

North East Derbyshire District Council

Planning Committee

15 January 2019

Development Management Applications

Report No PM/23/18-19/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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HOLYMOORSIDE & WALTON	NED/18/01074/OL	Outline application with all matters reserved except access for the construction of 2 no dwellings (Amended Plan) at 168 Holymoore Road, Holymoorside, Chesterfield, S42 7DS for Mr Alan Borman.	29 - 38
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APPLICATION NO. 18/00053/OL

APPLICATION Application Outline application (all matters reserved) for 10 dwellings (Major Development/Departure from Development Plan)

LOCATION land to the north west of 101 Birkinstyle Lane, Shirland

APPLICANT Mr Hare

CASE OFFICER Graeme Cooper

DATE RECEIVED 18th January 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Skinner

REASON: Cllr Skinner stated that this is the last space open to the countryside from Birkinstyle Lane. There is concern about the lack of suitable infrastructure and that this would form inappropriate ribbon development. These types of applications are also considered outside of the planning rules, by virtue of offering no redress, but more importantly it would development by stealth. After further correspondence Cllr Skinner confirmed that his objection stood and recent appeal decisions do not provide sufficient justification to go against his original objection.

The Committee Site Inspection Group is to visit the site to view the location of the site relative to the locality, the impact upon the surrounding street scene and landscape character, along with the amenity of neighbouring properties and the impact upon highway safety.

1.0 SITE DESCRIPTION

- 1.1 The application site is made up of a small paddock which fronts onto Birkinstyle Lane and a larger agricultural field to the north which appears associated to Broom Close Farm to the west. The two areas are separated by a post and rail fence.
- 1.2 The wider application site is framed by a well formed, mature hedgerow on all sides with the northern most hedgerow sparse in its appearance. The site also gently slopes away from Birkinstyle Lane.
- 1.3 The site sits in a gap between a row of semi-detached properties to the east, which have narrow, long gardens and a group of converted residential barns to the west. An access track leads from Birkinstyle Lane and runs adjacent to the western edge of the application site. A gap is provided in the southern boundary hedge which allows access into the site from Birkinstyle Lane.
- 1.4 Properties opposite the application site are a mix of detached bungalows and two storey properties, all are a mix of styles, proportions and materials of construction.
- 1.5 An overhead power line runs above the eastern extent of the application site.
- 1.6 The application site is located outside the Settlement Development Limit for Stonebroom within open countryside.

2.0 PROPOSAL

- 2.1 The proposal seeks outline permission (with all matters reserved) for 10 dwellings.
- 2.2 The application is accompanied by a location plan, indicating the application site and other land to the west under the applicant's ownership.

- 2.3 Other documents submitted as part of this application include a topographical survey of the site, Design and Access Statement, Climate Change Mitigation statement and Coal Mining Risk Assessment.

3.0 AMENDMENTS

- 3.1 None.

4.0 PLANNING HISTORY

- 4.1 No planning history.

5.0 DEVELOPMENT PLAN POLICIES

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

GS1 Sustainable Development
GS5 Settlement Development Limit
GS6 Development in Open Countryside
H3 New Housing Outside Settlement Development Limit
H12 Design and Layout of New Housing
NE3 Protecting and Managing Features of Importance to Wild Flora and Fauna
NE6 Development Affecting National Rare Species
NE7 Protection of Trees and Hedgerows
NE9 Development and Flood Risk
BE1 General Design Principles
T2 Highway Access and the Impact of New Development
T9 Parking Provision
CSU4 Surface and Foul Water Drainage
CSU6 Land Contamination

- 5.2 The Council is now at an advanced stage in the production of a new **Local Plan (Publication Draft)** (LPPD) 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 and is currently under examination. 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.

- 5.3 The most relevant policies contained in the LPPD include:

SS1 Sustainable Development
SS9 Development in the Countryside
SDC2 Trees, Woodland 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
ID3 Sustainable Travel

- 5.4 The following Council Policies and documents are also relevant:

- Sustainable Buildings SPD
- Successful Places Interim Planning Guidance

- 5.5 The overarching aims of the National Planning Policy Framework (NPPF) are a significant material consideration and include a strong presumption in favour of sustainable development.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 18th January 2018 and was due to expire on the 12th February, however an extension of time was agreed until 18th January 2019 to allow time for the applicant to address ecological matters and allow the application to be considered by Members of planning committee. A site visit was undertaken by the case officer on 15th February and a site notice placed adjacent to the site on Birkinstyle Lane. The site notice expired on 9th March 2018.
- 6.2 The **Parish Council** made two representations objecting to the application and commenting to the proposed development. These can be summarised as follows:
- The close vicinity of electrical overhead cable
 - The loss of the last piece of land on Birkinstyle Lane
 - A request for the sum of £30,000 was made to support projects in the Parish
- 6.3 The **Local Ward Members** were notified of Parish Council and local resident's objections. One local ward member notes that this is the last space open to the countryside. There is concern about the lack of suitable infrastructure and that this would form ribbon development. These types of application are also considered outside of the planning rules, by virtue of offering no redress, but more important are development by stealth. The same ward member was asked again to provide comments after the recent appeal decision on Deerlands Road, Wingerworth (Application reference: 17/00268/OL), however the ward member didn't consider that this provided sufficient justification to go against his original objection.
- 6.4 Another **Ward Member** raised no objections to the proposed development.
- 6.5 The **County Highways Authority** was consulted on the proposed development and notes that the application is for 10 dwellings, with all matters reserved. Whilst no proposed access design has been submitted as part of the application, it seems that a new access could be created onto Birkinstyle Lane which could accord with current design guidance. This would include achieving emerging visibility sightlines of 2.4m x 47m in both directions. No indicative layout has been submitted, but again there seems to be scope and sufficient land to provide 10 dwellings via an acceptable access road. Parking and turning would need to be provided for each dwelling to enable all vehicles to enter, turn and exit in a forward gear. A shared turning head would also be required to enable service and delivery vehicles to enter, turn and exit in a forward gear. However, all the design details can be discussed at reserved matters or full application stage. It is also noted that it is unclear as to whether the new estate road would be adopted or not. In view of these comments, the Highways Authority raises no objection to the proposed development subject to a number of conditions.
- 6.6 The Councils **Environmental Health Officer (EHO)** was consulted on the proposed development. They note that the proposed development is located in an area with a coal mining legacy which can be a potential source of contamination. Historical mapping would indicate there may also be areas of infill, possibly associated with opencast workings in the vicinity of the site. Therefore, given the sensitivity of the proposed development it is recommended that a number of conditions are attached to any decision issued by the Council relating to land contamination. No attempt is made in the Coal Mining Risk Assessment report to identify the position of any opencast high wall present within the site from mine abandonment plans. However the report recommends a site strip and intrusive site investigation to establish the ground conditions and the presence of any workings, and to inform any necessary remedial mitigation measures. Investigations should also be undertaken to assess

the potential impact of development from the migration of any mine gas. Therefore the Coal Authority welcomes these additional investigations on site and recommends that any decision issued by the LPA should be accompanied by a suitably worded condition to safeguard these additional works and mitigation measures.

- 6.7 The **Councils Economic Development Unit (EDU)** requested that a condition be included on any decision issued by the LPA relating to the enhancement and maximising of employment for local residents.
- 6.8 **Severn Trent Water Authority (STWA)** raised no comments.
- 6.9 **Derbyshire Wildlife Trust (DWT)** was consulted on the proposed development and note the submission of a Preliminary Ecological Appraisal produced by Peak Ecology which was undertaken on 26th March 2018. The DWT agree with the conclusions of the appraisal and requested an additional Habitat Suitability Assessment (HSI) of a nearby pond be undertaken prior to determination of the application. A HSI was undertaken by Peak Ecology on 1st October 2018. The pond subject to this assessment is approx. 225m from the site and was assessed as having a HSI score of poor. The DWT also note that the application site has been cleared, which is disappointing. However the Peak Ecology report states that it was considered unlikely that great crested newts are present on site. The DWT encourages the retention of hedgerows and trees where possible outside the curtilage of future dwellings. Therefore no objection is raised subject to the inclusion of conditions relating to reptile protection and the submission of a biodiversity enhancement strategy. An informative note relating to nesting birds should also be included on any decision issued by the LPA.
- 6.10 The **Coal Authority** was consulted on the proposed development and notes that part of the application site falls within the defined Development High Risk Area. It is noted that the site falls within the boundaries of a wider site from which coal has been extracted by surface operations. In addition to the mining of deep coal seams, a thick coal seam is conjectured to outcrop at or close to the surface within the eastern part of the site. This seam may have been worked in the past. The application is accompanied by a Coal Mining Risk Assessment which identifies a potential risk from previous coal mining activities. The Coal Authority welcomes the undertaking of the recommended intrusive site investigations, however, in order to ensure that no development is constructed over the opencast highwall, the results of the site investigations should be used to inform the final layout of the site, i.e. investigations will be required before the formulation and submission of Reserved Matters relating to site layout. The Report does not consider in any detail the potential for the migration of mine gases. The findings of these intrusive site investigations should inform any mitigation measures, such as grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate any mining legacy affecting the site and to ensure the safety and stability of the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition ensuring that site intrusive investigations are undertaken.
- 6.11 The **County Council's Archaeologist** notes that the site has no known archaeological indicators either within the site or in its immediate vicinity. It is therefore advised that given the small size of the site and the archaeological potential being very low there is no requirement under the NPPF for further work to be undertaken on site or for any conditions to be attached to any decision.

