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**North East
Derbyshire**
District Council

Our Ref: AM/MD
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Date: Monday, 25 November 2019

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 3 December 2019 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

A number of parking spaces will be reserved for Member use on the day of the meeting.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor Pat Antcliff Councillor William Armitage Councillor Stephen Clough Councillor Peter Elliott Councillor Roger Hall Councillor Carol Huckerby Councillor Heather Liggett Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Bette Hill Councillor Maggie Jones Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor David Hancock	Councillor Andrew Cooper

Any other Member can be requested to act as a substitute for this meeting.

All substitutions to be made in writing to the Governance Team by 12 Noon on the day of the Committee meeting.

For further information about this meeting please contact: Alan Maher

AGENDA

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 4 - 16)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 5 November 2019.

4 Reports of the Planning Manager - Development Management (Pages 17 - 41)

(a) Report No PM/15/19-20 – Development Management Applications

(b) Report No PM/16/19-20 – Planning Appeals – Lodged and Determined

5 Matters of Urgency

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

我们会说你的语言

If you require
this agenda in
large print

or another
format
please call
us on

**01246
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 5 NOVEMBER 2019

I N D E X

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 5 NOVEMBER 2019

Present:

Councillor D Ruff	Chair
Councillor P Antcliff	Vice-Chair
Councillor W Armitage	Councillor C Huckerby
“ J Barry	“ M Jones
“ S Clough	“ H Liggett
“ A Cooper	“ M Potts
“ P Elliott	“ A Powell
“ R Hall	“ T Reader
“ D Hancock	“ J Ridgway
“ E Hill	“ K Rouse

Substitutes Present:

Councillor M Jones - acted as substitute for Councillor C Hunt

Also Present:

Adrian Kirkham - Planning Manager – Development Management
Graeme Cooper - Principal Planning Officer
Phil Slater - Principal Planning Officer
Jim Fieldsend - Team Leader Solicitor (non contentious)
Alan Maher - Senior Governance Officer

318 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor C Hunt.

The meeting was advised that Councillor M Jones would act as a substitute for Councillor C Hunt.

319 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillor J Barry declared an interest in application NED/18/01170/OL and that she intended to withdraw from the meeting for the period when the application was being considered.

The Planning Manager – Development Management explained that he was acquainted with one of the objectors to Planning Application NED/18/01170/OL. He assured Committee that this would not influence his judgement or advice to the Committee. He had chosen to make the Committee aware of this in the interests of transparency.

320 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 1 October 2019 be approved as a correct record and signed by the Chair.

321 Development Management Applications

The Committee considered Report No PM/13/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/18/01170/OL

Councillor Barry left the meeting at this point.

The report to Committee explained that an outline planning application had been submitted for the erection of up to 250 dwellings (Major Development/Contrary to development plan/Affecting a Public Footpath)(Amended Plans)(Amended Title) on land east of Williamthorpe Road and south of Tibshelf Road, Holmewood for Mr Cliff Richards. The application had been referred to the Committee by Councillor N Barker, who had raised concerns about it.

Six objectors exercised their right to attend the meeting and spoke against the application.

Three supporters spoke in favour of the application.

Three of the agents exercised their right to attend the meeting and spoke in support of the application.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting

Committee considered the outline application. It recognised that the primary issue to be considered at this point was whether the principle of residential development on the site would be acceptable and sustainable. In particular, the Committee considered whether the technical constraints, most notably those relating to highway safety or the environmental impact, of the site could be overcome, with or without conditions, to enable an acceptable form of development to be undertaken.

Members discussed the application. Concerns were raised that the possible benefits of the development might be outweighed by the drawbacks. As part of this, Members heard about the likely impact of the proposed development on traffic levels, and local services, including education. Members also discussed the possible impact of the development on the environment and especially what it would mean for biodiversity. In addition, they considered how the application might affect the distinctive separate identity of local communities, if the current agricultural land between them was built upon.

RESOLVED – That application number NED/18/01170/OL be refused against officer recommendations, for the following reasons:-

- (1) The Application is considered to be unacceptable as the proposed housing would, by reason of its location, harm the landscape and rural character of the area and lead to a merging of settlements.

The development would form a prominent intrusion into the countryside and fail or enhance either the natural environment or local distinctiveness.

The benefits arising from the scheme would not outweigh this harm and so the development would be contrary to policy NE1 of the North East Derbyshire Local Plan and the National Policy Framework when read as a whole.

NED/19/00809/FL

Councillor Barry re-joined the meeting at this point.

The report to Committee explained that an application had been submitted to vary conditions 5 (method statement) and 7 (implementation plan and timetable) pursuant of 14/00901/FL (amended title/amended plans) on land to the rear of 14 to 22 Green Lane and 4 to 16 Park Avenue, Dronfield for Neil Twigg. The application had been referred to the Committee by Councillor P Parkin, who had raised concerns about it.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting.

