to the supply of housing (policies GS1 and GS5) which refer to the SDLs, when applied to this particular proposal, are not out of date

because the LPPD makes no changes to the SDL in this location. Officers (the Council having gone through full public consultation) believe that this position is defensible despite an objection to the LPPD relating to this site being outstanding. The NPPF makes it clear that proposed development that conflicts with policies of a development plan that are not out of date should be refused unless material considerations indicate otherwise.

- 8.43 There are unresolved objections to the LPPD on grounds of housing land supply, including an objection in respect of the application site. Notwithstanding that, the Council believes its position on housing land supply and SDLs to be defensible, if these objections (in themselves) are considered to trigger the tilted balance then the proposal is still unacceptable in any event.
- 8.44 The adverse impacts of the proposal, in terms of the visual harm to the character and appearance of the countryside and the overriding issue of biodiversity are both considered substantial. Additionally, the proposal undermines the sustainable pattern of development for the district, and what the Council sees as the right balance between countryside and settlements, as articulated in the LPPD. The LPPD, at this submission stage, is a consideration to which weight can and should be afforded.
- 8.45 The benefits, on the other hand, are no more than marginal. The development would make a contribution to housing land supply albeit there is already a 7+ year supply across the District and other housing is proposed both in North Wingfield itself and close by at Clay Cross. Little weight can be attributed to that consideration in these circumstances. There would additionally be some small economic benefits (£106 contributions, Council Tax receipts, employment during the construction phase and spend in the local economy). Similarly, these considerations carry little weight as the same benefits could be achieved through other, more suitably located, development. These marginal benefits, thus, are significantly and demonstrably outweighed by the adverse impacts of the proposal.
- 8.46 In respect of biodiversity great weight is attached to this issue by the NPPF (backed by statute) and until and unless the impacts on biodiversity have been fully assessed and as necessary appropriately mitigated the application should be resisted. Great weight should be attached to this issue.
- 8.47 The NPPF also supports the imposition of conditions and obligations to cover land contamination, archaeology, flood risk/drainage, affordable housing and highway issues for example should it be decided to grant permission.

9.0 CONCLUSIONS

- 9.1 The site is positioned beyond the SDL for North Wingfield. The proposal is, thus, contrary to the development plan. There is no proposed change to the SDL at this edge of the settlement in the LPPD. Additionally, the Council can demonstrate that it has in excess of a 7 year supply of deliverable housing land with new housing planned across the District and in the locality. The decision on the application should be made in accordance with the development plan. There are no material considerations that indicate otherwise.
- 9.2 The adverse impacts of the proposal, in terms of visual harm to the character and appearance of the countryside and biodiversity are substantial. The development would also undermine the sustainable pattern of development for the district as articulated in the LPPD to which weight can be afforded. The marginal benefits to housing supply and economic benefits are significantly and demonstrably

outweighed by the adverse impacts. It is therefore concluded that, for all these reasons, the application should be refused.

10.0 SUMMARY OF CONSULTATIONS

County Highways: Comments awaited

Environmental Health: No objections subject to condition(s)

Drainage: No objections subject to condition(s)

Water Authority: No objections subject to condition(s)

Footpath: No objections.

DCC Flood Risk: No objections subject to condition(s)

DCC Archaeologist: No objections subject to condition(s)

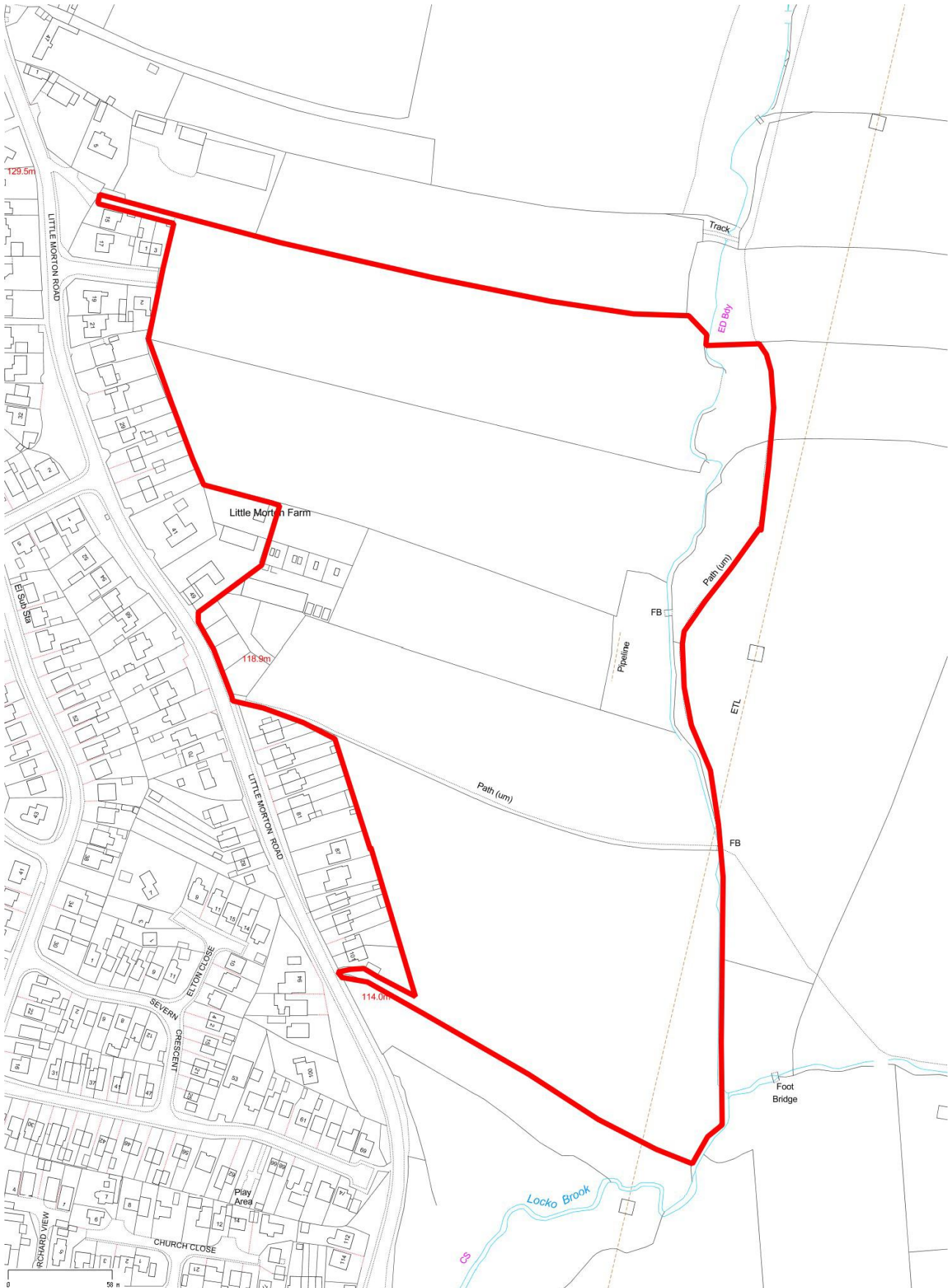
Ward Member: Object

Parish Council: Object

11.0 RECOMMENDATION

11.1 It is recommended that the application be **REFUSED** for the following reasons:

- (i) The site is positioned beyond the Settlement Development Limit for North Wingfield. The proposed residential development would be unacceptable development in the countryside. There are no overriding exceptional circumstances that would justify the proposal. The development is, thus, contrary to policies GS1, GS5, GS6 and H3 of the North East Derbyshire Local Plan and policies SS1, SS2 and SS9 of the North East Derbyshire Local Plan Publication Draft.
- (ii) It has not been demonstrated that the development would fail to have a negative adverse impact on the ecology and biodiversity of the area. Without a full evaluation of this issue and, as necessary, appropriate mitigation proposed and implemented, the scheme would have a detrimental impact on the ecology of the area contrary to policy NE3 of the North East Derbyshire Local Plan and policy SDC4 of the North East Derbyshire Local Plan Publication Draft and the policies of the NPPF when read as a whole.



PARISH: CLAY CROSS

NED/18/00273/FL

APPLICATION:

Proposed residential development comprising 23no. dwellings (Amended Plans/Amended Title) – Watercress Farm, Watercress Lane, Danesmoor, Chesterfield

The Site Inspection Group is to visit the site to view the impact of development on the character of the area, residential amenity and highway safety.

1.0 SITE DESCRIPTION:

- 1.1 The application site contains the farm house and associated outbuildings of Watercress Farm; the building is in a poor state of repair and largely uninhabitable. It is constructed of red brick, with parts white rendered under a slate and rosemary tiled roof. Some of the outbuildings appear to be of some antiquity and are constructed of stone. It is understood that the site was well vegetated; however, large sections of vegetation were removed in advance of the application being submitted. For the avoidance of doubt, the vegetation was not in any way protected and permission not required for its removal. The site covers an area of approximately 0.56 hectares and is predominantly flat.
- 1.2 Access into the application site is from Watercress Lane, a narrow street with a small number of residential properties along it, the later part of which appears to be an un-adopted and private road.
- 1.3 Surrounding land uses are a mixture of public open space to the north, 14 Beresford Close and an allotment to the west and residential properties to the south and east. The area is characterised by residential properties, typically two-storey and semi-detached in nature accessed off Springvale road, or cul-de-sacs off this main circular road.

2.0 PROPOSAL:

- 2.1 Permission is sought for the demolition of the existing buildings on site and erection of 23 residential properties. The dwelling mix would be three two-bedroom properties, 16 three-bedroom properties and 4 four-bedroom properties; four units are intended to be affordable. A new access would be created from Springvale Close, rather than utilise Watercress Lane.