- 6.12 The **Lead Local Flood Authority (LLFA)** was consulted on the proposed development and noted the submitted Flood Risk Assessment provided with the application. The LLFA welcomes the applicants approach. The LLFA considers that infiltration should be used where it is found to be viable. It is noted that appropriate ground investigation works have not been undertaken and but should be completed to help design any drainage scheme. However the LLFA accepts that the scheme may be able to accommodate ground attenuation and should this not be viable below ground storage tanks or oversized pipes could be used. A full SuDS scheme should be submitted at the detailed design stage. Therefore no objection is raised subject to a number of conditions.
- 6.13 The **Councils Drainage Engineer** was consulted on the proposed development and raised no objection to outline approval being granted subject to conditions relating to site investigation works being undertaken to ensure that the site can be adequately drained, that there is a viable management plan in place for surface water maintenance and a detailed surface water drainage scheme is submitted to and approved in writing by the LPA.
- 6.14 The **Crime Prevention Design Adviser** raised no comments due to the lack of an indicative layout.
- 6.15 **1 objection** has been received from a local resident relating to the proposed development. The resident objected due to the number of developments in the Parish. It is noted that the Parish does not have the infrastructure to support any further increase in population and ribbon development has blighted this part of Shirland which has been allowed to continue unabated, has been detrimental to the character and amenity of the countryside and had a suburbanising impact on the area. It is also noted that this is the last piece of land along Birkinstyle Lane where open countryside is visible from the road.

7.0 PLANNING CONSIDERATIONS

- 7.1 The main planning considerations for this application include the suitability of the proposal in policy terms, the impact of the principle of development on the character and appearance of the surrounding area and the impact of the proposed development upon highway safety, ecology and biodiversity along with the impact upon the safe drainage of the site, land contamination and stability issues.
- 7.2 Matters relating directly to the appearance, landscaping, layout, scale and access to the site are reserved for further approval and should not be considered as part of this application.

8.0 PLANNING ASSESSMENT AND SUMMARY

- 8.1 The application seeks outline permission for 10 dwellings, with all matters reserved. The site area is approximately 0.9 hectares in area and access to it would be taken from Birkinstyle Lane.

Principle of Development

- 8.2 The application site is a green field site located outside of, although adjacent to, the Settlement Development Limit (SDL) for Shirland as set out in the Council's extant Local Plan. The development of the site would therefore conflict with the saved policies of the North East Derbyshire Local Plan GS1, GS6 and H3 which generally seeks to restrict new housing outside the defined SDL's.

- 8.3 The National Planning Policy Framework (NPPF) confirms that all applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF clearly states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is more commonly known as “the tilted balance”.
- 8.4 The Council has recently published that it can demonstrate that it has a 7 year supply of deliverable housing land. This is based on an objectively assessed need (OAN). Despite this, the SDL’s and housing targets set out in the current Local Plan (2001-2011) do not adequately address the current needs of the District and are therefore not considered by Officers to be up to date. For this reason, the tilted balance applies and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, which in this case is the deliverability of housing.
- 8.5 The Local Plan (Publication Draft) (LPPD) has reached its publication draft stage and is currently the subject of an examination in public. Therefore in accordance with the NPPF, the LPPD is considered by Officers to carry limited weight at this stage. The application site sits outside the SDL for Shirland and Stonebroom in the LPPD.
- 8.6 The NPPF looks to encourage development (including residential development) against the three strands of sustainable development; these being economic, social and environmental factors. These are considered below.
- 8.7 Shirland is identified in the LPPD as a Level 2 settlement with good levels of sustainability. The site fronts onto Birkinstyle Lane which is served by a good public transport service connecting the site to Clay Cross and Chesterfield. It appears that the service passes the site approximately every 45 minutes. Local services such as shops, a medical centre, takeaway and primary school are all within a ten minute walk of the application site.
- 8.8 In social terms future residents would be well related to the existing built form of Stonebroom and Shirland, in close proximity to the amenities referred to above, all of which could be easily accessed on foot offering future residents sustainable transport opportunities. The proximity of the proposed development to the main villages of Stonebroom and Shirland would bring some limited social benefits therefore supporting local facilities and the addition of 10 further dwellings to the District’s housing supply carries some further social benefit.
- 8.9 In economic terms, there would be a short term benefit through the construction activity and on-going benefits as a result of the spending capabilities of ten additional families. Residents would have access to a regular bus service which serves the local area. However, the application site is somewhat remote from local employment, leisure and major retail offerings. Furthermore the proposal would only represent a small development that would have limited wider economic benefit to local facilities in the village. It is more than likely that future residents would be reliant on the motor vehicle to access such services. Therefore, it is considered that there would be some economic benefits resulting from the proposed development.

- 8.10 In environmental terms, the proposal site is not designated nationally or locally, but is the last section of open space along Birkinstyle Lane into open countryside, edged by a mature native hedgerow. Whilst this is the last open section allowing direct views from Birkinstyle Lane to the open countryside, any hedgerow lost as a result of the proposed development could be mitigated and a well-designed scheme could retain some views into the wider countryside. Furthermore, the section of open frontage is only approx. 55m in length. Therefore it is considered that the proposed development would have a very limited localised landscape impact.
- 8.11 In weighing the issues in the balance, bearing in mind the advice set out in the NPPF regarding the tilted balance, Officers consider that the social and economic benefits of the scheme would outweigh any localised environmental harm resulting from the proposed development. It is therefore concluded, in these circumstances, that the proposed development would deliver balanced sustainable development.

Affordable Housing/Provision of Infrastructure

- 8.12 The application makes no reference to the provision of affordable housing, with the maximum requirements set out in the Local Plan and Supplementary Planning Documents seeking up to 40% provision on suitable sites of 0.1 hectares and above in settlements with a population of 3000 or fewer, including Stonebroom and Shirland. The site area measures 0.9 hectares in size. However, the most up to date evidence locally would only require 20% affordable housing to be provided.
- 8.13 The Parish Council made a request that the developer contribute £30,000 towards projects in the parish. However no detail has been provided as to what the money would contribute towards.
- 8.14 Notwithstanding the above, the Planning Practice Guidance states that following the order of the Court of Appeal dated 13 May 2016 the Written Ministerial Statement of 28 November 2014 should be taken into account. This states that affordable housing and S106 contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm.
- 8.15 In view of the above, no financial contributions should be sought providing the development does not exceed the stated levels and a condition is recommended that would ensure the development did not exceed 1000sqm in floor area (or be over 10 dwellings) and so avoid triggering any financial contributions.

Impact on the Character and Appearance of the Area

- 8.16 Local Plan Policy and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development.
- 8.17 The application is in outline, with all matters reserved. No indicative layout has been submitted, however access will clearly be taken from Birkinstyle Lane. Matters relating to the design, layout and appearance of the proposed development are not under consideration and are reserved for future consideration.
- 8.18 The surrounding street scene is made up of a mix of detached houses and bungalows, along with converted farm outbuildings. Most of the development along Birkinstyle Lane is linear in form, with properties in the vicinity of the application site constructed from red brick with a mix of frontage boundary treatments, including fencing, low walls and ornamental hedgerow planting. Properties close to the application site are set in good sized plots and all set back from the highway, with planted front gardens. Properties to the east also have long, narrow rear gardens.

- 8.19 The proposed development would have a density of approximately 10 dwellings per hectare (dph) which is a low density. Local Plan Policy H12 states that development should be expected to be at a minimum of 30 dwellings per hectare, unless in exceptional circumstances where it can be demonstrated that there are significant constraints to development or that the development would have an adverse impact on the character and appearance of the locality. However, the Council's Successful Places Interim Planning Guidance suggests that a density of 15-20 dwellings per hectare would be more appropriate in transitional countryside edge locations and an electricity cable crosses the eastern extent of the application site. In this case it is considered that more weight should be attributed to the Council's Successful Places Interim Planning Guidance, which is aligned with the LPPD and 2018 NPPF. Furthermore the scheme may require a green buffer to the north or even the construction of a balancing pond, depending on site conditions. Therefore it is considered that the density proposed would not be out of keeping with the site and the surrounding area.
- 8.20 Concern has been raised that the application site forms the last open space in this locality with views into open countryside. It is accepted that this site does form one of the last open wedges into the countryside, however, views are limited by a mature boundary hedge and this section of land only extends for 55m. Therefore, open views from Birkinstyle Lane across the application site into the countryside are already restricted. As such, to allow residential development on this site would have only a localised impact on the character and appearance of Birkinstyle Lane and any hedgerow lost to development could be mitigated within the proposal at the reserved matters stage.
- 8.21 Any far reaching views from the open countryside to the north, back towards the application site would see any proposed development in the context of other development on Birkinstyle Lane. Localised views may be achievable of the site from a public footpath to the east (PRoW 16) and west (PRoW 20), however any views from these footpaths would be angled back towards the application site and would not see the application site as a true gap in the built form. As such it is concluded by Officers that the development would not be harmful to the character and appearance of the area.