Two objectors exercised their right to attend the meeting and spoke against the application.

The agent exercised their right to attend the meeting and spoke in support of the application.

No supporters spoke in favour of the application.

The Committee considered the application. In particular, the Committee had regard to what impact any changes might have on highway access, parking provision and road safety.

Members discussed the application. As part of this, Committee explored the reasons for the proposed changes. They explored the potential impact of a change in conditions on local people, if construction traffic was redirected as a result of this. The possible dates when the proposed work could take place and the possible impact on road safety were also discussed.

RESOLVED – That application number NED/19/00809/FL be refused against officer recommendations, for the following reasons:-

- (1) The applications is unacceptable as the benefits set in the project do not outweigh the adverse impact that would be caused to highway safety; contrary to policy T2 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole, and paragraphs 109 and 110 in particular.

NED/19/00577/FL

The report to Committee explained that an application had been submitted to change the use of land from agriculture to a natural burial ground including access, car park, landscaping and associated works at land south of Cricket Ground, High Street, Apperknowle for Mr Stephen Parkin – Peace Funerals, Gleadless Mount, Sheffield S12 2LN. The application had been referred to the Committee by Councillor A Dale, who had raised concerns about it.

Three objectors exercised their right to attend the meeting and spoke against the application.

Two applicants exercised their right to attend the meeting and spoke in support of the application.

No supporters spoke in favour of the application.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting and were advised of further late comments which was circulated on the day of the meeting.

The Committee considered the application. They took into account that the site was within the Green Belt. They also took into account that the National Planning Policy Framework (NPPF) (para 146 e) states that material changes of use of land that preserve openness and do not conflict with the Green Belt's purposes and would not be inappropriate.

Members discussed the application. They were informed that "cemeteries and burials grounds" do not conflict with the Green Belt's purpose and are allowed by the National Planning Policy Framework. Members discussed concerns about road safety and security concerns at the site. They also discussed potential biohazards and whether the topography of the site made it appropriate for the proposed use.

RESOLVED – That application number NED/19/00577/FL be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager - Development Management.

- 1 The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan dated 14/03/2019
Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A
Proposed Car Park Security Gate received 25th September 2019
Proposed Cemetery Access E759-CHG-EX-XX-DR-C-102 rev P1
Proposed Cemetery Access E759-CHG-EX-XX-DR-C-103 rev P1
Proposed Oak Framed Shelter Dwg 01

- 3 No development shall commence until details of the finished contours of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the contours as approved.
- 4 No development shall commence until a detailed planting and seeding schedule for the areas of new tree and shrub planting, heritage orchard, grass and wildflowers areas as shown on the Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A, together with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The planting and seeding as approved shall be implemented in accordance with the approved details and timetable and be retained as agreed thereafter.
- 5 No development shall commence until details for biodiversity enhancements on the site, to accord generally with the Preliminary Ecological Assessment and Outline Landscape and Ecology Management Plan, together with a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall be implemented in accordance with the approved details and timetable and be retained as such thereafter.
- 6 No development shall commence until a detailed landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall combine both the ecology and landscape disciplines and shall include the following:
 - (i) Description and evaluation of features to be managed;
 - (ii) Ecological trends and constraints on site that might influence management;
 - (iii) Aims and objectives of management;
 - (iv) Management options for achieving aims and objectives and monitoring methods,
 - (v) Prescriptions for management actions in the short term (construction phase) and medium term (operational phase), and long term options for the ongoing management of the site when no longer used for burials;
 - (vi) A work schedule including an annual work plan capable of being rolled forward for the operational phase;
 - (vii) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall be operated in accordance with the details and management arrangements as approved.

- 7 Within one month of the date at which the site reaches capacity or becomes dormant or before a period of 40 years from the date of this permission, whichever is the sooner, a scheme for the ongoing long term maintenance and management of the site together with details of any restoration measures and timescales for implementation shall have been submitted to the local planning authority for written approval. The scheme shall be in general accordance with the measures to be set out in the "long term" phase of the LEMP. The site shall, thereafter, be restored and managed in accordance with the details as approved.