3.0 PLANNING HISTORY:

- 3.1 There is no planning history to the site

4.0 DEVELOPMENT PLAN POLICIES:

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

- GS1 Sustainable Development
- GS5 Settlement Development limits
- GS9 Planning Obligations
- NE1 Landscape character
- NE7 Protection of trees and hedgerows
- NE8 Tree Planting
- NE9 Development and Flood Risk
- BE1 General Design Principles
- H2 Housing Development on other sides within the Settlement Development Limits
- H6 Affordable housing Provision in the Main Settlements
- H12 Design and Layout of New Housing
- NE1 Landscape Character
- T2 Highway Access and the Impact of New Development
- T9 Parking Provision
- R5 Providing for Children's Play space through New Development
- 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) (PDLP), which is consistent with guidance contained within the National Planning Policy Framework (NPPF) and provides for the development needs of the district for the period 2014 – 2034. The PDLP 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. The document is due to be examined by an Inspector toward the end of 2018.

4.3 The following Local Plan: Publication Draft policies are relevant to this application and are a material consideration:

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS7 Development on unallocated land within the Settlements with Defined Settlement Limits
- LC2 Affordable Housing
- LC4 Type and mix of housing
- SP2 Clay Cross
- SDC2 Tress, woodlands and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC11 Flood risk and drainage
- SDC12 High Quality Design and Place Making
- SDC14 Land Potentially Affected by Contamination or Instability
- ID1 Infrastructure Delivery and Developer Contributions
- ID9 Open Space, Sport and Recreation Facilities

4.4 The following Council Policies and documents are also relevant:

- Sustainable Buildings SPD
- Successful Places Interim Planning Guidance

- 4.5 The policies of the National Planning Policy Framework (NPPF) 2018, when read as a whole, is also a significant material consideration and aims to ensure that development is broadly sustainable having regard to three overarching objectives; economic, social and environmental factors.

5.0 CONSULTATIONS AND REPRESENTATIONS:

- 5.1 **Clay Cross Parish Council** object to the application on the grounds that there is no longer a shortfall of housing within the District; ecology on the site has already been undermined and trees that remain should be protected; the submitted ecological assessment is sub-standard having been undertaken at the wrong time of year; there is a coal mining legacy in the area; affordable housing is not identified; social infrastructure e.g. doctors and schools, cannot cope with the influx of additional people; the highway network of Springvale Close is too narrow to safely accommodate the increased vehicles, as well as emergency and refuse vehicles struggling to access the site; the site will be overdeveloped; overlooking issues would need to be addressed and if permission is to be granted a contribution to existing play provision in the area should be sought.
- 5.2 A **Local Ward Member** maintains their objection to the application, in-line with the observation of Clay Cross Town Council.
- 5.3 The **Highway Authority, Derbyshire County Council**, have made observations on the application and indicated that an updated drawing to clarify the width of the road and swept path analysis for refuse vehicles would be required. Upon receipt of this information it is likely that the highway authority would support an application. *(Officer note: the plan has been submitted and the view of the Highway Authority will be covered in the late items paper).*
- 5.4 **Yorkshire Water** raise no objection to the application, subject to the imposition of conditions.
- 5.5 **Environmental Health** note previous land uses on-site and as a result request conditions requiring the submission of a phase 1 contaminated land assessment and possible future mitigation.
- 5.6 The **Coal Authority** initially raised concern over the application but following receipt of additional information they have withdrawn their objection.
- 5.7 **Derbyshire County Council (infrastructure)** note that there is capacity to absorb the number of pupils that the site will generate at Tupton Hall School. However, Sharley Park Community School is at capacity and, as a result, a contribution of £56,995.05 is sought to mitigate the increase of 5 pupils that the development would generate.
- 5.8 The **Employment and Skills Officer** has requested that a condition be added to look to maximise the employment opportunities of local people from the development.
- 5.9 The **Housing Officer** notes that four affordable dwellings is acceptable having regard to the policy within the Publication Draft Local Plan.
- 5.10 The **Environment Agency** make no observations on the application.
- 5.11 The **Lead Flood Authority**, Derbyshire County Council, note that additional information would need to be submitted with regard to the means by which surface water will be drained.
- 5.12 **Derbyshire Wildlife Trust** have indicated that given the works undertaken thus far to explore for protected species within the building to be demolished there is no

overriding concern with the application subject to the imposition of conditions, notably a biodiversity compensation strategy.

5.13 The **Parks Officer** notes that given the application is a major and there is limited scope for on-site public open space, a contribution in-lieu of such provision, to be spend on the adjacent playing fields, would be most appropriate. The contribution sought is £18,800 toward additional play equipment and £5,520 for maintenance of the equipment for the next 10 years.

5.14 Public consultation has been undertaken, including a site notice having been erected and re-consultation on amended plans. As a result of consultation a total of **5 letters of objection** have been received. A summary of the objections is reproduced below;

- Existing amenity enjoyed by surrounding residents will be compromised through overlooking impacts;
- Bungalows should be considered;
- What is the exact boundary line between the site and neighbouring properties given that existing hedgerows have been removed?
- During construction the amenity of existing properties will be undermined through noise, dust, mud on the road, hours of operation etc;
- Will services to existing homes e.g. gas, water and electric, be affected by this development during the construction period?
- Will adequate health and safety procedures be followed on-site during the construction period to ensure the safety of neighbouring properties will not be compromised?
- The value of neighbouring properties will reduce;
- Light pollution will increase from the dwellings and streetlighting;
- Clay cross has already absorbed a large number of dwellings e.g. Egstow Park and there is no demand for more housing in the area;
- Local infrastructure e.g. doctors, dentists and schools will not be able to cope with the influx of new residents;
- Local roads are in a poor state of repair and this will make it worse, as well as impact on the capacity of the road network;
- On-street parking occurs along Springvale Road and this will only get worse;
- Vegetation was removed in advance of the application having been submitted and indicates a confrontational approach on behalf of the developer;
- Ecology will be undermined with the site previously a haven for wildlife.

6.0 PLANNING CONSIDERATIONS:

6.1 The main considerations for this application are the suitability of the proposal in this location in policy terms, the principle of development, its effect on the character of the area, highway considerations and the impact on residential amenity through a dominating and overlooking impact.

7.0 PLANNING ASSESSMENT AND SUMMARY:

Principle of Development

7.1 The application site falls within the settlement development limit of Clay Cross in both the adopted and publication draft Local Plan. It is not restricted from residential

development in any policy way e.g. it is not public open space, and, as a result, the principle of residential development on the land is supported by policies GS1 and GS5, of the adopted Local Plan and SS1, SS2 and SS7 of the Publication Draft Local Plan. Furthermore, Clay Cross is one of the Districts four most sustainable settlements having access to a wide range of services. As a result the principle of residential development is supported in this location and is considered to be broadly sustainable, as identified in the NPPF.

- 7.2 The primary determining factors for the application are, therefore, considered to be the impact on the character of the area, residential amenity and highway considerations, which are considered in turn below.

Impact on the character of the area

- 7.3 The surrounding streetscape is largely made up of residential properties, typically semi-detached and two-storey in scale. The dwellings proposed to be erected would all be two-storey and a mixture of detached, semi-detached along with a terrace of both three and four properties. The housing mix would comprise three two-bedroom properties, sixteen three-bedroom properties and four four-bedroom properties. Materials will primarily be red brick with small elements of render as a focal point on key strategic buildings. Some parking on the site will be to the side of properties whilst others will be to the front in car parking courts; however, given the mix of parking provision it is not considered that the streetscene would be parking dominated. When viewed in the context of the properties that surround the application site it is considered that the layout as proposed, both in density and format, would respect the character of the area and comply with policies BE1 and H12 of the adopted Local Plan.

Impact on residential amenity

- 7.4 The application site is bounded by residential properties to the east, south and part of it is western boundary. Plots 6-10, which would have rear gardens adjacent to the back gardens of properties that front Springvale Road, would be two-storey in scale and have rear gardens in depth ranging from just over 9m to 11m. Rear gardens of this depth are typical for many modern properties and, given the size of rear gardens for properties on Springvale Road, there would be a distance in excess of the 21m 'window to window' sought in the Successful Places guidance to ensure that residential amenity would not be significantly compromised from an overlooking impact. Plots 2 to 5 would be orientated toward 68 Springvale close but at a distance of 13m away with a typical boundary treatment of a 1.8m boarded fence there is not considered to be any overriding concern with regard to overlooking. Furthermore, plots 14 and 15 would be orientated toward 14 Beresford Close but, given the garden depths proposed and oblique nature of angle between the properties, it is not considered that the amenity of the occupiers would be compromised. Plot 9 would predominantly be to the rear of 2 Penistone Gardens and no windows are proposed in the pertinent first floor side elevation of this property and a distance of 12m would be retained between the two dwellings. Having regard to the above it is considered that the layout as submitted would be acceptable so as to not have a detrimental impact on the amenity of occupiers surrounding the application site through a dominating or overlooking impact
- 7.5 Internal to the site rear gardens would range from between 8m and 11m in depth. A rear garden area of 50 sqm and 70 sqm would typically be sought for two and three bedroom properties respectively. The majority of rear gardens would broadly comply with the identified amenity standards, with the exception of plots 20-23, 5, 8 and 11 which are slightly below standard; however, taking into account the fact that these

units would have parking on the front garden with units 5, 20-23 having the park with recreational space immediately adjacent to them, it is considered, on balance, that this would be acceptable. Therefore, having regard to the layout as proposed and its relationship with neighbouring properties it is considered that the impacts on residential amenity, for both the proposed occupiers and those adjacent to it, would be acceptable and not justify a refusal of planning permission.

Section 106 legal agreement

7.6 The application is a major and, as a result, contributions can be sought to make the development acceptable in planning terms. In this instance a Section 106 Legal Agreement is in the process of being drafted and looks to seek the contributions outlined below;

- £56,995.05 is sought toward Sharley Hall Park primary school;
- £18,800 is sought toward off-site play equipment, which will be spent on the adjacent park, along with £5,520 toward 10 year maintenance of the equipment;
- 4 affordable dwellings, units 11-14, will be secured and be under the control of an RSL, or other means as agreed so as to comply with the definition of affordable housing within the NPPF.