Residential Amenity

- 8.22 The proposed development would sit on land between Broom Close Farm and converted outbuildings to the west and a row of semi-detached two storey properties with long rear gardens to the east. Opposite the application site are a mix of detached houses and bungalows, all of which are set back slightly from Birkinstyle Lane.
- 8.23 Properties to the west include Little Barn, Bry-Sam Barn and No.89 Birkinstyle Lane, with two properties served by a narrow track which runs adjacent to the application site. No. 89 is the only property which has an outlook towards the application site.
- 8.24 To the east, No.101 Birkinstyle Lane is a two storey semi-detached property which has recently been extended to the rear with a large two storey extension. The proposal also included windows added to the first floor side elevation to serve a bedroom and a large outbuilding/garage to the northern extent of the application site.
- 8.25 Properties opposite are set no closer than 19m from the edge of the application site, which would allow more than enough separation distance to accommodate development and accord with the Council's Guidance.

- 8.26 The guidance also offers clarity on acceptable amenity standards, garden sizes and separation distances from other properties. Given the scale of the application site and relationship with neighbouring properties there is no reason why 10 dwellings could not be positioned on the application site without being detrimental to existing and future neighbouring resident's privacy and amenity.

Highway Safety Considerations

- 8.27 The proposed development is in outline, with all matters reserved, but it is clear that access would have to be taken from Birkinstyle Lane to the south. The boundary with Birkinstyle Lane is made up of an attractive, mature hedgerow. Any new access would clearly result in the loss of all or part of this hedgerow.
- 8.28 The Highway Authority (HA) was consulted on the proposed development and noted that no proposed access design had been submitted but access could be created onto Birkinstyle Lane which would accord with guidelines and emerging visibility splays of 2.4m x 47m in each direction could be achieved. Parking and turning would need to be provided for each dwelling to enable all vehicles to enter, turn and exit in a forward gear. A shared turning head would also be required to enable service and delivery vehicles to enter, turn and exit in a forward gear. However all the design details could be addressed at the reserved matters stage. It was noted that it was unclear as to whether the new estate road would be adopted or not. The HA raised no objection to the development, subject to the inclusion of a number of conditions.
- 8.29 Development should only be refused on highway safety grounds where the residual impact of the development would cause a severe harm to highway safety as set out in the NPPF.
- 8.30 In view of the above, it is not considered that the proposed development would cause harm to highway safety or adversely affect the wider highway network.

Flooding and Drainage Considerations

- 8.31 The application was accompanied by a Drainage Strategy Report produced by AB Civils Design dated 3rd May 2018 which concluded that foul and surface water will be separate, with surface water draining into the Morton Brook to the north east at greenfield run off rates. No investigation has been undertaken as to infiltration rates and where possible SuDS will be used.
- 8.32 The application site is within Flood Zone 1, where standing advice for surface water management should be used. The site contains a small area at Low Risk of Surface Water Flooding.
- 8.33 Severn Trent Water Authority raised no comments to the proposal.
- 8.34 The Lead Local Flood Authority (LLFA) was consulted and noted the submitted drainage information. The approach contained in the report is welcomed and considers that infiltration should be used where viable. However ground investigation work has not been undertaken. The LLFA accepts that the scheme may be able to accommodate ground attenuation and should this not be viable below ground storage tanks or oversized pipes could be used. A full SuDS scheme should be submitted at the detailed design stage.
- 8.35 The Council's Drainage Engineer raises no objection to the proposed development subject to site investigation works being undertaken to ensure that the site can be adequately drained, that there is a viable management plan in place for surface water maintenance and a detailed surface water drainage scheme is approved.

- 8.36 It is not considered that the site is at a high risk of flooding and would not be a risk to future and neighbouring residents, subject to planning conditions.

Ground Stability/Land Contamination Considerations

- 8.37 The application site is made up of agricultural land framed by mature hedgerow planting to the north, east and south. The field is split by a post and rail fence with the southern half used for grazing purposes.
- 8.38 The eastern half of the application site is within a Development High Risk Area and as such the application was accompanied by a Coal Mining Risk Assessment (CMRA).
- 8.39 The Coal Authority (CA) was consulted and noted that part of the application site falls within the defined Development High Risk Area and that the site falls within the boundaries of a wider site from which coal has been extracted by surface operations. In addition to the mining of deep coal seams, a thick coal seam is conjectured to outcrop at or close to the surface within the eastern part of the site. The application is accompanied by a CMRA which identifies a potential risk from previous coal mining activities. In order to ensure that no development is constructed over the opencast highwall, the results of the site investigations should inform the final layout of the site. The Report does not consider in any detail the potential for the migration of mine gases. The findings of these intrusive site investigations should inform any mitigation measures. The CA therefore has no objection to the proposed development subject to the imposition of conditions ensuring that site intrusive investigations and mitigation works are undertaken.
- 8.40 The Councils Environmental Health Officer (EHO) was consulted on the proposed development. It is noted that the site is located in an area with a coal mining legacy which can be a potential for contamination. Historical mapping suggests that there may be areas of infill and that there was possible opencast workings within the vicinity of the site. Therefore, given the sensitivity of the proposed development it is recommended that a number of conditions are attached to any decision issued by the Council relating to land contamination. The requirements of the CA are also noted and the EHO welcomes the proposed conditions proposed to deal with land instability.
- 8.41 It is therefore considered that subject to conditions relating to land contamination and instability from past coal mine workings that the proposed development would be acceptable from an environmental health and ground stability perspective.

Ecology and Biodiversity Considerations

- 8.42 The application site forms a paddock to the north of Birkinstyle Lane, which is framed by a dense mature hedge along its southern and eastern extents. A sparse hedge forms the northern boundary of the site.
- 8.43 A Preliminary Ecological Appraisal (PEA) dated 16 April 2018 and Habitat Suitability Assessment (HSI) dated 10 October 2018, both produced by Peak Ecology, have been submitted with the application. The HSI concluded that the nearby pond was of poor quality.
- 8.44 Derbyshire Wildlife Trust (DWT) was consulted and note the submission of a PEA and HIS. The DWT concur with the findings of the reports and encourage the retention of hedgerows and trees where possible outside the curtilage of future dwellings. No objection is raised subject to the inclusion of conditions relating to reptile protection and the submission of a biodiversity enhancement strategy. An informative note on nesting birds should also be included.

8.45 In view of the above, it is considered that subject to conditions, the proposed development would not have a detrimental impact upon the ecological or biodiversity interests on the site to the extent that permission should be refused.

Conclusion

8.46 Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the proposal should be considered against the titled balance and be approved representing development that would not be detrimental to the character and appearance of the surrounding area.

8.47 Whilst the development would be of low density, circumstances are such that the site would be capable of accommodating 10 dwellings without being out of keeping with the site and the surrounding area or having an adverse impact upon existing and future residential amenity. Furthermore, the proposed development could be served by a safe access, which would not lead to a severe harm to highway safety.

8.48 Matters relating to the safe drainage of the site, ecological mitigation, land contamination and land instability can be adequately addressed by way of planning condition.

8.49 Any matters relating to the access, appearance, landscaping, layout and scale of the proposed development are matters that would require future consideration by the Council and are matters that should be considered at the reserved matters stage.

8.50 As such the proposed development is therefore considered to be acceptable.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Derbyshire Wildlife Trust:</u>	No objections subject to conditions
<u>Severn Trent Water:</u>	No comments
<u>Coal Authority:</u>	No objection subject to conditions
<u>Economic Development Unit:</u>	No objection subject to condition
<u>County Archaeologist:</u>	No objection
<u>Lead Local Flood Authority:</u>	No objection subject to conditions
<u>Drainage Engineer:</u>	No objection subject to conditions
<u>Crime Prevention Officer:</u>	No comments
<u>Neighbour:</u>	1 objection from a local resident
<u>Parish Council:</u>	Comments, objection and S106 request
<u>Ward Member:</u>	A request for application to be heard at Planning Committee and another ward member supported the scheme

10.0 RECOMMENDATION

That planning permission is **GRANTED** with the final wording of the conditions delegated to the Planning Manager:-

CONDITIONS

Time Limit

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale and appearance of the building, the means of access and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.

Financial Contributions

3. The combined floor space of the development shall have a gross floor space not exceeding 1000sqm and/or be for the erection of no more than 10 dwellings.

Construction

4. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include the details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site. The development shall then be carried out in accordance with the approved details and retained as such thereafter.

Employment

5. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the 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

Landscaping

6. 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.

Land Contamination

7. 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:

- 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 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.

8. 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.

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.

9. The dwellings hereby approved shall not be occupied until:
 - a) the approved remediation works required by condition 7 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 condition 7 to 8 above and to satisfy condition 9(a) above.

- c) Upon completion of the remediation works required by condition 8 and 9(a) 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.

Surface and Foul Water Drainage

- 10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:
 - a. AB Civils Design Drainage Strategy Report, Broom Close Developments, Land west of 101 Birkinstyle Lane, Shirland, Derbyshire– 1002-BS-AB (April 2018 by AB Civils Design
 - b. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015),have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
- 11. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.
- 12. No Reserved matters application to confirm the layout of the proposed development shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the Local Planning Authority.
- 13. Prior to development commencing, a scheme for the disposal of foul sewage 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.