- 8 No site clearance, preparatory work or development shall take place until tree and hedgerow protection measures have been put in place in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of any and all construction works on the site.
- 9 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoardings/fencing;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from construction works;
 - (viii) delivery and construction working hours;
 - (ix) access to the site for construction traffic.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10 The hedgerows to the north west and north east boundaries of the site shall be retained (except those parts required for access) and shall be reinforced with additional planting to close gaps. The hedgerows shall thereafter be maintained to a height of 2.5 - 3.0m height measured from lowest adjacent ground level.
- 11 No development shall commence until construction details for the access, and proposed footway link between the site and the existing bus stop, including details of any drainage arrangements and together with a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The access and footpath link shall be constructed in accordance with the approved details and timetable.
- 12 Prior to the first use of the site as a burial ground the access shall be laid out in accordance with the details and visibility sightlines indicated on drawing numbers E759-CHG-EX-XX-DR-C-102 Rev P1 and E759-CHG-EX-XX-DR-C-103 Rev P1 and the details approved in the above condition. The area in advance of the sightlines shall remain free from any obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level, and be so maintained thereafter.
- 13 Prior to the first use of the site as a burial ground the parking and turning areas shall be laid out as shown on drawing numbers E759-CHG-EX-XX-DR-C-102 Rev P1 and E759-CHG-EX-XX-DR-C-103 Rev P1. The areas shall be surfaced and parking spaces marked out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The car parking and turning areas shall be provided in accordance with the details as approved prior to the burial ground being taken into use.

- 14 The internal gate across the car park shall be provided prior to the burial ground being first brought into use, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The gate shall, thereafter, be kept locked except at times of burials, events, and peak visiting times.
- 15 Prior to the burial ground being first brought into use the existing field gate opening to High Street shall be modified to provide pedestrian-only access, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The pedestrian-only access shall thereafter be retained as such.
- 16 Apart from the gates referred to in conditions 14 and 15 above, there shall be no other gates, chains or barriers restricting the use of the access or parking area within 6m of the nearside highway boundary and any gates shall open inwards only.
- 17 Before the burial ground is first brought into use a scheme for litter picking, recycling and waste management/disposal shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of frequency for litter picking and waste removal. The scheme shall thereafter be operated in accordance with the approved details.
- 18 No burials of embalmed bodies shall take place at the site.
- 19 No more than 70 burials shall take place at the site within any calendar year.
- 20 Burials shall take place only within the areas indicated for such purpose on the Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A.
- 21 Any stones marking burial plots shall be laid flat. There shall be no standing head stones.

NED/19/00453/FL

The report to Committee explained that an application had been submitted for a proposed two storey detached dwelling with detached garage /ancillary accommodation (revised scheme of previously withdrawn 18/01277/FL)(Amended Title/Amended Plans) at Carberry Wood, Kelstedge Lane, Kelstedge for Mr & Mrs Temperton. The application had been referred to Committee by Councillor W Armitage, who had raised concerns about it.

One objector exercised their right to attend the meeting and spoke against the application.

The agent exercised their right to attend the meeting and spoke in support of the application.

No supporters spoke in favour of the application.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting.

Committee considered the application. In this context, they took into account the suitability of the proposed development in this location in policy terms, its effect on character and appearance of the site and the surrounding street scene, the impact upon the amenity of neighbouring residents and land uses, its ecological impact, land contamination, drainage and highway safety.

Members discussed the application. They discussed highway safety and whether the access would be adequate. They also discussed how the larger dwelling would relate to the neighbouring property, its visibility and its impact on the wider landscape.

RESOLVED – That application number NED/19/00453/FL be refused against officer recommendations, for the following reasons:-

The proposed development is considered unacceptable by reason of their size, scale, massing, character and location on the site the two buildings proposed would have an unacceptable and adverse impact on the character and appearance of the area and would be contrary to policies GS5, H12 and BE1 of the North East Derbyshire Local Plan, Policies AP1 and AP11 of the Ashover Neighbourhood Plan and the National Planning Policy Framework, when read as a whole.

NED/18/01281/FL

The report to Committee explained that an application had been submitted for the conversion of the former public house into 4 dwellings, with associated off street parking (Amended Title/amended Plans) Gladstone Arms, Morton Road, Pilsley for Mr Buldev Ubha.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting.

Members were reminded that Committee had previously considered this application at its 30 July 2019 and decided to defer it in order to allow negotiations to take place on a number of matters as specified in the report.

One objector exercised their right to attend the meeting and spoke against the application.

One supporters exercised their right to attend the meeting and spoke in favour of the application.

The applicant's representative attended the meeting and spoke in support of the application.

Committee considered the application. It took into account the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding street scene, the privacy and amenity of neighbouring residential properties and land uses along with highway safety issues.

Members discussed the application. They noted that the application had been amended to address the concerns originally raised by the Committee. In particular, they noted that the applicant had reduced the number of units from 5 to 4, provided four parking spaces and improved site drainage. Members questioned various aspects of this and asked that these be addressed in the conditions imposed by the Planning Manager – Development Management.