Impact on highway safety

7.7 Access to the site would be from Springvale Close and the majority of the highway proposed within the application site would be adopted. Two parking spaces are proposed for each dwelling and amended plans have been submitted to address concerns highlighted by the Highway Authority. They have agreed that the principle of the development here is acceptable. Final observations will be reported in the late items paper, including suggested conditions, with it unlikely that there will be any fundamental objection to the application on highway grounds.

Other planning matters

7.8 As submitted there is limited information on means of surface water disposal, save for it being indicated that it will go to a combined surface and foul water network. Whilst this **may** be acceptable there would be a need to explore other means first e.g. soak-aways, prior to this being acceptable to Yorkshire Water. Given that the application site falls within flood zone 1 there is no overriding concern over surface water disposal and this matter could be dealt with via a suitably worded condition and further exploratory works on behalf of the applicant.

7.9 A number of concerns have also been raised about possible impacts on amenity during the construction phase. Given the relatively high density of housing surrounding the application site a condition restricting the hours of operation is considered appropriate. In the unlikely event that the development would lead to a statutory nuisance this is something that could be controlled through Environmental Health legislation.

7.10 A degree of site clearance and works to trees was undertaken prior to the application being submitted, as previously noted, this would not have required permission. As it currently stands there is no overriding concern with regard to impacts on ecology with a further emergence survey required to ensure that no bats are within the building to be demolished, which can be secured by condition. Furthermore, a Biodiversity Enhancement Strategy would need to be submitted and approved in writing by the Local Planning Authority.

- 7.11 Affordable housing is proposed to be secured through the legal agreement with the units identified, plots 11-14. This would include 2 two-bed and 2 three-bed properties, a suitable mix. Having regard to the Publication Draft Local Plan, which would seek 20% affordable, the provision is considered to be acceptable and policy compliant.

Conclusion

- 7.12 The application site falls within the Settlement Development Limit for Clay Cross, one of the four most sustainable settlements within the District. Policies within the Adopted and Publication Draft Local Plan, along with guidance within the NPPF support the principle of residential development, which is considered to be sustainable.
- 7.13 The layout as proposed would respect the character of the area, which is built to a relatively high density, made up of two-storey dwellings with a mix of house types. Taking into account the amenity of existing and proposed occupiers it is not considered that either would be unduly compromised through an overlooking or dominating impact. Furthermore, adequate parking provision is provided with no detrimental impact on highway safety. Subject to conditions and the signing of a Section 106 Legal Agreement, there is no concern with regard to the impacts on services within the locality; nor upon ecology or drainage. As a result the application is deemed to comply with policies GS1, GS5, GS9, NE1, NE7, BE1, H2, H6, H12, T2 and T9 of the adopted Local Plan; policies SS1, SS2, SS7, LC2, LC4, SDC12 and ID1 of the Publication Draft Local Plan, along with guidance contained in the NPPF.

8.0 SUMMARY OF CONSULTATIONS:

<u>County Highways:</u>	Final comments to be reported in the late items
<u>Environmental Health:</u>	No objection subject to conditions
<u>Derbyshire Wildlife Trust:</u>	No objection subject to conditions
<u>Yorkshire Water:</u>	No objection subject to conditions
<u>Environment Agency:</u>	No observations made
<u>Lead Flood Authority:</u>	Request additional information
<u>Coal Authority:</u>	No objection
<u>Employment Officer:</u>	No objection subject to conditions
<u>Housing Officer:</u>	No objection to affordable housing proposed
<u>Parks officer:</u>	Request a financial contribution toward play equip
<u>DCC (infrastructure):</u>	Request a contribution of £56,995.05 toward education
<u>Neighbours:</u>	6 letters of objection received
<u>Clay Cross Parish Council:</u>	Object to the application
<u>Ward Member:</u>	Object to the application

9.0 RECOMMENDATION:

To Grant permission subject to the signing of a Section 106 Legal Agreement, with final wording of conditions delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the plans outlined below,

17 / 2129 / (02) 101 D - site layout
17 / 2129 / (02) 001 - House type A
17 / 2129 / (02) 002 A - house type B1 and C
17 / 2129 / (02) 003 – house types D and E

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.

- 3 Before above ground work commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Before the commencement of the development hereby approved a Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

The contaminated land assessment shall include a desk-study with details of the history of the site use including:

- o the likely presence of potentially hazardous materials and substances,
- o their likely nature, extent and scale,
- o whether or not they originated from the site,
- o a conceptual model of pollutant-receptor linkages,
- o an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- o details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

- 5 Before commencement of the development hereby approved a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority where the site investigation identifies unacceptable levels of contamination. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 6 No dwelling associated with the use hereby approved shall be occupied until the approved remediation works required by 5 above have been carried out in full in compliance with the approved methodology and best practice.
- 7 If during the construction works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all associated works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in conditions 4 and 5 above.
- 8 Upon completion of the remediation works required by conditions 4 and 5 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
- 9 Works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
- 10 Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage (and post construction stage) of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.'
- 11 Prior to demolition of building C, as identified in the ecological appraisal, a precautionary inspection of features including timber joints shall be undertaken for roosting bats by a qualified ecologist. Details of the findings of the inspection shall be submitted to and approved in writing by the Local Planning Authority.
- 12 Prior to above ground works commencing, a Bio-diversity Compensation Strategy shall be submitted to and approved in writing by the Local Planning Authority to ensure no net loss for bio-diversity, and a net gain if possible. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include the following:
 - a) A variety of bat and bird boxes shall be incorporate within at least 50% of houses, including integral bat boxes, sparrow terraces and swift boxes/bricks. Location and specification will be clearly shown on a plan.
 - b) Hedgehog holes (130mm x 130mm) will be included within garden boundaries to connect gardens with each other and the adjacent allotments to the west and playing field to the north. Locations will clearly be shown on a plan.
 - c) Ecologically beneficial landscaping will be provided. This could include small trees, perhaps fruit trees, within rear gardens and native tree planting along the spine road.

- 13 Before above ground work commences, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.
- 14 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 15 No piped discharge of surface water from the development shall commence prior to the completion of surface water drainage works, details of which shall be submitted to and approved by the Local Planning Authority. The details of the proposed means of disposal of surface water drainage, shall include but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
- 16 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.
- 17 Notwithstanding any submitted details, before above ground work commences a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwellings hereby approved.



NED/18-00273/FL

PARISH: Stonebroom

NED/17/00585/OL

APPLICATION: Outline application with all matters reserved for residential development of land to the north of West Street, Stonebroom for Mr Barnes and Ms Smith (Major Development/ Departure from the development plan/ affecting a public footpath)

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 and assess the impacts of the development on highway safety.

1.0 SITE DESCRIPTION:

- 1.1 The application site covers some 1.34 hectares and is land to the north of Quarry Lane/West Street/School Close, Stonebroom. It is currently used as a paddock in association with School Croft, the applicants' home. There is a significant change of levels through the application site with the land dropping away when heading in a northerly direction toward Morton. A public footpath also runs along the eastern edge of the application site. Internally the application site is largely devoid of any significant features save for stables and other machinery associated with the maintenance of the land. Fencing is used to create smaller paddocks within the larger parcel of land. Boundary treatments are predominantly hedging or post and rail.
- 1.2 Adjacent land uses are mixed with residential development to the south, notably School Lane. It is also apparent that Stonebroom Primary and Nursery School and other community buildings, including a play area, are accessed off Quarry Lane. The northern boundary is marked by Morton Brook, over which there is a small pedestrian bridge. Land to the east and west is used for agricultural purposes.

2.0 PROPOSAL:

- 2.1 The application is submitted in outline form with all matters reserved for subsequent approval. An indicative layout has been submitted with the application and indicates the erection of 29 dwellings around a central green space. A modest green buffer/meadow is proposed adjacent to Morton Brook. Access would be taken from Quarry Lane and the existing footpath not impacted. For the avoidance of doubt, the indicative layout is for illustrative purposes only and does not in anyway bind the Council on a proposed layout, should permission be granted.
- 2.2 Following receipt of additional information, the documents outlined below have been submitted in support of the application, which is considered accordingly;
 - Application form
 - Topographical survey
 - Design and access Statement
 - Mining Report
 - Transport Statement
 - Flood risk assessment/drainage strategy
 - Indicative layout
 - Ecological surveys

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). A Publication Draft Local Plan 2014-2034 (PDLP) has been submitted to the Secretary of State for examination. For the avoidance of doubt, there is no Neighbourhood Plan for Stonebroom.

4.2 In relation to this application the most relevant saved policies of the Local Plan include the following:

- GS1: Sustainable Development
- GS5: Settlement Development Limits
- GS6: New development in the Countryside
- GS9: Planning Obligations
- NE1: Landscape Character
- NE3: Protecting and Managing Features of importance to Wild Flora and Fauna
- NE6: Development Affecting Nationally Rare Species
- NE7: Protection of Trees and Hedgerows
- NE8: Tree Planting
- NE9: Development and Flood Risk
- BE1: General Design Principles
- H3: New Housing Outside Settlement Development Limits
- H7: Affordable Housing in Settlements with a population of 3000 or fewer
- H12: Design and Layout of new housing
- T2: Highway Access and the Impact of New Development
- T5: Walking and Cycling
- T9: Parking Provision for Development
- R11: Development Affecting Public Rights of Way
- CSU4: Surface and Foul Water Drainage
- CSU6: Contaminated Land

In relation to this application the most relevant saved policies of the Publication Draft Local Plan (PDLP) include the following:

- SS1: Sustainable Development
- SS2: Spatial Strategy and the Distribution of Development
- SS9: Development in the countryside
- SS11: Local Settlement Gaps
- LC2: Affordable Housing
- LC4: Types and mix of housing
- SDC2: Trees, Woodlands and hedgerows
- SDC3: Landscape Character
- SDC4: Biodiversity and Geodiversity
- SDC11: Flood Risk and Drainage
- SDC12: High quality Design and Place-Making
- ID1: Infrastructure Delivery and developer contributions

- ID3: Sustainable Travel
- ID6: Green Infrastructure

Additional Council Policies:-

- Sustainable Buildings SPD
- Successful Places SP

- 4.3 The **National Planning Policy Framework (NPPF)**, published in July 2018, is an important material planning consideration in the determination of the application. The NPPF seeks to promote sustainable development which has three overarching considerations; economic, social and environment impacts. There is a presumption in favour of sustainable development where proposals are in conformity with an up-to-date Development Plan.