Highways

- 14. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout

the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

15. Before any other operations are commenced, excluding construction of the temporary access referred to in the condition above, 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.
16. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site.
17. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Ecology

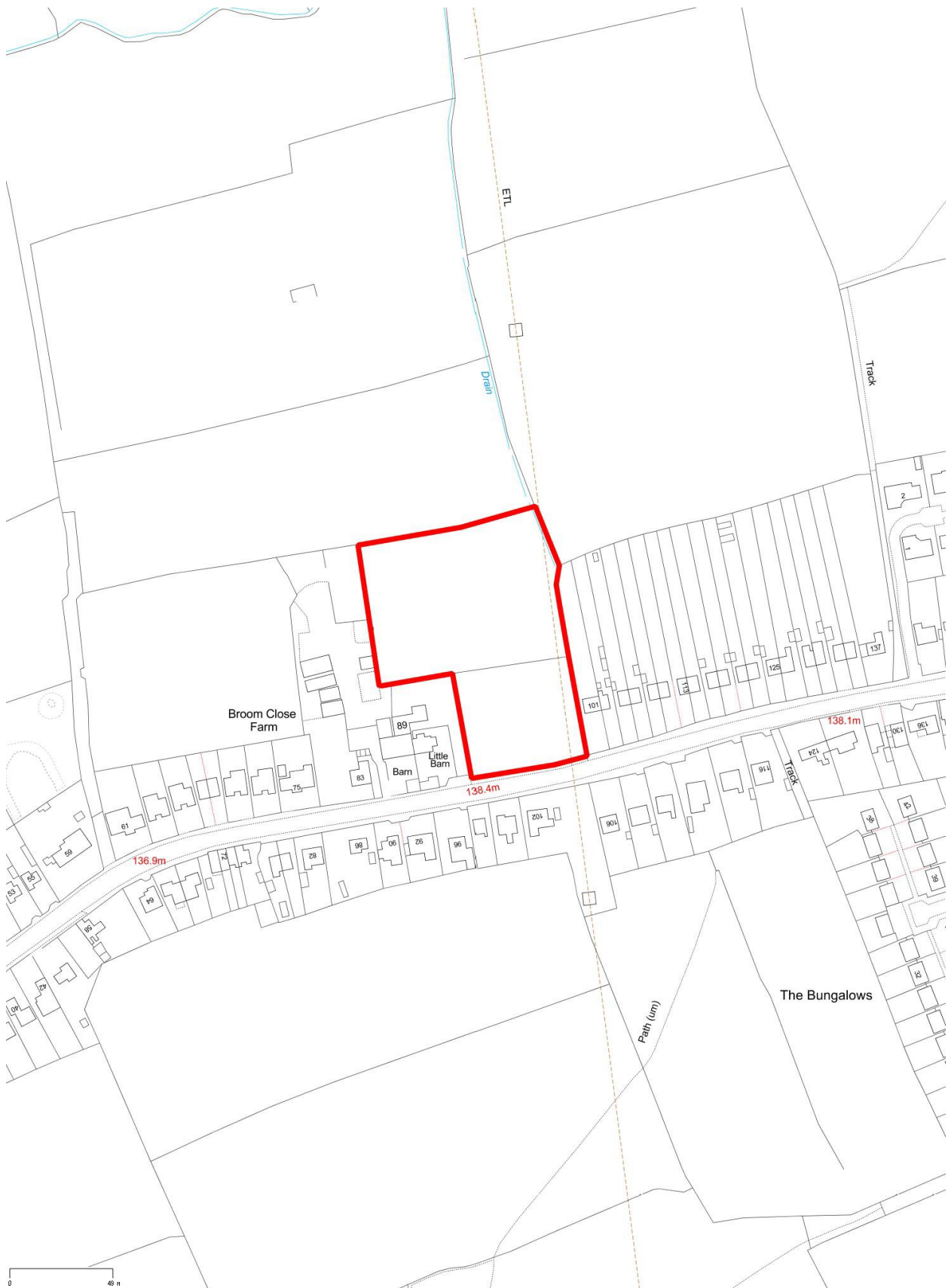
18. Prior to the commencement of work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to the Local Planning Authority. The statement shall include a precautionary method of works, reasonable avoidance measures and a watching brief. The approved Method Statement shall be implemented in full and be retained through the construction period. At the end of the site clearance works a short statement of compliance shall be submitted to the Local Planning Authority.
19. Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the Local Planning Authority to ensure no net loss for biodiversity and aim for a net gain. The measures shall include:
 - details of bird and bat boxes (positions/specification/numbers).
 - measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm), railings or hedgerows.
 - ecologically beneficial landscaping.The approved measures shall be implemented in full and retained as such thereafter.

Land Stability

20. Prior to the submission of a reserved matters application, a scheme of intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall consider and identify any highwall associated with past surface mining operations and

shallow coal workings. The approved site investigations shall be completed prior to the submission of any future reserved matters application.

21. Details to be submitted as part of a reserved matters application shall include the findings of the intrusive site investigations, the location of any highwall found within the site along with a scheme of remedial works relating to the shallow coal workings which shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall then be implemented in full prior to work commencing on site.



NED/18/00053/OL

APPLICATION NO. 18/00633/FL

APPLICATION Change of use of land to equestrian and retention of stables, hay shed, manure heap and gated access

LOCATION Land adjacent to Pasture House, Pasture Lane, Stonebroom

APPLICANT Mr John Cooper

CASE OFFICER Graeme Cooper

DATE RECEIVED 19th November 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Barnes

REASON: Concern is raised as to the retrospective nature of the application and the impact the proliferation of buildings along Pasture Lane would have upon the character of the countryside. It is therefore requested that the application be considered by members of planning committee.

The Site Inspection Group are to visit the site to assess the impact of the stables on the character of the area.

1.0 SITE DESCRIPTION

- 1.1 The application site forms an agricultural field to the north of Pasture House, which is the applicant's property.
- 1.2 A native boundary hedge runs along the western extent of the application site, with mature trees along the southern boundary with the applicant's property.
- 1.3 The north and eastern boundaries of the site are open in character, with a similar equestrian holdings located to the north. Further equestrian development and Pasture Lane Farm are located opposite and to the south west of the application site.
- 1.4 Pasture Lane is a roughly surfaced track which doubles as a public right of way (PRoW 7).
- 1.5 The site is located within open countryside, outside the built framework of Stonebroom which lies to the north.

2.0 PROPOSAL

- 2.1 The proposed development includes the retention of a stable/barn building and small hay shed, along with gated access. Work commenced on site in June 2017 and the stable/barn building measures 12m wide by 8m deep, with a height of 2.3m to eaves and 3.2m to ridge. The building is constructed from timber boarding and is made up of two stables, a tack and store area. A small 2.4m by 2.6m timber hay store is located north of the main stable/barn structure. A metal 5 bar gate has been installed at the site entrance with Pasture Lane and the proposal is to retain one horse box trailer on site.
- 2.2 The application is made following a visit from Enforcement Officers who had noted the building on site. There were no complaints from members of the public.

3.0 AMENDMENTS

- 3.1 None.

4.0 PLANNING HISTORY

4.1 No relevant planning history.

5.0 DEVELOPMENT PLAN POLICIES

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

- GS1 Sustainable Development
- GS6 Open Countryside
- NE1 Landscape Character
- BE1 General Design Principles
- R9 Equestrian Development
- T2 Highway Access and the Impact of New Development
- CSU6 Contamination Land

5.2 The Council is now at an advanced stage in the production of a new **Local Plan (Publication Draft)** (LPPD) 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 at the end of May 2018 and currently under examination. 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.

5.3 The most relevant policies contained in the Local Plan (Publication Draft) include:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SDC3 Landscape Character
- SDC12 High Quality Design and Place making
- SDC14 Land Potentially affected by Contamination or Instability

5.4 The overarching aims of the National Planning Policy Framework (NPPF) are a significant material consideration and include a strong presumption in favour of sustainable development.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on 19th November 2018 and was due to expire on the 13th January 2019, however an extension of time was agreed until 18th January 2019 to allow the application to be heard by members of planning committee. A site visit was undertaken by the case officer on 14th December and a site notice placed on a telegraph pole opposite the application site. The site notice expired on 7th January 2019.

6.2 The **Parish Council** raised no comments to the proposed development.

6.3 **A Local Ward Member** raised concerns regarding the application being retrospective and the impact of the proliferation of buildings along Pasture Lane would have on the character of the countryside. The local ward member met with the case officer on site and followed it up with a request that the application be considered by members of planning committee.

6.4 The **County Highways Authority** was consulted on the proposed development. The officer notes that Pasture Lane is a narrow access track which carries a Public Right of Way (PRoW 7). Visibility onto the public highway is good, however Pasture Lane would not be considered suitable to host any significant increase in vehicular activity without major improvements. The application is unclear as to whether the use of the site would be for personal or commercial purposes. The Highways Authority only consider that the site is acceptable to be used privately in association with Pasture

House. With this in mind there are no highway objections subject to a condition restricting the use of the site for private use only.

- 6.5 The **Councils Environmental Health Officer (EHO)** was consulted on the proposed development and raised no objection to the proposed development. The EHO recommends that an informative note be included on any decision to advise the applicant of the importance of ensuring that any waste generated is managed in an appropriate manner. There should be no burning of wastes. Field heaps of manure should be sited where there is no risk of run-off polluting water courses or surface drainage systems; and so as not to give rise to odours, vermin or flies that may have an adverse impact on the amenity of any neighbouring properties. The EHO advises that should complaints be received relating to potential statutory nuisance (odours, noise, etc.) associated with the use of the building the EHO would have to undertake an investigation under the provisions of the Environmental Protection Act 1990. Where a statutory nuisance is found to exist or is likely to occur the EHO is obliged to serve an abatement notice.
- 6.6 No representations have been received from local residents.