RESOLVED – That application number NED/18/01281/FL be approved in line with the final wording of conditions delegated to the Planning Manager - Development Management.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - o PL/01 Rev A (Existing and Proposed Elevation and Floor Plans)
- 3 Prior to the first use of apartment 4 hereby approved the window shown on the approved plans to the bathroom on the building's south eastern elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. Any opening parts must be in the upper half of the window. The window shall then be retained as such for the lifetime of the development.
- 4 Prior to the first use of any of the apartments hereby approved, a 1.8m high screen fence shall be erected between the points A and B on the attached plan and retained as such for the lifetime of the development.
- 5 If, during the conversion works, any brickwork or slate repair work is necessary, this should be done in materials to match that of the existing building.
- 6 Notwithstanding the submitted details, before any external works start on the conversion hereby approved, detailed plans or specifications of the following, including the finished design, colour and appearance shall be submitted to and approved in writing by the Local Planning Authority:
 - o Replacement external doors;
 - o Replacement windows;
 - o Proposed rooflights.
- 7 Prior to the occupation of any apartment hereby approved, the improvements identified on the principle elevation to the new ground floor window of the building shall be implemented in accordance with the approved details outlined on the approved drawing PL/01 Rev A and in accordance with the details approved as part of condition 6 above. The approved details shall then be retained as such for the lifetime of the development.

- 8 Notwithstanding the provisions of Article 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no new doors or window openings shall be installed in the building other than those shown on the approved plans.
- 9 Prior to the first occupation of any apartment hereby approved, the original signage and ventilation equipment of the public house shall be removed from the building. For the avoidance of doubt this shall include the removal of the external features illustrates on the approved plan, drawing number PL/01 Rev A.
- 10 Throughout the construction phase, 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.
- 11 Prior to occupation of any apartment, the existing vehicular access onto Morton Road shall be provided with a visibility sightline measured from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremity of the site frontage abutting the highway in the south western direction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
- 12 Notwithstanding the submitted site plan, before development starts a plan showing vehicle parking and manoeuvring areas and their surfacing shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of any apartment the approved parking scheme shall be implemented in full and thereafter the areas provided shall not be used for any purpose other than the parking and manoeuvring of vehicles.
- 13 The apartments hereby approved shall not be occupied until details of arrangements for the storage 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 refuse facilities retained for the designated purposes at all times thereafter.
- 14 Prior to the first occupation of any apartment hereby approved, a scheme of bird and bat mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, location and number of bat and bird boxes to be provided on the building. The approved mitigation scheme shall then be implemented in full prior to the occupation of any apartment and retained as such thereafter.
- 15 Prior to the occupation of apartments 3 and 4 identified on the approved drawing PL/01 Rev A, a Mechanical Heat Recovery System as specified in the email from Thomas Wood, dated 4th July 2019 shall be installed in accordance with the manufacturers specification and shall be retained as such thereafter.

- 16 Prior to first occupation of apartment number 3 and 4, the openings onto Morton Road shall be fitted with acoustic glazing as specified in the email from Thomas Wood, dated 4th July 2019 and retained as such thereafter.
- 17 Notwithstanding the submitted details, before work starts on the conversion hereby approved, a scheme for the provision of surface water drainage from areas of hardstanding within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 18 Notwithstanding the submitted details, prior to work commencing on the external drainage works hereby approved by condition 17 above, details of the existing ground levels, proposed finished ground levels of the site, along with an off-site datum point 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 and retained as such thereafter.
- 19 Notwithstanding the submitted details, prior to work commencing on the external drainage works hereby approved by condition 17 above, details of materials to be used in the construction of the parking spaces, illustrated on drawing PL/02 Rev A, shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed from a porous material capable of reducing surface water run-off. The parking spaces shall then be implemented in accordance with the approved details and retained as such thereafter.

NED/19/00680/FLH

With the agreement of the Chair and Committee, it was agreed that consideration of the application be deferred so that further information could be obtained.

322 Planning Appeals Lodged and Determined

The Committee considered Report No PM/14/19-20/AK of the Planning Manager – Development Management.

No appeals had been lodged, dismissed or withdrawn.

The following appeal had been allowed:

Mr K Swain – Application for conversion of existing stable building to form 2 dwellings at K J S Fisheries, Field Lane, Killamarsh (18/01061/FL)

The Committee noted the appeal decision of the Planning Inspectorate attached as Appendix A to the report.

RESOLVED – That the report setting out the appeals lodged and determined within the previous month be noted.

323 Urgent Business

There was no urgent business.

PLAN MINS(1105)/MD

North East Derbyshire District Council

Planning Committee

3 December 2019

Development Management Applications

Report No PM/15/19-20/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.

DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

PARISH	APPLICATION NUMBER	TITLE	PAGE NUMBER
WESSINGTON	NED/19/00918/RM	Reserved matters application (pursuant to 16/00749/OL) for the residential development of 8 no dwellings on land opposite Wistanes Green, Matlock Road, Wessington for Mr Robert Proctor.	5 - 17
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APPLICATION NO. 19/00918/RM

APPLICATION Reserved matters application (pursuant to 16/00749/OL) for the residential development of 8no dwellings

LOCATION Land Opposite Wistanes Green Matlock Road Wessington

APPLICANT Mr Robert Proctor

CASE OFFICER Aspbury Planning – Denise Knipe

DATE RECEIVED 12 September 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cupit

REASON: Concern over the layout of this proposed development, and concerns over whether the proposals in this application are contrary to the recently adopted Wessington Neighbourhood Plan.

The Site Inspection Group is to visit the site to assess the impact of the proposal on the character of the area.

1.0 SITE DESCRIPTION

- 1.1 The site is situated wholly within the open countryside being located outside of the development limits for Wessington. The site comprises a triangular shaped area of pastureland and there is an indigenous hedgerow along all three site boundaries.
- 1.2 The roadside boundary of the site is formed by a significant 3 metre high mature hedgerow. There is a grass verge adjacent to Matlock Road but no footway across the site frontage.
- 1.3 On the opposite side of Matlock Road to the north is a new residential development, Wistanes Green.
- 1.4 Immediately to the south, west and northwest of the site are fields with mature hedgerows and some mature trees.

2.0 PROPOSAL

- 2.1 The proposal is seeking Reserved Matters approval for eight dwellings, comprising of 2 no. semi-detached properties and 6 no. detached properties as per below:

Plot 1 – two storey, 4 bedroom property

Plot 2 – two storey, 4 bedroom property

Plot 3 – two storey, 3 bedroom property

Plot 4 – two storey, 3 bedroom property

Plot 5 – two storey, 3 bedroom property

Plot 6 – two storey, 3 bedroom property

Plot 7 – two storey, 4 bedroom property

Plot 8 - two storey, 4 bedroom property

- 2.2 The matters for consideration relate to the layout, appearance, scale and landscaping. The entrance will be taken from the location as approved under the Outline permission 16/00749/OL.
- 2.3 The proposal provides a single point of access with spinal road to the rear of the dwellings. Plot 1 is positioned at the entrance, facing onto the estate road and side onto Matlock Road. Plots 3 – 6 will front Matlock Road but set back with landscaped areas in front. No vehicular access will be provided directly from Matlock Road as the parking and garaging is to be accessed from the internal road. Plots 2, 7 & 8 are set to the rear of the site, face on to the internal road.
- 2.4 Shared double garage blocks are to be provided for plot 1 & 2 and 7 & 8. Two parking spaces are provided for the remaining plots.
- 2.5 The boundary hedge along Matlock Road is to be retained with a footpath provided on the inside of the development site.
- 2.6 The boundary treatments along the internal road to plots 1, 2, 7 and 8 will consist of an 800mm stone wall with gated pedestrian access. The same boundary is proposed to the frontage of plots 1, 3-6. Enclosing the rear gardens of plots 2-6 a 1.8 metre high timber fence is to be installed.
- 2.7 A full landscaping scheme has been provided.

3.0 AMENDMENTS

- 3.1 A revised layout plan has been provided to address comments received by the Highways Authority and the Crime Officer.
- 3.2 For the purpose of considering this application the drawings below form the proposal:

19/768/1 – Plot 1
 19/768/2 – Plot 7
 19/768/3 – Plots 2 & 8
 19/768/4 – Plots 5 & 6
 19/768/5 – Plots 3 & 4
 19/768/7 - Rev B – Site Plan
 19/768/8 – Paired Garages
 992/WVP01 - Rev C – Landscape Masterplan

4.0 PLANNING HISTORY

- 4.1 00/00992/OL Outline application for Residential Development of existing engineering and plant yard for housing, site for village hall and associated open space and erection of 4 units of affordable housing (all matters reserved for future approval) (Departure): Application Withdrawn
- 4.2 07/01139/OL Outline application (all matters reserved) for a residential development of 41 dwellings (including eleven affordable units) and construction of a village hall (Major Development) (Departure from Development Plan): Refused
- 4.3 11/00743/OL Proposed outline application (means of access submitted) for residential development (comprising max 9 no. dwellings including 3 no. affordable

units) and a village hall and shop (Major Development) (Additional Information/Amended Plan/Amended Title): Section 106 Completed. 1st October 2012.