Paragraph 48 advises that 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 (NPPF).

5.0 CONSULTATIONS AND REPRESENTATIONS:

- 5.1 **Ward Councillors:** *Cllr Cupit* has requested that the application be considered at the Planning Committee and that Members of the Committee undertake a site visit. *Cllr Skinner* highlights the need to consider highway, environmental matters, congestion and conservation issues. *Cllr Lewis* (DCC) has raised concern over the loss of a greenfield site; its close proximity to a school and traffic concerns; he also believes that the school is oversubscribed.
- 5.2 **Shirland and Higham Parish Council** make a number of observations on the application including that the site would lead to congestion at school opening/lunch/closing time; health and safety concerns during construction; emergency vehicles may struggle to access the site; the development is considered to be too large; the public footpath to Morton would be impacted; egress from Quarry Lane is in close proximity to the crossing point for the school and bus stops; does the application comply with the Local Plan? Could access from West Street be considered?
- 5.3 The **Highway Authority (DCC)** note that the transport statement identifies that development would generate 18 two-way vehicle movements during the morning peak and 15 in the evening. As a result, over the course of an hour it is not considered that this increase would be significant. Furthermore, there appears to be space within the highway network to accommodate the adjacent footpath (FP19). Speed surveys have been undertaken along High Street and indicate the junction with Quarry Lane is acceptable and capable of accommodating the additional vehicles that the development would generate. As a result there is not considered to be any technical reason to refuse the application with final details of the access to be approved at the reserved matters. In conclusion, the Highway Authority does not object to the application, subject to the imposition of conditions.
- 5.4 **DCC Archaeology** does not require additional information.
- 5.5 **Refuse Services** note that adequate bin storage would be required for three bins per property. Furthermore, access would be required within the site for a refuse vehicle to turn and it should also be noted that refuse vehicles will not access private drives and in such instances a collection point would need to be identified for bins.

- 5.6 **Environment Health** note that there is a coal mining legacy in the area as well as the site being adjacent to a former sewage works. As a result they would ask that appropriate conditions be added to ensure that a phase 1 contaminated land assessment is completed and appropriate mitigation measures identified and remediation undertaken.
- 5.7 **Environment Agency** note that the site falls within flood zone 1 and the Lead Flood Authority should be consulted. Also, with no development proposed within 8m of the watercourse no flood risk permit would be required.
- 5.8 Following the submission of additional information with regard to drainage, the **Lead Flood Authority** raise no objection to the application, subject to the imposition of conditions.
- 5.9 The **Coal Authority**, following the submission of a Coal Mining Risk Assessment, raise no objection to the application, subject to the imposition of conditions.
- 5.10 The **Footpath Society** note that a footpath runs through the application site and should remain unaffected or, if to be re-routed, appropriate permissions would need to be sought and the footpath potentially enhanced.
- 5.11 **DCC Infrastructure** note that both the Primary and Secondary Schools have spare capacity to adopt the number of pupils that the proposed site would generate and, therefore, do not require a financial contribution in support of the application.
- 5.12 **Derbyshire Wildlife Trust** following the submission of additional information, with specific regard to a reptile and botanical survey, raise concern as there would be a net loss of biodiversity. This is particularly pertinent with the grassland being of Local Wildlife Standard as well as grass snake being found on the site adjacent to Morton Brook.
- 5.13 The **Parks Officer** notes that a development of this size would require a contribution toward off-site play equipment, on the adjacent park. Based on the number of dwellings identified, a contribution of roughly £22,000 would be required, as well as £6,600 toward maintenance of the same for a period of 10 years.
- 5.14 The **Campaign to Protect Rural England (CPRE)** object to the application on the grounds that it would lead to build form on an attractive green field site that has intrinsic value as well as maintains the rural identity between Stonebroom and Morton. The sites allocation as a settlement gap should be retained.
- 5.15 **Stonebroom Community Association** object to the application on the grounds that Quarry Lane is already congested and this will make it worse; the community centre is used by many elderly residents and this would deter some from attending; West Street should be considered for the access; during drop-off times the road is virtually grid locked; construction traffic and school children will lead to accidents; parents illegally park in their car park; public consultation for the application has been inadequate and should have gone above the statutory minimum.
- 5.16 As a result of public consultation, which was re-done following the submission of additional information, 16 **letters of representation** from local residents have been received. All object to the application and a summary of their observations are drafted below:
- Traffic along Quarry Lane is already horrendous during school drop-off/pick up times and this will only get worse if permission is granted;
 - West Street instead of Quarry Lane should be used as the access;
 - School children will be at greater risk of accident;
 - Large construction vehicles will struggle to access the site;

- The application site forms a settlement gap between Stonebroom and Morton and a buffer with the Parish Boundary;
- Local services e.g. Schools and Doctors, cannot cope with the increased population;
- There are already a number of empty homes in the village and these should be occupied prior to building new properties on greenfield land;
- Wildlife will be detrimentally impacted including bees, frogs and toads;
- Other animals seen along Morton Brook include the Kingfisher, Dipper, Wagtails, frogs and toads, all of which will be detrimentally impacted;
- Residents of Quarry Lane already frequently have their drives blocked by inconsiderate parking and this will only get worse;
- Dwellings adjacent to existing dwellings would ruin their outlook and de-value their homes;
- The existing footpath along Quarry Lane is already too narrow;
- Stonebroom has more than accommodated its required housing;
- The site currently acts as a 'soak-away' for surface run-off from existing properties; what will be done to mitigate this?
- Stonebroom will virtually merge with Morton;
- Noise and disturbance to existing residents during construction will be intolerable;
- Additional HGV's on Quarry Lane and High Street would be unacceptable;
- Footpath 19 should remain open for use and not be detrimentally impacted by this development.

6.0 PLANNING CONSIDERATIONS:

- 6.1 The main planning consideration is whether or not the principle of residential development is supported in this location having regard to the policies within the adopted Local Plan, the Publication Draft Local Plan and guidance within the NPPF, the affect of the development on the character of the site and surrounding area, its effect upon biodiversity and highway safety.
- 6.2 Thereafter, and in addition, it needs to be assessed whether or not there are any other detrimental impacts from the development.

7.0 PLANNING ASSESSMENT:

Policy background and the principle of development

- 7.1 As identified under section 38(6) of the Town and Country Planning Act, applications need to be determined in accordance with the Development Plan, unless other material planning considerations indicate otherwise.
- 7.2 The Development Plan in this case comprises the adopted Local Plan (LP) (2005), within which the application site falls within open countryside and, as a result, needs to be determined against policies GS1, GS5, GS6, NE1, H3 and BE1. These policies would not, generally support residential development in open countryside.
- 7.3 Within the Publication Draft Local Plan the application site falls within open countryside as well as a settlement gap to the north of Stonebroom. As a result, the application falls to be determined against policies SS1, SS2, SS9 and SS11, again with development in open countryside not being supported and the proposed settlement gap further re-enforcing the need to look to retain the open space between Morton and Stonebroom, which is required to prevent coalescence and to retain the identity of the two settlements.

- 7.4 Policy GS1 of the LP states that all development proposals will be located within the defined SDLs, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDLs is to restrain development in the countryside and to focus development upon sites within the SDLs and/or allocated sites to achieve a sustainable pattern of development. Unrestrained housing development is not generally considered to be acceptable development in the countryside.
- 7.5 Policy H3 of the LP sets out the very limited circumstances in which proposals for housing may be permitted in the countryside (such as the change of use of existing buildings, dwellings that are essential for the operation of an agricultural or other rural based use, replacement dwellings or affordable housing on rural exception sites) but the development does not fall into any of these categories.
- 7.6 Neither can the circumstances of the proposal be considered to amount to “overriding exceptional circumstances” as set out in GS1. Whilst the development would contribute towards the stock of housing in the district, the Council, considers it is currently able to demonstrate in excess of a 7 year supply of deliverable housing land and, through the LPPD, has already planned for substantial new housing development in the District, including in Stonebroom. Contribution to housing supply is not, therefore, considered by Officers a consideration to which substantial weight can be afforded or that it can be considered an “exceptional circumstance”. There is nothing that distinguishes the site exceptionally, sufficient to override the “countryside” restraint that is placed upon it.
- 7.7 The emerging policy as set out in the LPPD makes no change to the SDL adjacent to and in the vicinity of the application site. The Council has now submitted the LPPD for examination on the basis that such a stance is defensible. The LPPD supports the ongoing restraint upon development so far as the application site and this edge of Stonebroom is concerned.
- 7.8 The policies of the NPPF are a further weighty material considerations to which regard must be had. The implications of the NPPF are discussed below. Suffice to say, national policy as expressed in the NPPF is not (in this case) a consideration which indicates in favour of the proposal.
- 7.9 It is therefore concluded, contrary to the views of the applicant that the development, in principle, is contrary to policies of the statutory development plan and thus is contrary to the development plan as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan.

Impact upon the Character of the Area

- 7.10 The application has been submitted in outline form with all matters reserved. However, it has been indicated that the erection of up to 29 dwellings is proposed and, from the supporting information, the majority would be two-storey in height. As noted above, the land falls within a proposed Local Settlement Gap in the LPPD and the narrative supporting this designation identifies the area as characterised by the shallow valley between Morton and Stonebroom with the brook and dis-used railway line between the two. At its nearest point the settlements are just 150m apart, although where the application site is located the distance is approximately 295m whilst if the application was approved it would be reduced to 185m.
- 7.11 Whilst views between the two settlements are limited due to the topography of the area and planting there are a number of footpaths in the locality, including immediately adjacent to the site where views of the application site is prominent.