7.0 PLANNING CONSIDERATIONS

- 7.1 The 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 countryside, the amenity of neighbouring uses and highway safety issues.

8.0 PLANNING ASSESSMENT AND SUMMARY

Principle of Development

- 8.1 The application site is located in open countryside where new development will only be permitted where it is for an operation of a use appropriate to such a location; it is in keeping with the character of the countryside; causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality; does not require major new or improved infrastructure; causes minimal problems of noise, disturbance and pollutions and it does not represent a prominent intrusion into the countryside.
- 8.2 New equestrian development will also be permitted providing that it does not individually, or cumulatively detract from the open character or amenity of the countryside and that it is well located in relation to the local bridleway. New commercial equestrian development will only be permitted providing it is closely related to an existing farm holding or group of buildings and would not be detrimental to highway safety.
- 8.3 In view of the above, officers consider that the principle of the development is acceptable.

Impact on the Character of the Countryside

- 8.4 The proposal is for the retention of a stable building, with storage, hay shed, gated access onto Pasture Lane and change of use of land to an equestrian use. The buildings on site are located in the south west corner of the site and constructed from timber boarding. The stable building measures 12m by 8m, with a height to eaves of 2.3m and 3.2m to ridge. Within the building are two stables, a tack and a storage area. The hay store measures 2.4m by 2.6m, with a height to eaves of 2m and 2.3m to ridge. A single 5 bar gate access is provided along the western extent of the site. The proposal also includes the change of use of the paddock to the keeping of horses and the siting of one horse box trailer.

- 8.5 The site forms a paddock to the east of Pasture Lane, with the western extent of the site made up of a mature hedge, with intermittent views into the site from the public right of way which extends along Pasture Lane. The southern extent of the site is made up of mature tree planting and there are open views to the north and east, although no nearby public vantage points. In view of this, it is considered that the impact of the proposed development would be localised on the character of the countryside, mainly from views immediately adjacent to the site on Pasture Lane.
- 8.6 The development is constructed from timber cladding and is modest in scale, well screened from public views by a mature hedge running along Pasture Lane. It is noted that Pasture Lane has a number of other equestrian style developments, with at least six seen in the immediate vicinity. However development should only be resisted where it detracts from the open character or amenity of the area. Pasture Lane is tree and hedgerow lined with far reaching views of each equestrian development difficult. When travelling along Pasture Lane its rural character is broken up by these individual equestrian style developments, however not all of them are seen in the same context. Moreover, like the current development most are screened to a large extent by existing mature boundary hedgerows and tree planting. Therefore it is not considered that this proposal would lead to a proliferation of equestrian development which would be harmful to the character or amenity of Pasture Lane and the surrounding countryside.
- 8.7 In addition to the above, only internal lighting is proposed on site. In view of the rural nature of the site and number of other equestrian developments in the locality, it is considered that no external lighting should be allowed on site, to safeguard the character and amenity of the site and the surrounding countryside. This can be secured by condition on any decision issued by the Council.
- 8.8 The application also seeks permission to park one horse box trailer on site. Whilst the plans indicate no specific parking location for the horse box it is appreciated that the site is well screened from public viewpoints and any impact would be localised to users of Pasture Lane. Furthermore other equestrian developments on Pasture Lane also appear to have no restrictions to horse boxes. In view of this officers do not consider that the siting of one horse box trailer would be detrimental to the character and appearance of the site and the surrounding countryside.
- 8.9 The site is well connected to Pasture Lane, which doubles as a public right of way (PRoW 7) allowing equestrian users to exercise their horses along a low trafficked route which connects into the wider countryside.
- 8.10 In considering the impact of the proposed development and the change of use of land it is considered that the design, scale and materials of construction would be in keeping with the rural nature of the site and the surrounding countryside and not be unduly prominent on the surrounding countryside.

Amenity Considerations

- 8.11 The proposed structures and change of use are located on Pasture Lane, Stonebroom, to the north of the applicant's property. Pasture Lane Farm is also located to the south west of the application site and is the only other nearby residential property. It also has some stables associated with it.
- 8.12 Pasture Lane is made up of a number of similar small scale equestrian developments. All are private equestrian developments, with stables, hay and hardstanding areas though most are not connected to an adjacent dwelling. Sites to the north also include riding arenas some of which are illuminated.

- 8.13 In light of the other equestrian developments in the locality, it is not considered that the proposed use of the site for keeping of horses would have an adverse impact upon the amenity of neighbouring sites or residential properties.
- 8.14 The Councils Environmental Health Officer (EHO) was consulted on the proposed development and raised no objections. The EHO recommends that an informative note be included on any decision advising the applicant of the importance of ensuring that any waste generated is managed in an appropriate manner. There should be no burning of waste and field heaps should be sited where there is no risk of run off polluting nearby water courses or drainage systems and as not to give rise to odours, vermin or flies that may have an adverse impact on the amenity of any neighbouring properties. Any complaints received in relation to potential statutory nuisance (odours, noise, etc.) associated with the use of the building would have to be investigated under the provisions of the Environmental Protection Act 1990.
- 8.15 In view of the above, it is not considered that the proposed building would result in a significant loss of amenity to nearby residential properties and neighbouring land uses.

Highway Safety Considerations

- 8.16 The proposal seeks consent to retain a stable building, hay store and access onto Pasture Lane, Stonebroom. The scheme seeks permission to retain one horse box trailer on site.
- 8.17 The County Highways Authority was consulted on the proposed development. Their comments note that Pasture Lane doubles as a public right of way and visibility onto the High Street to the north is good. The officer notes that Pasture Lane would not be considered suitable to host any significant increase in vehicular activity without major improvements. The application is unclear as to whether the use of the site would be for personal or commercial purposes. The Highways Authority only consider that the site is acceptable to be used privately in association with Pasture House. With this in mind there are no highway objections subject to a condition restricting the use of the site for private use only.
- 8.18 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety, subject to the inclusion of a suitably worded condition.

Other Material Considerations

- 8.19 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.20 The site is not within a Coal – Development High Risk Area.

Conclusion

- 8.21 Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the proposal complies with the NPPF and the Councils policies, and does not conflict with the Human Rights Act.
- 8.22 The proposal would be of a design, scale and materials of construction which would not be unduly prominent, and be in keeping with the character and appearance of the countryside.
- 8.23 Any impact arising from the proposed development, including the horse box trailer would be localised and it is not considered that the proposal would lead to a proliferation of equestrian development that would be harmful to the character or amenity of Pasture Lane and the surrounding countryside.

- 8.24 The site is well connected to Pasture Lane, which doubles as a public right of way allowing equestrian users to exercise their horses along a low trafficked route which connects into the wider countryside.
- 8.25 Furthermore the proposed development would not have an adverse impact upon the amenity of neighbouring residential properties and land uses.
- 8.26 The use of the site for a private equestrian use would not lead to a demonstrable harm to highway safety, subject to a condition restricting it to a private use.
- 8.27 The proposed development is therefore considered to be acceptable.
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9.0 SUMMARY OF CONSULTATIONS