- 4.4 14/00038/AD Application for advertisement consent for one banner sign for Wessington Village Hall: Conditionally Approved
- 4.5 14/00056/RM Reserved Matters application for appearance, landscaping, layout and scale in respect of village hall and shop (not including dwellings) of outline application 11/00743/OL (Major Development/Private Drainage System): Conditionally Approved 11th April 2014.
- 4.6 14/00547/OL Outline application for proposed residential development (means of access submitted) (extension of residential development approved under 11/00743/OL utilising the approved access) (Departure from Development Plan): Subject to signing of the Section 106 Agreement.
- 4.7 **16/00749/OL Outline application for proposed residential development of up to nine dwellings with means of access submitted: Conditionally Approved**
- 4.8 16/00750/FL Outline application for proposed village hall and shop with means of access submitted: Pending Consideration – recommended for approval by Officers.
- 4.9 19/01003/DISCON Application to discharge conditions 8 (Scheme for the disposal of surface water and foul sewage), 9 (Site establishment plan), and 10 (details for a new vehicular access) pursuant of 16/00749/OL: Pending Consideration

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The development comprises the North East Derbyshire Local Plan and the recently adopted Wessington Neighbourhood Plan (July 2019).
- 5.2 The most relevant policies of the Local Plan are considered to be:

GS1: Sustainable Development

GS6: New Development in the Countryside

GS12: Access for All

H3: Housing in the Countryside

H12: Design & Layout of New Housing.

NE7: Protection of Trees and Hedgerows

BE1: General Design Principles

T2: Highway Access and the Impact of New Development

T9: Parking Provision for Development

CSU4: Foul and Surface Water Drainage

CSU6: Contaminated Land

5.3 Wessington Neighbourhood Plan (2019)

- 5.4 The Plan area includes the whole of the Parish of Wessington and a small part of Brackenfield Parish. The NP has been prepared to ensure that any new development will be of a scale that reflects the village's rural character and provide houses of a size and tenure to suit the needs of local people of all ages. Any growth is to contribute to the vitality and viability of the village and help to support local facilities.

5.5 The relevant policies of the WNP are considered to be:

Policy 1: Sustainable Development and the Settlement Development Limit

Policy 2: Protecting the Natural Environment and Landscape Character

Policy 3: Design Principles

Policy 4: A Mix of Housing Types

5.6 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 would provide 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 undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making.

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

SS1: Sustainable Development

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

SDC3: Landscape Character

SDC12: High quality Design and Place-Making

5.8 National Planning Policy Framework

5.9 The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 & July 2018. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include support economic, social and environmental objectives.

5.10 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criteria's to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.

5.11 Other Considerations

5.12 Successful Places Interim Design Guidance

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The Reserved Matters application was valid on the 12 September 2019. An extension of time has been mutually agreed until the 6 December 2019 to allow consideration by the Planning Committee.

- 6.2 A site notice was put up on frontage of the site on 25 September 2019 advertising the Reserved Matters application for eight dwellings by the applicant.
- 6.3 **Ward Councillors: Councillor Cupit** has requested that the application be considered by the Planning Committee, raising concerns on the layout, design and the proposals compliance with the recently adopted Wessington Neighbourhood Plan.
- 6.4 **Councillor Liggett** and **Councillor Roe** have not commented.
- 6.5 **Wessington Parish Council:** Objects to this development as it falls outside the settled development boundary as defined in the adopted Wessington Neighbourhood Plan
- 6.6 **Highways Authority:** The Highway Authority is in receipt of e-mail communication of 18 October 2019 from the agent and a landscape masterplan (Number WVP 01 Revision C). The parking for Plot 6 has been amended and is now considered acceptable. In regards to 'visibility splays' from private drives, 2m x 2m x 45° pedestrian intervisibility splays are being referred to and demonstrated. These are indicated as/where appropriate and is considered acceptable.
- 6.7 Previous mention has been made regarding increased pedestrian movement and provision and installation of a signalised crossing and a review of the speed limits. A Section 106 Agreement under the Town and Country Planning Act 1990 which was entered into in respect of a previous application securing the sum of £50,000.00. The Highway Authority would still require these monies. If not still secured, it is suggested that a new Section 106 Agreement should be entered into as previously. (See comments in 'Other Considerations')
- 6.8 **Environment Health:** There are no further comments to make in respect of the reserved matters. Condition 14 of the outline permission remains applicable.
- 6.9 **Severn Trent Water Authority:** No objection subject to a condition being imposed requesting details of the foul and surface water drainage to be submitted and approved.
- [Details are currently being considered under the discharge of conditions application 19/01003/DISCON]
- 6.10 **National Coal Authority:** Confirmation has been given that the site is not within a High Risk Development Area and no further action required.
- 6.11 **Force Designing Out Crime Officer:** The application has been supported with a Crime Prevention Measure statement and the contents have been noted. Concerns have been expressed in regards to the boundary treatment around the parking areas and amended plans were submitted. The officer has commented that the boundary treatment dividing plots 4 and 5 parking areas would not allow interaction with neighbours however it has been incorrectly identified as being the front of the house. The parking areas are incorporated within the rear garden areas and therefore surveillance of the parking will be possible. No further comments have been received.