Furthermore, the application site is on the valley side and the existing built form sits largely on the ridge and not on the valley side as proposed here.

- 7.12 Whilst at this particular location there may be limited visual interface between Morton and Stonebroom, Officers consider that residential development on the land would erode the openness between the two settlements and result in development on a prominent valley side.
- 7.13 Therefore, whilst final details of the layout and scale of development would need to be approved at the reserved matters stage it is considered that residential development of the land in question would be detrimental to the character of the area and erode the settlement gap between Morton and Stonebroom contrary to, most notably, policy SS11 of the PDLP.

Impact upon Residential Amenity

- 7.14 Objections have been received that the development would be detrimental to the amenity of neighbouring properties, with properties immediately adjacent to the site most likely to be impacted.
- 7.15 However, properties immediately adjacent to the application site are likely to be located higher than those that may be constructed and given final details would need to be approved at the reserved matters stage there is no overriding concern that any impacts on the amenity of surrounding properties could not be controlled and mitigated.

Highway Considerations

- 7.16 There has been strong opposition to the application from local residents over highway safety concerns given the community buildings and school that are accessed off Quarry Lane.
- 7.17 Undoubtedly during the time when children are being dropped off and collected there would be large number of both vehicle and pedestrian movements in the area. However, at the junction of Quarry Lane and High Street a visibility splay of 2.4m by 47m can be achieved and a Transport Assessment has been submitted in support of the application looking at vehicle movements that the application would generate. It is indicated that between 15 and 18 two-way vehicle movement would be generated per hour at peak times but this is not considered to be significant and vehicle speeds in the area are at acceptable levels with good collision record in the area. There would be a need to ensure that a footpath adjacent to the site is not detrimentally affected and this could be secured through the reserved matters stage. Furthermore, final geometry of the access would also need to be approved at the reserved matters stage.
- 7.18 However, there is no overriding concern that a suitable highway network could not be designed to accommodate the number of vehicles the development would generate nor would highway safety be compromised. As a result the application is deemed to comply with policies T2 and T9 of the North East Derbyshire Local Plan.

Impact on the environment and ecology

- 7.19 The application site is currently greenfield and vacant save for stables and storage associated with maintenance of the land. An ecological survey has been submitted in support of the application and identifies that the buildings on site have negligible bat roost potential. However, the wider greenfield site is considered to have many ecological benefits.

- 7.20 One area is grazed for horses whilst two are managed for hay; it is these two areas that are considered to be good examples of semi-natural lowland grassland and given the wide variety of botanical species on site would meet the designation for a Local Wildlife Site. Such areas are one of the most threatened in the UK and the loss of this land, which is not proposed to be mitigated save for a 10m buffer adjacent to Morton Brook, would have significant detrimental environmental impacts.
- 7.21 Furthermore, there is evidence of grass snake on the application site, including juveniles, with breeding evident and the area close to Morton Brook, which is ideal habitat for such animals. The applicant advises that a buffer of 10m is proposed and if needs be this area could be increased in size.
- 7.22 However, there is a more overriding concern over the loss of the grassland, which cannot be mitigated against through this application and, whilst a reduction in size of the built form would be welcome, in the absence of suitable off-site mitigation it is considered that the application would be detrimental to the environment and ecology of the area. As a result the application is considered contrary to guidance within the NPPF and policies NE1, NE3 and NE6 of the North East Derbyshire Local Plan.

S106 Legal Agreement

- 7.23 A section 106 Legal Agreement to make the development acceptable in planning terms would be required. The contributions as outlined below are sought;
- A contribution of £22,000 toward off site play equipment is sought along with £6,000 toward future maintenance of the equipment. The monies would be spent on provision within Stonebroom.
 - Affordable housing would also be sought through the legal agreement, rather than via condition. In accordance with policy guidance within the SHMAA and the Publication Draft Local Plan, a contribution of 20% is policy compliant and sought.

Given the recommendation to refuse permission the S106 Legal Agreement is not at an advanced stage of development. Should Members be minded to grant permission the document would need to be completed in advance of issuing a decision. Similarly, should an appeal be lodged the agreement would need to be completed.

Other material considerations – the NPPF

- 7.24 Regard must be had to national policy as expressed in the NPPF. However, in the circumstances of this case, it is not considered that the NPPF indicates a decision other than in accordance with the development plan.
- 7.25 The tilted balance of paragraph 11 (i.e. the presumption in favour of sustainable development) is not triggered as the most important policies for determining the application are not considered out of date as set out above. Additionally, the Council can demonstrate that it has in excess of a 7 year supply of deliverable housing land.
- 7.26 The 7+ year supply has arisen partly as a result of permissions having been granted elsewhere in the district which are beyond the SDLs as existing. However, insofar as this edge of Stonebroom is concerned there is no proposal to make any change to the SDL in the LPPD which now articulates what the Council sees as the right balance between settlements and countryside and the sustainable pattern of development for the district going forward.
- 7.27 The policies most relevant to the supply of housing (policies GS1 and GS5) which refer to the SDLs, when applied to this particular proposal, are not out of date because the LPPD makes no changes to the SDL in this location. Officers (the

Council having gone through full public consultation) believe that this position is defensible with there being no outstanding objection to the LPPD relating to this particular site. The NPPF makes it clear that that proposed development that conflicts with policies of a development plan that are not out of date should be refused unless material considerations indicate otherwise.

- 7.28 There are some unresolved objections to the LPPD on grounds of housing land supply. Notwithstanding that, the Council believes its position on housing land supply and SDLs to be defensible, if these objections (in themselves) are considered to trigger the tilted balance then the proposal is still unacceptable in any event.
- 7.29 The adverse impacts of the proposal, in terms of the visual harm to the character and appearance of the countryside and the overriding issue of biodiversity are both considered substantial. Additionally, the proposal undermines the sustainable pattern of development for the district, and what the Council sees as the right balance between countryside and settlements, as articulated in the LPPD. The LPPD, at this submission stage, is a consideration to which weight can and should be afforded.
- 7.30 The benefits, on the other hand, are no more than marginal. The development would make a contribution to housing land supply albeit there is already a 7+ year supply across the District and other housing is proposed both in Stonebroom and elsewhere across the District. Little weight can be attributed to that consideration in these circumstances. There would additionally be some small economic benefits (£106 contributions, Council Tax receipts, employment during the construction phase and spend in the local economy). Similarly, these considerations carry little weight as the same benefits could be achieved through other, more suitably located, development. These marginal benefits, thus, are significantly and demonstrably outweighed by the adverse impacts of the proposal.
- 7.31 In respect of biodiversity great weight is attached to this issue by the NPPF (backed by statute) and unless the impacts on biodiversity have been fully assessed and as necessary appropriately mitigated the application should be resisted. Great weight should be attached to this issue.
- 7.32 The NPPF also supports the imposition of conditions and obligations to cover land contamination, archaeology, flood risk/drainage, affordable housing and highway issues for example should it be decided to grant permission.

Other matters

- 7.33 An indicative drainage strategy has been submitted and indicates that through a mixture of permeable paving, swales and surface water attenuation, which will ultimately discharge at a controlled rate into Morton Brook, there is no overriding concern with regard to potential surface water flooding. The application site falls within the flood zone 1 and is it a low risk of flooding. Foul connection will be to the existing network within the village. Subject to the imposition of suitable conditions all matters relating to drainage can be satisfactorily addressed
- 7.34 A coal mining risk assessment has been submitted in support of the application and there is no objection from the Coal Authority with regard to the development proposed. Nor has objection been raised from Environmental Health with regard to potential contamination, details of which could be controlled by a suitably worded condition.
- 7.35 Concern has been expressed about disturbance to neighbouring properties during construction and harm to their amenity. However, should noise nuisance become an issue this could be controlled under separate legislation and, if considered necessary, the hours of operation for site workers could be controlled via condition.

Conclusion/planning balance

- 7.36 The site is positioned beyond the SDL for Stonebroom in the countryside. The proposal is, thus, contrary to the development plan. There is no proposed change to the SDL at this edge of the settlement in the LPPD and the site is located within a proposed settlement gap.
- 7.37 Additionally, the Council can demonstrate that it has in excess of a 7 year supply of deliverable housing land with new housing planned across the District and in the locality. The decision on the application should be made in accordance with the development plan. There are no material considerations that indicate otherwise.
- 7.38 The adverse impacts of the proposal, in terms of visual harm to the character and appearance of the countryside and biodiversity are substantial. The development would also undermine the sustainable pattern of development for the district as articulated in the LPPD to which weight can be afforded. The marginal benefits to housing supply and economic benefits are significantly and demonstrably outweighed by the adverse impacts. It is therefore concluded that, for all these reasons, the application should be refused.
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8.0 SUMMARY OF CONSULTATIONS:

<u>County Highways:</u>	No objection, subject to conditions
<u>County Planning:</u>	No contributions sought
<u>Environmental Health:</u>	No objection subject to conditions
<u>Drainage:</u>	No objection subject to conditions
<u>DCC Archaeology:</u>	No objection
<u>Refuse:</u>	Highlight number of bins required
<u>Environment Agency:</u>	No objection
<u>CPRE:</u>	Object to the application
<u>Lead Flood Authority:</u>	No objection subject to conditions
<u>DWT:</u>	Object to the application
<u>Park Officer:</u>	Seeks a financial contribution
<u>Coal Authority:</u>	No objection subject to conditions
<u>Footpath:</u>	FP19 should not be detrimentally impacted
<u>Stonebroom CA:</u>	Object to the application
<u>Neighbour:</u>	16 letter of objection have been received
<u>Ward Councillor:</u>	Called in application to committee
<u>Parish Council:</u>	Object

9.0 RECOMMENDATION:

To REFUSE planning permission for the reason outlined below:

- 1) The application would result in the erection of dwellings in open countryside in an area that is identified as a settlement gap between Morton and Stonebroom. Furthermore, given the natural topography of the area the properties would be visually prominent within the landscape on a valley side with limited built form on it, which would be detrimental to the character of the area and result in significant environmental harm.