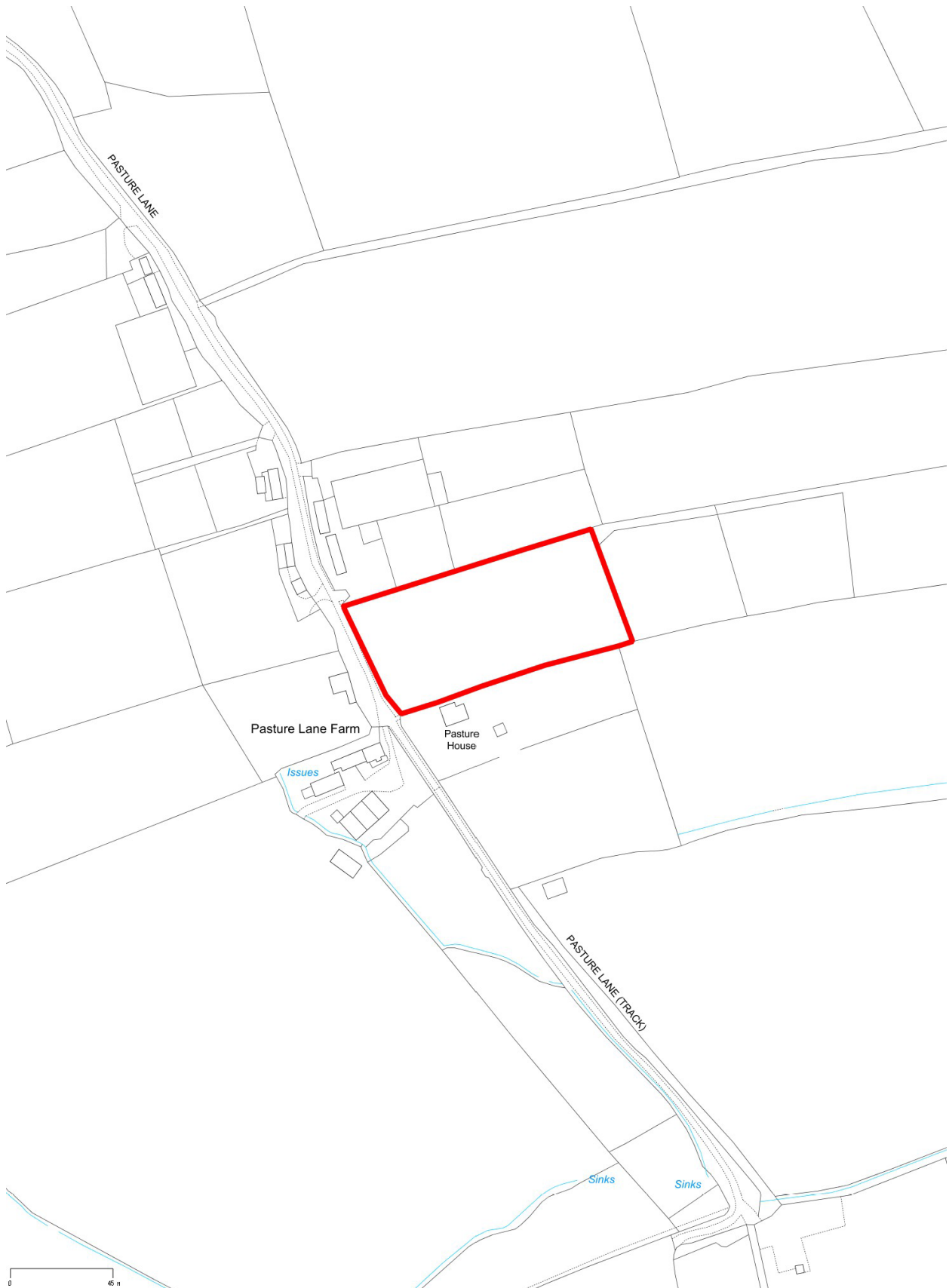
<u>County Highways:</u>	No objection subject to conditions
<u>Environmental Health:</u>	No objections subject to an informative note
<u>Neighbour:</u>	No representations
<u>Parish Council:</u>	No comments
<u>Ward Member:</u>	A request that the application be heard by members of planning committee and a site visit be undertaken prior to the meeting

10.0 RECOMMENDATION

That planning permission is **Granted** with the final wording of the conditions delegated to the Planning Manager:-

CONDITIONS

1. The equestrian development hereby approved shall be used solely for the use of residents of Pasture House, Pasture Lane, Stonebroom and those of their immediate family only and shall not be used for any commercial purposes (e.g. riding school, livery or DIY livery).
2. The site shall not be floodlit or illuminated in any way.
3. Only one loose horse box shall be kept on site at any one time. No further horse boxes, trailers, containers, caravans, other vehicles or storage areas shall be located or stored on the application site.



NED/18/00633/FL

APPLICATION NO. 18/01074/OL

APPLICATION Outline application with all matters reserved except access for the construction of 2no dwellings (Amended Plan)

LOCATION 168 Holymoorside Road, Holymoorside, Chesterfield, S42 7DS

APPLICANT Mr Alan Borman

CASE OFFICER Mr Colin Wilson

DATE RECEIVED 30th October 2018

REFERRED TO COMMITTEE BY: Cllr Thacker

REASON: The application has the potential to contravene the Neighbourhood Plan and negatively impact on highways issues in the village.

The Site Inspection Group are to visit the site to assess the impact of the development on the character of the area.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises land to the south of 168 Holymoorside Road, a domestic property situated within the defined Settlement Development Limits (SDL) for Holymoorside. The site comprises a spacious side garden for number 168, which is also situated within the SDL for Holymoorside.
- 1.2 The application site is situated on the eastern side of Holymoorside Road and the site's western boundary is bound by a low stone wall, which adjoins the highway edge. The application site is adjoined to the east and south by countryside designated as North East Derbyshire Green Belt.
- 1.3 168 Holymoorside Road is accessed via an existing vehicular access point from Holymoorside Road. There is currently no existing vehicular access to the specific site of application. That being said, an extant planning permission exists for a single dwelling on the site (16/00272/FL), which includes permission for a new vehicular access to the site from Holymoorside Road.
- 1.4 The southern element of the site is partially covered by NEDDC Area TPO number 57.
- 1.5 From 168 Holymoorside Road to the north of the site, the land levels of the site fall gradually in a southerly direction.

2.0 PROPOSAL

- 2.1 Outline planning permission is sought with all matters reserved except access for the construction of two dwellings.
- 2.2 An indicative layout plan has been submitted in conjunction with the application. The layout plan illustrates how two detached dwellings could be accommodated within the site. The indicative layout proposes that two detached dwellings of

relatively generous proportions, fronting Holymoore Road, could be accommodated within the site of application. The indicative layout illustrates that a proposed development of two dwellings would continue the linear form of development along Holymoore Road.

- 2.3 Under application reference number 16/00272/FL, full planning permission was granted on the site for a single dwelling, including an integral garage and new vehicular access. The permission granted under 16/00272/FL is extant. The proposals set out in this subsequent outline application initially included a vehicular access to mirror that approved under 16/00272/FL. The proposed access was subsequently amended, following the receipt of consultation comments from Derbyshire County Council Highways Officers:

3.0 AMENDMENTS

- 3.1 In response to comments received by Derbyshire County Council Highways Officers, amended plans have been received with a revised vehicular access. The principal alterations to the vehicular access are a widening of the access from the 4m width initially applied for to an overall width of 4.25m.
- 3.2 For clarity and the avoidance of doubt, the application has been assessed on the basis of the amended plans received at this office on 12.12.2018.
- 3.3 A further updated plan was received at this office on 20.12.2018 to provide additional clarification that the proposed access would not impact any of the trees at the southern boundary of the site, which are covered by Area Tree Preservation Order Number 57.

4.0 PLANNING HISTORY

- 4.1 The relevant planning history for the site can be summarised as follows:
16/00272/FL – Proposed dwelling house including integral garage and new vehicular access – Conditionally Approved.
Officer Note: Officers are of the view that the above application is of particular relevance in the determination of this application, as it comprises an extant planning approval for a residential development of the site in question, albeit for a single dwelling.

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

- 5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.
- 5.2 The Local Plan policies most relevant to the proposals are set out below:
- GS1 Sustainable Development
 - GS5 Settlement Development Limits
 - BE1 General Design Principles
 - H2 Housing Developments on other sites within Settlement Development Limits

- H12 Design and Layout of New Housing
- T2 Highway Access and the Impact of New Development
- T9 Car Parking Provision
- CSU4 Surface and Foul Water Drainage

5.3 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.

5.4 The following Local Plan: Publication Draft policies are relevant to this application and are material consideration. Policies most relevant in the determination of this application are set out below.

SS1 Sustainable Development

SS7 Development on Unallocated Land within Settlements with defined Settlement Development Limits

ID3 Sustainable Travel

National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) (as amended July 2018) have been considered in the assessment of this application.

Holymoorside and Walton Neighbourhood Plan

The adopted Holymoorside and Walton Neighbourhood Plan is applicable in the assessment of this application:

Policy S1, which relates to Settlement Development Limits is of particular relevance and identifies that development will be supported where it, inter alia, is small scale and reflects the size, character and level of provision of Holymoorside and Walton; does not reduce garden/green space to an extent where it adversely affects the distinctive character of the Parish or the amenity of the proposed occupiers of the new development or adjacent properties/uses.

Policy H1 (small infill and redevelopment sites) and H2 (housing mix) of the Holymoorside and Walton Neighbourhood Plan are also of relevance in the assessment of this application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was publicised by way of neighbour letters and the display of a site notice. One letter of representation has been received and can be summarised as follows:

- The proposed development fails to accord with the requirements of Policies contained within the Holymoorside and Walton Neighbourhood Plan.
- Adverse impacts on the residential amenity of neighbours, by reason of safety, noise, disturbance, overlooking, loss of privacy and overshadowing.

- Unacceptable overdevelopment of the site, involving loss of garden land and the open aspect of the neighbourhood ('garden grabbing').
- Visual impact of the development.
- Impact of the development on the character of the neighbourhood, loss of green space and overcrowded land.
- The loss of existing views from neighbouring properties will adversely affect the residential amenity of all neighbouring owners.
- The development would adversely affect highway safety and the convenience of road users. There is already a safety issue with lots of cars and parking for the nearby school, which covers the catchment areas of Walton and Holymoorside.
- Requirement for trees on the application site to be protected.
- There have been issues with flooding from the nearby stream, building near this will only worsen these problems.

6.2 The **Ward Members** and **Parish Council** were consulted on the application:

One **Ward Member** requested that the application be determined by NEDDC Planning Committee.

The **Parish Council** raised objections to the proposed development on the following grounds:

- Congestion (especially at school times).
- The proposed development not being in accordance with the Neighbourhood Plan.
- Overdevelopment of the site being detrimental to the character of Holymoorside.
- The site not being large enough for two properties.

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, raising no objections to the proposed development from a highway safety perspective, subject to condition.

6.4 **NEDDC Environmental Health Officers** were notified of the proposed development, raising no objections.

6.5 **NEDDC Local Plans Team** were consulted on the application – no comments were received.