6.12 **Interested Third Parties:** 10 letters of objection from 9 separate households have been received. The objections are summarised below:

- Impacts upon existing infrastructure – more development will add to the problems. (*Officer Note: this is not a material consideration as the outline permission established the principle of development.*)
- No more capacity in the village for future residents. (*officer note: this is not a material consideration as the outline permission established the principle of development*)
- Village school oversubscribed. (*not a material consideration under the reserved matters application*)
- Increase in traffic – adding to dangers. (*not a material consideration as means of access was dealt with at outline stage*)
- Matlock Lane is already dangerous, a further access and additional traffic will add to this. (*means of access are not a consideration under this application*)
- Wessington has exceeded its allocation – the development is no longer needed. (*not a material consideration as the principle of development has already been established*)
- It is outside of the Wessington Neighbourhood Plan SDL. (*not a material consideration as outline permission was granted prior to the NP*)
- Contrary to the Wessington Neighbourhood Plan.
- The layout plan is for 8 dwellings yet the description states 9 dwellings – inconsistent. (*Officer note: the plans and the application title are for 8 dwellings*)
- Planning appeal on Back Lane Wessington (ref 17/00038/REF) stated that there is enough development within Wessington – site is not needed. (*Not a material consideration as principle of development was established by the granting of the outline.*)
- Lack of ecology information. (*Not a material consideration as ecology was dealt with through the outline application.*)
- Impacts upon the character of the village.

6.13 **Planners Response:** The objections received are duly noted however the principle of residential development in this location cannot be revisited by the Reserved Matters application. The parameters for development stated on the outline permission *upto* 9 dwellings it was not fixed for 9 dwellings, therefore it is acceptable to consider a lesser amount which is for 8 no. dwellings. The layout provided at the outline state was for indicative purpose only.

6.14 The matters for consideration now relate to the scale, appearance, layout and landscaping only which are assessed below.

7.0 PLANNING CONSIDERATIONS

7.1 The main planning consideration is whether the development conforms to the outline approval, the Development Plan and the NPPF. The key policy considerations are safeguarding the character of the area and safeguarding residential amenity.

7.2 The principle of residential development on this site has been accepted with the grant of outline consent, including the access into the site and cannot be revisited. The matters for consideration relate to the layout, scale, appearance and landscaping.

8.0 PLANNING ASSESSMENT

8.1 Outline planning permission has been granted for upto nine dwellings on this site, which remains extant. The site has a history of planning approvals for residential development. Therefore the principles of the development have been considered to be acceptable and do not form the consideration of the reserved matters application.

8.2 Since the grant of Outline permission the Wessington Neighbourhood Plan has been adopted. There has been no further change to the development plan position however the Council is now in a position to demonstrate a five year land supply.

8.3 The granting of the outline permission has established that the principle of building on this greenfield site is acceptable. The principle of residential development is therefore not a material consideration in the determination of this reserved matters application.

8.4 The WNP acknowledges that the SDL has not included sites with planning permission. Therefore the application site remains outside of the SDL for Wessington.

8.5 Impact upon the Character of the Area

8.6 The site is well contained on all boundaries by strong mature hedgerows which are to be retained. It is considered that the sites location relates well to the built up form of the village of Wessington and completes the extension to the west of the village.

8.7 The proposal will provide 8 no. dwellings of two storey scale. The layout of the proposal provides a single access point with an internal road layout to serve all 8 plots. The arrangement removes the need for further access points off Matlock Road and allows for the hedgerow and trees to be retained which will retain the rural feel when travelling along the A615.

8.8 Plot 1 has been designed to have a dual aspect at the site access, providing an attractive gateway into the site. The use of stone walling around the front boundaries of all the plots would be an attractive addition in keeping with the village and officers consider that this confirms with the aims and objectives of the Neighbourhood Plan Policy 3.

8.9 The semi-detached properties have been sited to the front of the site and mirror one another. It is proposed to provide a footpath into the village on the inside of the hedgerow and provide additional landscaping, along with seating. A planting schedule has been provided and it is proposed to provide a mix of shrubs and native plants to the front of the plots with additional tree planting throughout the site.