As a result the erection of properties on the land would be contrary to policies GS1, GS5, GS6 and NE1 of the Adopted Local Plan; policies SS1, SS2, SS9

and SS11 of the Publication Draft Local Plan and guidance within the NPPF, when read as a whole.

- 2) The application site is a highly valued ecological resource having a wide range of botanic species within it as well as reptiles using the land. Loss of the site, which is not proposed to be suitably mitigated against, would be detrimental to the environment and ecology of the area resulting in a net loss and significant harm to biodiversity.

As a result the erection of properties on the land would be contrary to policies NE1, NE3 and NE6 of the Adopted Local Plan; policies SDC3, SDC4, of the Publication Draft Local Plan and guidance within the NPPF, primarily chapter 15.



NED/17-00585/OL

PARISH: ASHOVER

NED/18/00353/FL

APPLICATION:

Demolition of existing farm store/garage and construction of new single storey and two storey extensions to extend dining area, create new kitchen, new front entrance canopy, new raised terrace and construction of a new standalone tractor store (Affecting a public right of way) – Peak Edge Hotel, Darley Road, Stonedge, Ashover for Mr Seb Perez

The Site Inspection Group are to visit the site to view the impact of development on the character of the area and highway safety.

1.0 SITE DESCRIPTION:

1.1 The application site comprises the Peak Edge Hotel, a large building that was originally a modest Public House but has been extended a number of times to incorporate a large number of bedrooms and conference/wedding facilities. The building is relatively prominent in the landscape being in open countryside. Around the building is an extensive landscaped area with a number of maintenance buildings to the west of the Hotel heading toward Darley Dale. Parking provision is largely to the front of the Hotel on its north-eastern edge and is accessed from the B5057.

2.0 PROPOSAL:

2.1 The application is for a large extension to the existing kitchen, extend the dining area with a raised decking around it, a modest first floor extension, enlargement of a car park, erection of a tractor store as well as parts of the building to have a cellar.

2.2 During the course of the application, the only change has been to the car park extension, which was originally not identified as being complete in plan form, despite being mentioned in the supporting information. The car park extension is now intended to be completed and the application is considered accordingly.

3.0 PLANNING HISTORY:

- 3.1 There is a protracted planning history to the site, the most pertinent of which is listed below;
- 02/00567/OL - Outline application (details of siting & means of access submitted) for 25 bed acc ext, inc. gym, shop, cycle hire facility and landscaping (Major Development/Departure from Development Plan/Amended Details/Amended Title/Amended Plan – Approved 08.03.2004.
 - 06/01440 - Approval of Reserved Matters for an extension to the existing public house to provide hotel accommodation (25 bedrooms) including an orangery/gym/shop/cycle hire facility/health spa and associated landscaping (Major Development) – Approved 07.03.2007.
 - 15/00312/FL - Proposed construction of 20 no. lodges for holiday accommodation with associated buildings and works (Major Development/Departure from Development Plan) (Amended Title) – approved – approved 11 May 2016

4.0 DEVELOPMENT PLAN POLICIES:

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

GS1 – Sustainable Development
GS5 – Settlement Development Limits
GS6 – New Development in the Countryside
NE1 – Landscape Character
BE1 – General Design Principles
E9 - Employment Development in the Countryside
E10 – Tourism Development
T2 – Highway Access and the impact of new Development
T9 – Car parking provision

4.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance contained within the National Planning Policy Framework (NPPF) and provides for the development needs of the district for the period 2014 – 2034. The LPPD 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 Local Plan: Publication Draft policies are relevant to this application and are a material consideration:

SS1 – Sustainable development
SS2 – Spatial Strategy and the Distribution of development
SS9 - Development in the Countryside
WC6 – Visitor Economy and Tourism Development in the Countryside
SDC3 – Landscape character
SDC12 – High Quality Design and Place making

4.4 The following Council Policies and documents are also relevant:

- Sustainable Buildings SPD
- Successful Places Interim Planning Guidance

4.5 The policies of the National Planning Policy Framework (NPPF), when read as a whole, are also a significant material consideration.

5.0 CONSULTATIONS AND REPRESENTATIONS:

5.1 **Ashover Parish Council** make no observations on the application.

5.2 The **Local Ward Member** has requested that the application be considered at the Planning Committee to assess the impacts on the character of the area and water sources.

5.3 The **County Highway Authority (DCC)** note that a total of 24 parking spaces are proposed to be created. Given the floor area of the extension they would normally require 25 additional spaces; however, a shortfall of one space is not an overriding issue. As a result raise no objection to the application subject to the imposition of conditions.

5.4 As a result of **public consultation** one comment has been received and expresses concern over where water for the extended kitchen will come from as there is no mains water in the area just boreholes and wells.

6.0 PLANNING CONSIDERATIONS:

- 6.1 The main considerations for this application is the impact on the character of the area, residential amenity, highway safety and impacts on the rural economy.

7.0 PLANNING ASSESSMENT AND SUMMARY:

Impact on character of the area and residential amenity

- 7.1 The application site falls within open countryside where development is tightly restricted, as identified in policies GS1, GS5, GS6 of the Adopted Local Plan. However, the application site is a well established business in a rural location. Extensions to the actual building would be seen in the context of the existing building, which is large and there is already a raised decking area to the rear. The first floor extension would be modest in size and the cellar would not be visible save for the steps leading down to it. Therefore, whilst the actual alterations and extensions to the existing building would be quite large in footprint, they would predominantly be single storey and, as a result, it is not considered that there would any negative discernible impact on the existing building or openness of the area, with the proposal considered to respect the character of the area and comply with policies NE1 and BE1 of the Adopted Local Plan.
- 7.2 The tractor shed is required to house machinery associated with maintenance of the larger green space that surrounds the hotel. The building would be relatively prominent when heading along the B5057. However, the shed would have the appearance of an agricultural building and, with existing boundary treatments being stone walls, the structure would not be out of character in this largely rural environment.
- 7.3 There is no overriding concern with regard to the impacts on residential amenity given the proximity of residential properties.

Highway and parking considerations

- 7.4 Given the increase in size of the kitchen and dining area, it is proposed to create an additional 24 parking spaces. The spaces would be in an area that appears to be used by grounds keepers and maintenance staff to the west of the main car park. The area is currently gravelled but it is intended to be utilised for parking as well as for deliveries to the kitchen. Visually the area is screened from the roadside by fencing but the visual impact of the car park would be negligible given boundary treatments and fact that this part of the site is relatively level. The highway authority has not objected to the application.

Other matters

- 7.5 Issues with regard to protected species have been considered and there is no objection in this regard subject to the imposition of conditions.
- 7.6 Concern has been expressed about the use of water and extraction licences with water supplied to the hotel by wells and boreholes. A note would need to be added to the decision notice outlining this, with it covered under separate legislation and licences required from the Environment Agency.

- 7.7 Peak Edge hotel appears to be a successfully run operation and employs a large number of people. To grow the economy is an important material planning consideration with it indicated that this proposal would lead to the creation of over 20 additional jobs, which weighs in favour of the application.

Conclusion

- 7.8 The application site falls within open countryside where development is tightly controlled. However, the alterations proposed are considered to respect the character of the area and host building without being detrimental to the openness of the area or residential amenity. Local employment would be increased as a result of the development and highway safety, along with protected species, would not, subject to conditions, be detrimentally impacted. As a result it is recommended that the application be granted with it noted that there is an element of conflict with policies GS1, GS5, GS6 of the Adopted Local Plan; however, the proposal is deemed to comply with policies, BE1, NE1, E9, E10, T2 and T9 of the Adopted Local Plan and guidance within the NPPF, when read as a whole, which, on balance, indicate that permission should be granted permission.

8.0 SUMMARY OF CONSULTATIONS:

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No comments
<u>Derbyshire Wildlife Trust:</u>	No objections subject to conditions
<u>Severn Trent Water Authority:</u>	No comments
<u>Neighbours:</u>	One letter of concern has been received
<u>Parish Council:</u>	No comments
<u>Ward Member:</u>	Requests that the application be determined by members of planning committee