6.6 **The Water Authority (Yorkshire Water)** were consulted on the application, raising no objections to the proposed development, advising that the application states that surface water will drain to watercourse. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

6.7 **NEDDC Parks Department** were consulted on the application, stating that it is unclear from proposed plan submitted where the southern boundary of the site lies and therefore it has been difficult to judge whether any of the proposed development would fall within the Tree Preservation Order Area. Officer Note:

Whilst the vehicular access applied for under this application is generally consistent with that approved under application reference 16/00272/FL, the agent has submitted an updated plan to clarify the position of the proposed access in relation to trees within the application site. From the submitted details, it is apparent that the vehicular access would not result in the loss of any existing trees from the site.

7.0 PLANNING CONSIDERATIONS

- 7.1 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.
- 7.2 It should be noted that the application is made in outline with matters of appearance, landscaping, layout and scale reserved. Therefore, such matters are not under consideration under this application.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 Outline planning permission (with all matters reserved except access) is sought for the construction of 2 dwellings on the site, which is situated within the defined Settlement Development Limits for Holymoorside.
- 8.2 North East Derbyshire Local Plan Policy GS1 relates to sustainable development and is therefore of relevance. The Policy generally encourages development within defined Settlement Development Limits, subject to all other material planning matters being acceptable.
- 8.3 North East Derbyshire Local Plan Policy GS5 relates to Settlement Development Limits and is therefore applicable in the assessment of this application. The Policy states that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment; and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses. This is generally in line with Policy S1 and Policy H1 of the Neighbourhood Plan.
- 8.4 The NPPF also looks to encourage development that accords with the three strands of sustainable development, these being economic, social and environmental factors.
- 8.5 Holymoorside is identified as a Level 3 settlement in the Local Plan: Publication Draft. Policy SS7 of the Local Plan: Publication Draft relates to development on unallocated land within settlements within defined Settlement Development Limits. The Policy is generally supportive of development within defined Settlement Development Limits, providing it is of a scale and design that would be in keeping with the character of the surrounding area. The Policy is consistent with the aims of the National Planning Policy Framework and should therefore be afforded weight in the consideration of this application.
- 8.6 The extant permission for a single dwelling on the site (16/00272/FL) is considered to weigh significantly in favour of this outline application, in terms of establishing the principle of residential development on the site.

- 8.7 In this instance, Officers are of the view that the proposed development represents a sustainable location for housing, within the defined Settlement Development Limits for Holymoorside. Therefore the principle of development is considered to be acceptable.
- 8.8 With the exception of means of access, all matters are reserved for future consideration. The outline stage allows the Local Planning Authority to consider whether this plot allows any reasonable prospect of delivering the proposed development of two dwellings without significant detriment to the streetscene, the character of the area, neighbouring amenity, natural environmental factors and highway safety:

Streetscene/Design Issues

- 8.9 From a streetscene perspective, properties in the locality generally comprise individually designed dwellings of comparatively generous proportions. Whilst the application is in outline, the submitted indicative layout illustrates how two detached dwellings could be positioned on the site. It is considered that two suitably designed dwellings in this location would not significantly detract from the character and appearance of the area. These details would be assessed at reserved matters stage.

Amenity Considerations

- 8.10 From a neighbouring amenity viewpoint, it is considered that the plot offers scope to design two dwellings with windows arranged such that none should result in significant overlooking of neighbours or cause any undue loss of privacy for surrounding properties. Furthermore, it is considered that two dwellings on this plot are unlikely to be unduly prominent or overbearing on neighbouring properties. Whilst the layout is not fixed at this time, it is considered that the reserved matters stage could deliver a scheme with an acceptable layout that would satisfactorily preserve the amenity levels currently enjoyed by the occupiers of properties adjoining the application site.
- 8.11 The indicative layout illustrates that the site could be developed with two dwellings with adequate private amenity space, whilst retaining adequate amenity space for the existing property (168 Holymoorside Road).

Highway Safety

- 8.12 Derbyshire County Council (DCC) Highways Officers were consulted on the application, raising no objections to the proposed development subject to conditions. In an attempt to negate the requirement of the conditions recommended by Highways Officers and establish an acceptable vehicular access to the site, the agent has submitted a revised layout plan including a wider vehicular access and the requested visibility sightlines. Highways Officers have subsequently advised that the revised vehicular access is acceptable in highway safety terms, therefore negating the requirement of planning conditions requiring additional details regarding the proposed access.

- 8.13 Guided by the comments of DCC Highways Officers, Officers have no reason to conclude that the application would be unacceptable in highway safety terms.

Tree Protection

- 8.14 The southern edge of the application site is partially covered by Area Tree Preservation Order (TPO) 57. As the proposed development is in outline with all matters reserved (apart from access), the only fixed aspect of the development would comprise the vehicular access. From the submitted details, it is apparent that the vehicular access would not affect any trees protected by the Area TPO. Moreover, significant weight must be given to the fact that the vehicular access applied for under this application is, in terms of its siting and design, generally comparable to that approved under 16/00272/FL.

Conclusion

- 8.15 Overall, and subject to the planning conditions recommended below, it is considered that the proposed dwellings would be sited in a sustainable location and could be developed without resulting in significant detriment to the visual character of the area, or amenity levels currently enjoyed by the occupiers of adjoining properties. Matters of access, layout, scale, landscaping and appearance would be assessed in full in any subsequent application for reserved matters approval, however the scheme at this outline stage is considered acceptable, as such, the proposal would comply with the Development Plan.
- 8.16 In conclusion, it is considered that the scheme would deliver a sustainable development. It is therefore considered that this outline proposal is acceptable, subject to conditions.

9.0 SUMMARY OF CONSULTATIONS

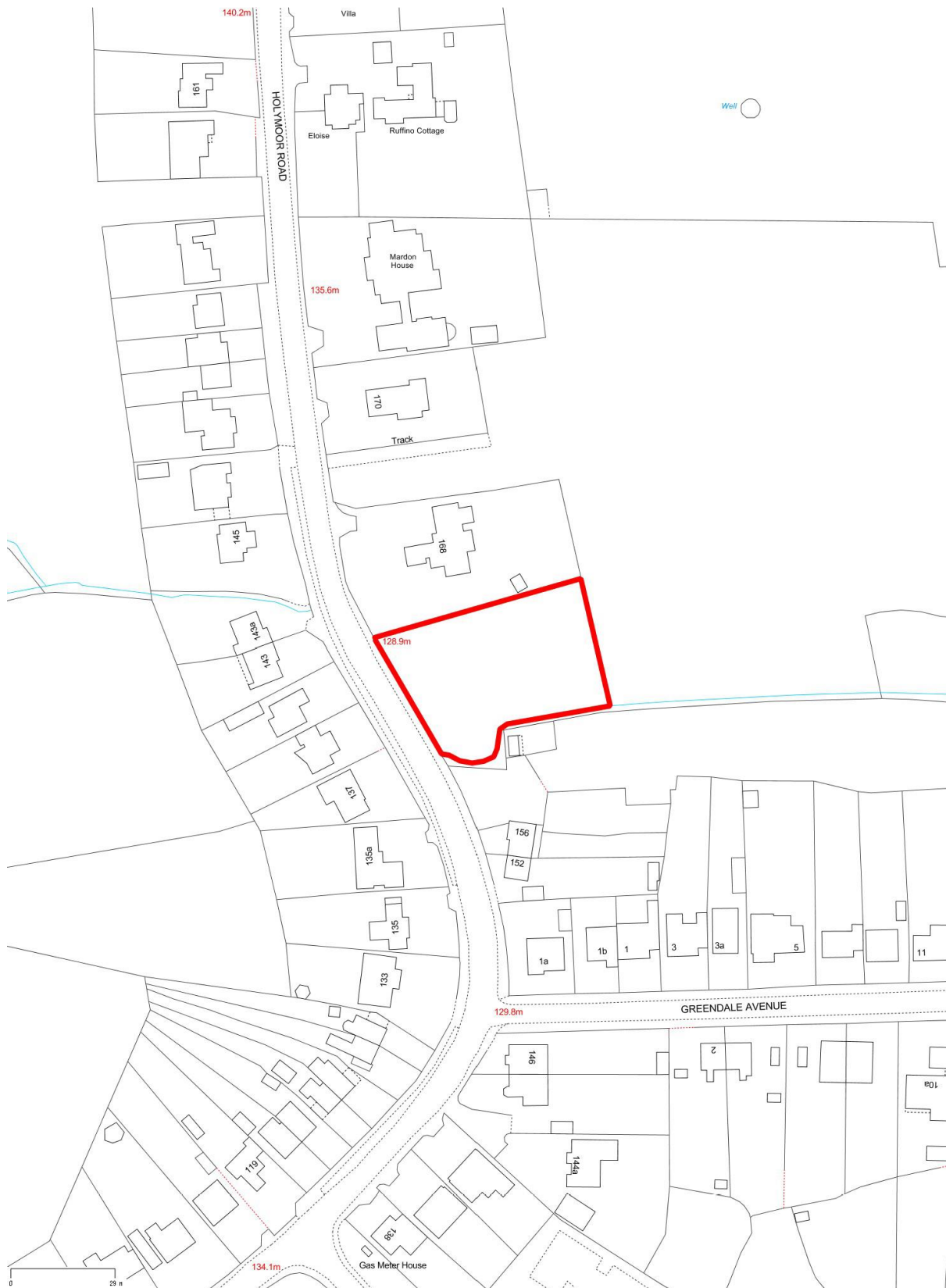
- 9.1 County Highways: No objections
County Planning: N/A
Environmental Health: No objections
Drainage: N/A
Access Officer: N/A
Footpath: N/A
Neighbour: 1 Representation
Parks: Comments
Others: N/A
Ward Member: Called in for Committee determination.
Parish Council: Object

10.0 RECOMMENDATION

10.1 GRANT Planning permission subject to the following conditions, with the final wording of the conditions delegated to the Planning Manager:

- 1 Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.
- 2 Approval of the details of the layout, scale, appearance of the two dwellings, and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.
- 3 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.
- 4 Before the commencement of above ground works, a plan shall be submitted to and approved in writing by the Local Planning Authority to show the proposed boundary treatments throughout the site. The scheme shall be implemented in full in accordance with the approved scheme and shall be retained as such thereafter.
- 5 Before the commencement of above ground works, 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.
- 6 Before the commencement of construction works on the two dwellings hereby approved, details of the existing ground levels, proposed finished floor levels of the two dwellings and the proposed finished ground levels of the site, 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.
- 7 The site shall be developed with separate systems of drainage for foul and surface water.
- 8 Before the commencement of construction works on the two dwellings hereby approved, a scheme for the provision of surface water drainage works including details of the soakaway 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.