9.0 RECOMMENDATION:

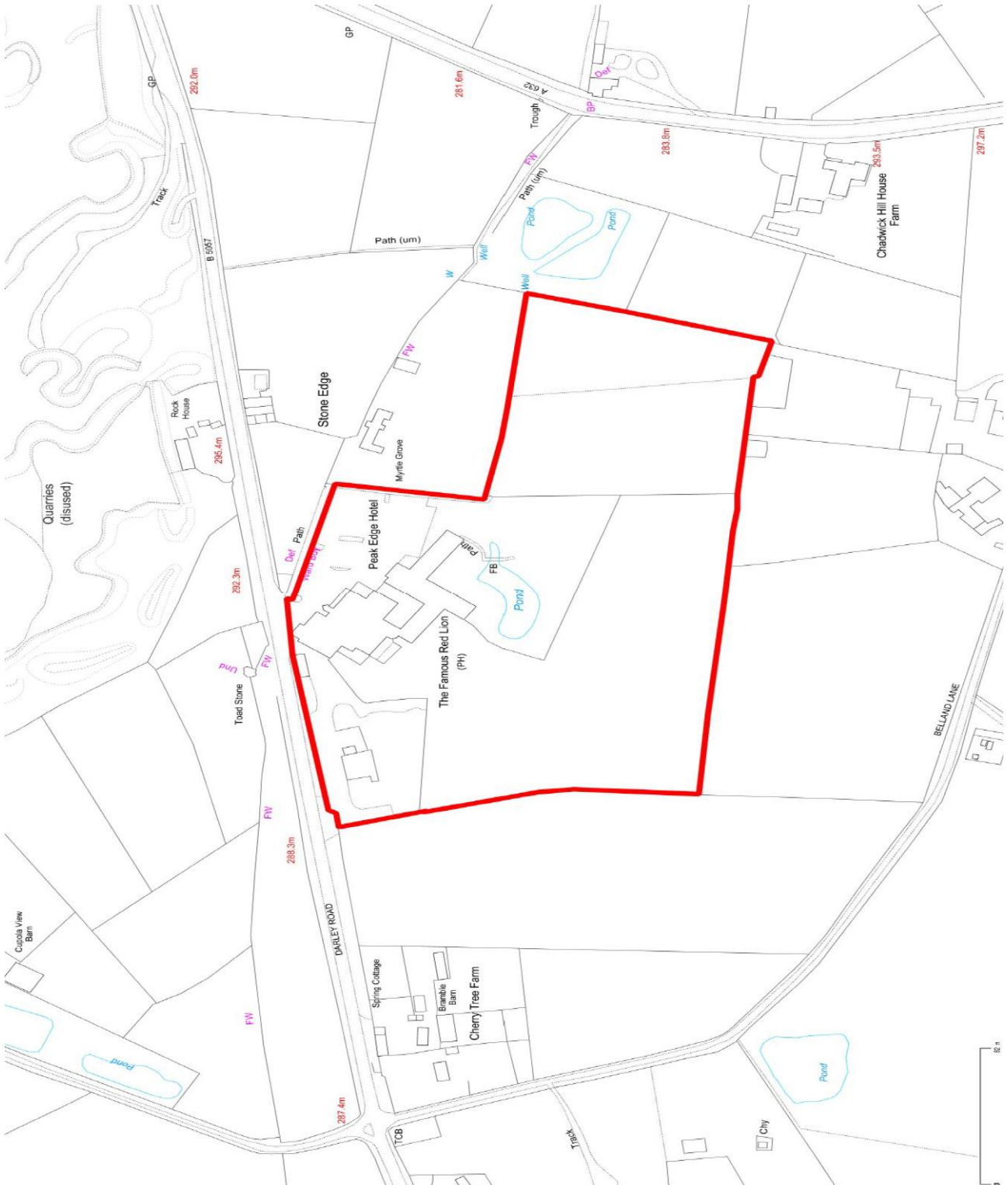
Grant permission subject to the following conditions, final wording of which is delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the amended plans, as outlined below:

4432 A 02 002 rev E
4432 A 02 004 rev G
4432 A 02 006 rev B
4432 A 02 007 rev E
4432 A 02 008 rev G
4432 A 02 009 rev A
4432 A 02 010 rev B
4432 A 02 011 rev -

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.

- 3 Before above ground work commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority . The development shall then be carried out in accordance with the approved details.
- 4 Before the kitchen and bistro extension is brought into use, 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 area shall be used for those purposes only and retained free from any impediment to its designated use.
- 5 No demolition works shall take place between 1st March and 31st August inclusive, unless a recent check has been undertaken by a competent ecologist to assess the nesting bird activity during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- 6 Prior to above ground works commencing, details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the Local Planning Authority; such approved measures shall be implemented in full and maintained thereafter.



NED/18-00353/FL

PLANNING COMMITTEE: 2nd October 2018

PARISH: Holmesfield

NED/18/00683/FL

APPLICATION:

Conversion of existing stables to 1no dwelling at Stable Mallett, Main Road, Holmesfield for Ayre Mallett and Co Ltd

1.0 SITE DESCRIPTION:

- 1.1 The application site comprises an existing stable block set within a spacious parcel of land to the east of Main Road (B6054), Holmesfield. The existing stable block comprises a large single storey, L-shape structure. The existing building is constructed from rendered block work and natural stone walling materials, and corrugated sheet roofing materials. The building comprises a number of existing door and window openings.
- 1.2 The site is bound by mature hedgerows at its frontage to Main Road. Mature vegetation bounds the eastern edge of the site. A post and rail fence separates the site from the adjacent field to the north of the site of application.
- 1.3 The site is situated within a countryside location approximately 50m to the north of the defined Settlement Development Limits for Holmesfield. The application site is situated within land designated as North East Derbyshire Green Belt.
- 1.4 From Main Road, an existing grassed over track allows for vehicular access from the highway to the building subject of this application. The site also benefits from an existing area of hardstanding to the north of building.

2.0 PROPOSAL:

- 2.1 Full planning permission is sought for the conversion of the existing stables to a single dwelling.
- 2.2 The proposed development would not result in an increase in the footprint of the existing stable block but would comprise some works to make the building habitable as a dwelling. The building works can be broadly summarised as follows:
 - Construction of a rendered blockwork wall and window to enclose an existing open canopy at the western elevation of the building.
 - Replacement of the existing corrugated sheet roof with a new dark grey slate or tile roof.
 - Limited alterations to the building's fenestration.
- 2.3 The submitted application drawings include details of the defined residential curtilage and boundary treatments for the proposed dwelling. The proposed residential curtilage would be limited to land within the eastern element of the site and would be well defined by existing and proposed boundary treatments. The

extent of the proposed dwelling's garden area would extend to the eastern boundary of the site, which is bound by mature vegetation. Additional hedgerows would be planted behind post and rail fencing at the north, west and south edges of the defined curtilage for the proposed property.

- 2.4 Provision for car parking and manoeuvring vehicles within the site would comprise the existing block paved courtyard to the north of the building. The proposed dwelling would be accessed via the existing vehicular access and track from Main Road.
- 2.5 The application is accompanied by a Planning Statement, Bat Survey Report and details of a Final Order from the Upper Tribunal (Lands Chamber). The latter relates to a modification of a Section 52 legal agreement, imposed in 1984, which effectively restricted the use of the building to agricultural purposes only. The modification to that order removes that restriction and allows (in legal terms) for the conversion of the existing building for the use as a single dwelling.

3.0 PLANNING HISTORY:

- 3.1 The planning history for the site in question can be summarised as follows:

17/00120/FL – Change of use of stable to 3 bed dwelling (Private drainage system) – Application Withdrawn.

17/00471/FL – Application to discharge Section 52 agreement – Refused.

88/00695/FL – Construction of menage and alterations and change of use of cow byre for stabling of horses – No Decision.

88/00694/FL – Use of cow byre for stabling horses – Refused.

86/00507/FL – Use of cow byre to proprietor's bungalow – Refused.

86/00506/FL – Use of land as sports ground and change of use of barn to clubhouse – Refused

86/00504/FL – Use of land as garden centre – Refused.

4.0 DEVELOPMENT PLAN CONSIDERATIONS:

- 4.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.
- 4.2 The Local Plan policies most relevant to the proposals are:
- GS2 Development in the Green Belt
 - GS6 New Development in the Countryside
 - GS7 Change of Use and Conversions
 - H3 – New Housing Outside Settlement Development Limits
 - T2 Highway Access and the Impact of New Development
 - T9 Car Parking Provision

- CSU4 - Foul and Surface Water Drainage
- NE6 – Development Affecting Nationally Rare Species

- 4.3 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.
- 4.4 The following Local Plan: Publication Draft policies are relevant to this application and are a material consideration.
 SS1 – Sustainable Development
 SS10 – North East Derbyshire Green Belt
 SDC1 – Re-use of Building in the Green Belt and Countryside
 SDC4 – Biodiversity and Geodiversity
- 4.5 The overarching aims of the National Planning Policy Framework (NPPF) (July 2018) have been considered in the assessment of this application.

5.0 CONSULTATIONS AND REPRESENTATIONS:

- 5.1 The **Ward Member** has requested that the application be determined by Planning Committee.
- 5.2 The **Parish Council** raised objections to the proposed development on the following grounds:
- The Parish Council objected to the domestic character of the building when the application for its construction was initially submitted.
 - The application seeks to add more domestic elements (windows and doors).
 - Concerns that approval of the application would result in further domestic developments on the land adjacent to the stable block subject of this application.
 - Disappointment that the District Council's Legal Department were consulted on the matter of the Section 52 legal agreement and raised no objections to its modification.
- 5.3 **Derbyshire County Council Highways Officers** were consulted on the application, raising no objections subject to conditions.
- 5.4 **NEDDC Environmental Health Officers (EHO)** were consulted on the application, raising no objections to the proposed development subject to conditions relating to land contamination mitigation being included in any granted permission.
- 5.5 **Derbyshire Wildlife Trust** were notified of the proposed development in writing, raising no objections to the proposed development subject to the imposition of conditions relating to biodiversity mitigation measures.
- 5.6 **The Coal Authority** were consulted on the application, raising no objections to the proposed development on the proviso that an informative note regarding potential coal mining legacy issues is included as part of any granted permission.

5.7 The application was publicised by neighbour letters and display of a site notice. 9 letters of objection have been received, in which following issues were raised (in summary):

- The design of the stable has always appeared inappropriate and of a domestic character. The design of the building indicates that it may have been the intention from the outset to convert the building to a residential use. Officer Note: the building subject of this application is existing and has been in situ since its construction subsequent to permission being granted in 1984. Therefore, this application has been assessed solely on the merits of the proposals to convert the existing building to a single dwelling.
- The development would lead to a loss of Green Belt land.
- Whilst the conversion itself would be limited to less than significant works, the residential curtilage would have a detrimental impact on the openness of the Green Belt in this locality. The domestic appearance of the site would detract from its open character, as existing.
- There appears to be no acceptable reason for including the adjacent paddock in the application site. Officer Note: Amended plans have been submitted that clearly define the residential curtilage of the proposed dwelling. The domestic curtilage can be controlled by condition should planning permission be granted.
- The Local Plan indicates the importance of this aspect of the Green Belt remaining undeveloped to preserve the gap between the settlements of Holmesfield and Dronfield Woodhouse.
- Approval would set a precedence for further development of Green Belt land.
- Increased use of the site would have detrimental impacts in neighbouring amenity terms.
- No site notice was displayed on site. Officer Note: A site notice was displayed on Main Road at the time of the Case Officer's visit to the site on 17.07.2018.
- Concerns regarding the lack of public consultation and representation regarding the Section 52 legal agreement. Further concerns were expressed that the Council raised no objections to the modification of the Section 52 legal agreement to allow for its conversion to a single dwelling.
- Ground stability concerns in light of the consultation comments received from The Coal Authority.
- Concerns regarding future development of the site. It is suggested that the conversion of the stable block in question would lead to the construction of new dwellings on adjacent Green Belt land. Officer Note: This application is for the conversion of a stable block to a single dwelling and has been assessed on its individual planning merits. As such, in assessing this application, no weight should be afforded to speculation regarding potential future development proposals relating to the site and adjacent land.
- Highway safety concerns.
- Concerns regarding the visual impacts of the access improvements.
- Concerns regarding the increasing number of planning applications for the change of use of agricultural buildings to residential uses and the impact that this has on the character of the countryside.