- 9 Before the commencement of construction works on the two dwellings hereby approved, 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.
- 10 Before any other operations are commenced, a new vehicular access shall be created to Holymoore Road in accordance the amended drawings numbered 18 728 Rev 1, received at this office on 12.12.2018. The area in advance of the visibility sightlines shown on the approved drawings shall thereafter be retained free of any object greater than 1m in height (0.6 in the case of vegetation) relative to the adjoining nearside carriageway channel level.
- 11 There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.



NED/18/01074/OL

APPLICATION NO. 18/01031/FL**APPLICATION** Application for the demolition of existing conservatory and erection of first floor rear extension and new single storey rear extension at 7 Deerlands Road, Wingerworth for Mr Christopher Lilley**LOCATION** 7 Deerlands Road, Wingerworth**APPLICANT** Mr Christopher Lilley**CASE OFFICER** Emily Roper**DATE RECEIVED** 17th October 2018

REFERRED TO COMMITTEE BY: Cllr Antcliff

REASON: To consider the potential impact on the neighbours residential amenity

The Committee Site Inspection Group is to visit the site to assess the impact on the character of the area and amenity issues.

1.0 SITE DESCRIPTION:

- 1.1 7 Deerlands Road is a two storey brick constructed detached dwelling which is located within the Settlement Development Limit for Wingerworth.
- 1.2 The dwelling has previously been extended and alerted both to the front and rear.
- 1.3 Deerlands Road comprises of gable fronted detached properties all of a similar design, many of which have been extended and altered.

2.0 PROPOSAL:

- 2.1 Planning permission is sought for the demolition of the existing conservatory and erection of a first floor and single storey rear extension.
- 2.2 The first floor rear extension would measure maximum dimensions of 3.3m deep, 8.8m wide with a maximum ridge height of 6.5m. This would comprise of an extended bedroom and an additional bedroom, featuring openings within the rear elevation only. The existing rear elevation bedroom would form an internal bedroom within the proposed scheme; as such a first floor side window would be installed within the south west (facing) elevation and is identified as not being opaque.
- 2.3 The single storey rear garden room extension would measure maximum dimensions of 3.7m deep, 5.5m wide and 3.6m high. This would feature openings on the rear and side elevation and two velux sky lights.
- 2.4 The proposed scheme would be constructed from roofing materials to closely match the existing dwelling and a mixture of brick and render walling materials.

3.0 PLANNING HISTORY:

- 3.1 82/01013/FL - Front extension to lounge with bedroom extension over and extension to form dining area (CA)
93/00863/FL - Lean to roof over porch and front of garage and extensions to kitchen and to form dining room (CA)
15/00265/FLH - Construction of a two storey front extension (CA)

4.0 DEVELOPMENT PLAN POLICIES:

- 4.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.
- 4.2 The most relevant policies of the NEDDC Local Plan are:-
- BE1 – General Design Principles
 - GS1 – Sustainable Development
 - GS5 – Settlement Development Limits
 - H5 – Domestic Extension
- 4.3 The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of the application.
- 4.4 The Wingerworth Neighbourhood Plan (WNP) has been adopted and forms part of the Development Plan, although it should be noted that Settlement Development Limits for the Parish were not considered through the WNP, which reduces the weight attached to those policies. The most relevant policies are:-
- W1 – Wingerworth Settlement Development Limit
 - W12 – Design Principles
- 4.5 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, with a number of hearings having been undertaken. 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.

5.0 CONSULTATIONS AND REPRESENTATIONS:

- 5.1 Ward Members and the Parish Council were consulted regarding the application
- No comments were received from the Parish
 - One Ward Member has requested the application be taken to planning committee for the following reason:
 - Impact on neighbours
- 5.2 One letter of representation has been received from a neighbouring resident. The comments raised the following material planning concerns:
- As immediate neighbours we do not object to the application in principle as most properties along this part of the road have added first floor extensions, including ourselves.
 - However, the side window proposed for the internal bedroom is clear, in line with building regulations we would of course expect this to be changed to obscured glass and non-opening. This is particularly important as the proposed side window if opened or left clear would have an unobstructed view of our landing, which is the access to 3 bedrooms and a bathroom.

6.0 PLANNING CONSIDERATIONS:

- 6.1 The planning considerations for this application are the suitability of the proposal in the location in policy terms, its effect on the character and appearance of the site and its surrounding street scene and the impacts upon the amenity of neighbouring occupiers.

7.0 PLANNING ASSESSMENT AND SUMMARY:

Principle of Development

- 7.1 The application site is situated within the Settlement Development Limit for Wingerworth, and, as such, Local Plan Policy GS5 indicates that the general principle of development is acceptable provided that (a) it would not be detrimental to the character and appearance of the site and its surrounding environment; and (b) it would not have a detrimental impact on the amenities of neighbouring occupiers and uses.

Impact upon the Character of the Area

- 7.2 Policy H5 of the Local Plan requires that all extensions should be in keeping with the property and street scene in terms of their style, proportion and materials. This is further enhanced by Policy BE1 which requires development to respect the character and appearance of the surrounding area and contribute towards providing a safe and secure local environment.
- 7.3 The proposal is of a scale and design appropriate for the residential setting, and would not result in any adverse impact on the street scene or character of the area. It is therefore concluded that the proposed scheme accords with Policies BE1, GS5 and H5 of the North East Derbyshire Local Plan.

Impact upon the amenity of neighbours

- 7.4 Policy GS5 seeks to ensure that development should not be detrimental to the character and appearance of the site and surrounding environment and the amenity of neighbouring residents. This is further enhanced by Policy H5 which prescribes the same criteria.
- 7.5 Concerns have been expressed relating to a loss of privacy from the proposed first floor side elevation bedroom window, which is not intended to be frosted, upon the neighbouring property, No 5. The subject window would not be located opposite No 5's hallway/landing window but at an approximate 35° angle (1.5m further to the west), which would result in an oblique view between the two windows. The neighbour's window serves the hallway/landing, which is a non-habitable room, there is no guidance relating to overlooking/loss of privacy of non-habitable rooms and therefore limited protection can be given to it. As a result it is not considered necessary to add a condition requiring the window to be obscure glazed.
- 7.6 It is noted that the neighbouring property No 5 has an additional two openings within the side elevation; both of which are obscurely glazed (serving the en-suite bathroom and kitchen) and are not deemed to be affected by the proposed scheme. Furthermore, acknowledgement has been given to a scheme approved (15/00645/FLH) at the neighbouring property, No 9. In that application all first floor side elevation windows, including to an office, have been conditioned to be obscurely glazed, as was identified on the submitted drawings. However, each application needs to be judged on its own merits and in this instance one is not considered necessary.

7.7 Due to the design, scale and siting of the scheme it is Officer's view that the impacts of the development would not be detrimental in neighbouring amenity terms and the proposed scheme complies with Policies H5 and GS5.

Conclusion

7.8 Overall, and subject to the planning conditions recommended below, it is considered that the proposal would be in keeping with the existing dwelling, which respects the privacy and amenity of neighbouring properties and would have no impact on the character and surrounding streetscene. The proposal would therefore comply with the requirements of the relevant Local Plan Policies and the National Planning Policy Framework.

7.9 The development is therefore considered to be acceptable.

8.0 SUMMARY OF CONSULTATIONS:

<u>County Highways:</u>	N/A
<u>County Planning:</u>	N/A
<u>Environmental Health:</u>	N/A
<u>Drainage:</u>	N/A
<u>Access Officer:</u>	N/A
<u>Footpath:</u>	N/A
<u>Neighbour:</u>	1 representation from one neighbour objecting
<u>Others:</u>	N/A
<u>Ward Member</u>	One Ward Member called the application into committee
<u>Parish Council:</u>	No comment received

9.0 RECOMMENDATION:

GRANT Planning permission subject to the following conditions, with the final wording of conditions delegated to the Planning Manager:

CONDITIONS

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. The proposed walling materials shall comprise of render and brick and roofing material shall match those of the existing building as closely as possible.



NED/18/01031/FLH