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 area, impact on the privacy and amenity of neighbours, and highway safety issues.

7.0 PLANNING ASSESSMENT AND SUMMARY:

Principle of Development

- 7.1 North East Derbyshire Local Plan Policy H3 relates to new housing outside Settlement Development Limits. The Policy states that permission for new dwellings in the countryside will only be permitted providing that they comply with one of four identified exceptions. The identified exceptions can broadly summarised as; (a) conversions of existing buildings; (b) agricultural workers dwellings; (c) replacement dwellings; (d) affordable housing on rural exception sites.
- 7.2 North East Derbyshire Local Plan Policy GS2 relates to new development in the Green Belt. The Policy states that whilst the reuse of buildings in the Green Belt does not represent an inappropriate form of development, such development will only be approved where it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it, and satisfies the relevant criteria of Policy GS7 (change of use and conversions). In this respect, Policy GS2 is generally consistent with paragraph 146 of the National Planning Policy Framework (NPPF) (July 2018), which allows for the re-use of buildings provided that they are of a permanent and substantial construction and such proposals preserve the openness of the Green Belt and do not conflict with including land in Green Belt.
- 7.3 Local Plan Policy GS7 relates to change of use and conversions. The policy states that conversions are acceptable provided that the building is capable of conversion without the requirement of major rebuilding or extension. Additionally, GS7 states that the proposed use and curtilage of the building should not have an adverse effect on the character of the area or neighbouring land uses.
- 7.4 In this instance, it is considered that the proposed development accords with the fundamental requirements of Policies H3, GS2 and GS7 in the respect that the proposals comprise the reuse of an existing building that is of a substantial construction and would not require significant alteration or extension:
- 7.5 The proposals comprise limited building works to convert the building in question to a single dwelling. The works are limited to infilling an existing canopy, replacing the existing corrugated sheet roof with a new dark grey slate or tile roof, and alterations to the building's fenestration. In terms of fenestration, the proposed conversion primarily seeks to utilise existing door and window openings. The comparatively limited number of new openings introduced as part of the proposed conversion are not considered to significantly detract from the building's character.
- 7.6 Overall, Officers are of the view that the building is of a permanent and substantial construction and the works proposed in this application would not amount to major rebuilding or extension. Therefore, the conversion of the building is considered to comply with the applicable parts of Local Plan Policies H3, GS2 and GS7, and the National Planning Policy Framework.

Associated Development

- 7.7 The application is supported by amended drawings setting out a defined residential curtilage for the proposed dwelling. The curtilage would primarily comprise a rear garden that would extend to the eastern edge of the site, which, bound by mature vegetation, forms a natural and logical boundary to the site. The remainder of the site's curtilage would be delineated by way post and rail fences and newly planted hawthorn hedgerows.
- 7.8 Officers are of the view that the residential curtilage for the proposed dwelling would be proportionate and would not materially detract from the open character of the Green Belt in this location. Officers consider that removing Permitted Development Rights by condition would be necessary to control future householder development on the site. In addition, it is considered necessary to require the submission of a lighting scheme for future determination, in order to preserve the character of the countryside in this location.
- 7.9 The site benefits from an existing vehicular access and a grassed over track leading to the stable block. The stable block comprises a significant area of hardstanding, which will form parking and manoeuvring space for the proposed dwelling. Officers are of the view that the proposed access arrangements would respect the character of the site and would not result in any significant loss of openness of the Green Belt in this locality.
- 7.10 Overall, the residential curtilage, parking and access arrangements associated with the proposed conversion are not considered represent an unacceptable urbanisation of the site. Therefore, the proposals are considered to comply with the requirements of Local Plan Policies H3, GS2 and GS7.

Neighbouring Amenity

- 7.11 The proposed dwelling is not considered to result in any unduly harmful impact on the amenity levels currently enjoyed by the occupiers of adjoining properties. The nearest residential property is the 100 Main Road, around 50m to the south of the site. Given the separation distances between the adjoining properties and the building subject of this application, it is not considered that the proposed development would result in any consequential loss of amenity for the occupiers of properties along Main Road and Cowley Lane.

Ecology

- 7.12 Derbyshire Wildlife Trust (DWT) have commented on the ecological surveys submitted, raising recommendations and suggesting conditions to be incorporated in any granted permission.
- 7.13 Overall, it is considered that, subject to the imposition of the recommended conditions, the proposed development could ensure the safeguarding of protected species.

Highway Safety

- 7.14 Derbyshire County Council Highways Department were consulted on the application, raising no objections to the scheme from a highway safety perspective, subject to conditions. Highways Officers advised that an area of at least 9m x 9m or other such turning facilities, as demonstrated by means of swept paths, should be identified on revised drawings clear of all parking provision. It is evident that an area in excess of 9m x 9m is available within the entrance courtyard. On this basis, Officers are of the view that subject to conditions, the proposed development is acceptable in highway safety terms.
- 7.15 In terms of the tests set out in Paragraph 109 of the NPPF, it is considered that there is no reason to conclude that the highway safety impacts of the development would be unacceptable, or result severe residual cumulative impacts on the road network.

Conclusion

- 7.16 Overall, it is considered that the proposed conversion represents an acceptable form of development that accords with the applicable Policies contained within the North East Derbyshire Local Plan and National Planning Policy Framework (NPPF).

8.0 SUMMARY OF CONSULTATIONS:

<u>County Highways:</u>	No objections subject to conditions.
<u>County Planning:</u>	N/A
<u>Environmental Health:</u>	No objections subject to conditions.
<u>Drainage:</u>	N/A
<u>Severn Trent Water:</u>	N/A
<u>Environment Agency:</u>	N/A
<u>Derbyshire Wildlife Trust:</u>	
<u>Neighbours:</u>	9 representations have been received.
<u>Others:</u>	Coal Authority (no objections)
<u>Ward Member:</u>	Request for committee determination.
<u>Parish Council:</u>	Objections.

9.0 RECOMMENDATION:

GRANT Planning permission subject to the following conditions, final wording of conditions to be delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on approved plans listed below, 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:

- Site Location Plan (16-025-LP), Existing Site Layout Plan (16-025-P00), Existing Floor Plans and Elevations (16-025-P01), Proposed Site Drainage Plan (16-025-P05), Proposed Floor Plans and Elevations (16-025-P02), Proposed Boundaries and Landscaping Plan (16-025-P04) received at this office on 05.07.2018.
- Amended Proposed Site Layout Plan (16-025-P03 REV A) received at this office on 28.08.2018.

- 3 Before any above ground works commence, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Before first occupation of the development hereby approved, details of an external lighting scheme shall be submitted to and approved in writing by the local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive light GN01:2011" produced by the Institution of lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter. No additional external lighting shall be installed on site.
- 5 The residential curtilage for the dwelling hereby approved shall be restricted to the curtilage drawn on the amended Proposed Site Layout Plan (16-025-P03 REV A) received at this office on 28.08.2018.
- 6 Prior to any above ground works commencing, a bat and bird box plan shall be submitted to and approved in writing by the LPA. This shall include details of swallow mitigation* to compensate for the loss of nesting provision. A single integral bat box should also be incorporated within the scheme to provide a net gain for biodiversity in accordance with the aims of the NPPF 2018. The position and specification of the bat box should be detailed on the Plan. Such approved measures shall be implemented in full and maintained thereafter.

*Swallow cups are designed to be fitted internally within an open-fronted structure, such as a stable, car-port, wood store etc. and not to external walls.

- 7 No works to the building shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- 8 Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,

- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the deskstudy strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

9 Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

10 The dwelling hereby approved shall not be occupied until:

a) The approved remediation works required by 9 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 8b to 9 above and satisfy 10a above.

c) Upon completion of the remediation works required by 9 and 10a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

- 11 Before any other operations are commenced, with the exception of access improvements covered by condition 12, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 12 Before any other operations are commenced, the vehicular access shall be improved and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.
- 13 The premises, the subject of the application, shall not be occupied until the on-site parking and turning spaces have been provided in accordance with the approved drawings. The parking and turning facilities shall be maintained thereafter free from any impediment to its designated use.
- 14 The vehicular access shall not be gated within 5m of the highway limits. Where gates are fitted they shall open inwards into the site only.
- 15 Prior to the first occupation of the dwelling hereby approved, details of bin storage and dwell areas shall be submitted to and agreed in writing by the Local Planning Authority. Once implemented the approved facilities shall be retained as such thereafter free from any impediment to their designated use. Such provision shall be situated within the site curtilage, clear of all access, parking and turning provision.
- 16 Notwithstanding the submitted details, before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.
- 17 Notwithstanding the submitted details, before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 18 Other than the door and window openings shown on the approved plans and 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 new window or door openings shall be installed in the building.
- 19 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no [extensions (Part 1 Class A)] [dormer windows (Part 1 Class B)] [alterations to the roof (Part 1 Class C)] [porches (Part 1 Class D)] [curtilage

buildings (Part 1 Class E)] [hard surfaces (Part 1 Class F)] [means of enclosure (Part 2 Class A)] shall be [erected/constructed] without first obtaining planning permission.



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