- 8.10 The design of the dwellings takes on a traditional approach evident in the village and the houses are to be constructed from red facing bricks to match the development opposite the site. The roof tiles will be either natural slate or dark pantiles. Both are found in the village and subject to samples would be acceptable materials to use. Windows and doors would be painted timber.
- 8.11 The parking has been integrated within the site providing a mix of tandem and side by side parking arrangement to the rear and side of the dwellings. The parking numbers provided is reflective of the quantum of development being provided and no objections have been raised by the Highway Authority. In respect of the parking layout the development conforms to the Council's Successful Places design guidance providing a balanced mix of parking solutions that are integrated into the layout.
- 8.12 Each plot is provided with private amenity area appropriate to the size of dwelling and waste storage areas provided in accordance with the Successful Places design guidance.
- 8.13 The submitted layout, mix of house types and the overall design of the scheme is considered to create an attractive place to live. Wessington Neighbourhood Plan (WNP) Policy 3 advises that proposals should demonstrate a high design quality that will reinforce the character of the Village having regard to the character areas defined in the Wessington Village Appraisal. The site has not been identified due to it being outside of the SDL however it is considered that the proposal responds to the village character and would not be out of keeping. Furthermore it would not be isolated and provides a logical extension to the built up edge of the village.
- 8.14 The WNP requires particular attention to be paid to boundary treatments and landscape proposals. As mentioned above the application has been supported with a full landscaping plan which includes hard and soft landscape features. The use of low stone walling with pedestrian gates is considered to meet the policy requirement and can be secured by condition.
- 8.15 Whilst the application has attracted objection from the local residents and Parish Council it is considered by the Officers that the scale and layout of the development, design and use of traditional materials is appropriate in this location.
- 8.16 Whilst there is some tension between the development outside of the SDL as defined by the Wessington Neighbourhood Plan and the Local Plan, this was a factor when considering the outline proposal and it cannot be revisited now. The reserved matters proposal has been considered to be in conformity with the remainder of the WNP, Local Plan Policies BE1 and H12 and the Council's Successful Places Guidance.
- 8.17 **Housing Mix**
- 8.18 The size of the development does not attract the need to provide affordable housing and all plots will therefore be available as market dwellings. WNP Policy 4 seeks to provide a mix of housing types to take into account the local need. The Policy identifies that there is a need for two and three bedroom smaller properties.
- 8.19 The development proposes an equal mix of three and four bedroom properties.

8.20 The proposal does not provide for two bedroom properties however the three bedroom properties provided are not excessive in size having a floorspace of 80 square metres. The smallest of the three bedrooms could double up as a home office/study as the ground floor does not provide an opportunity for this use.

8.21 Impact upon Neighbouring Properties

8.22 Residential development has been constructed opposite the site however Matlock Road forms a barrier between the two. The dwelling have been positioned set back from the road and a considerable separation distance will exist and the arrangement is considered to be acceptable.

8.23 To the southeast of the site along the northern boundary of Matlock Road. There is a small cluster of dwellings however there is a parcel of land which separates them from the location of the site. Planning permission exists for the construction of a village hall and it is therefore considered that there would be no adverse impact upon residential amenity.

8.24 The layout of the proposal provides spacious plots with adequate separation between the dwellings. It is considered that a satisfactory relationship will exist ensuring that no overlooking or loss of privacy will be gained.

8.25 The proposal is considered to be in conformity with the Local Plan Policies BE1 and H12 and the design guidance, Successful Places.

8.26 Highway Safety

8.27 The proposal is seeking to provide the access into the site in accordance with the details approved on the outline consent. Whilst objections have been raised in regards to highway safety, this matter cannot be revisited by the reserved matters application.

8.28 The Highway Authority has been consulted in regards to the provision of the parking and internal layout only. Comments have been received that related to the size of garaging and parking spaces. These have now been incorporated into the layout via an amended plan.

8.29 Notwithstanding the comments received by the residents there are no highway safety matters which prevent this application from being approved.

8.30 Other Considerations

8.31 The Highways Authority are seeking contributions of £50,000 for investigation into, and potential provision of pedestrian crossing facilities. This figure has been taken from the previous applications (11/00743/OL) however the signed S106 agreement has now lapsed. A further S106 Agreement was signed under Outline permission 14/00547/OL however this latest application would supersede the development if constructed and the S106 would no longer be relevant or enforceable. As this application is a reserved matters application which deals with the approval of details; it is not possible to require a s106 agreement for the highways monies, as

such matters should have been considered and requested in the determination of the outline planning permission.

8.32 Developer contributions are required to meet the tests of Community Infrastructure Levy (CIL) Regulation 122 in that the request is relevant, necessary and reasonable in scale and kind to the development site. There is no lawful reason for requesting the Developer to enter into a S106 Agreement.

8.33 **Conclusion**

8.34 The principle of the development has been established by the outline permission, and the reserved matters application for the means of access has already been approved.

8.35 The appearance, layout, scale, and landscaping are considered to be acceptable and it is an Officer view that the proposed scheme would deliver a high quality sustainable development and that this reserved matters application should be approved.

9.0 **SUMMARY OF CONSULTATIONS**

<u>County Highways:</u>	No objections
<u>County Planning:</u>	No comments received
<u>Environmental Health:</u>	No objection
<u>Drainage:</u>	No objection
<u>Access Officer:</u>	N/A
<u>Footpath:</u>	N/A
<u>Neighbour:</u>	10 objections
<u>Others:</u>	
<u>Ward Member:</u>	Councillor Cupit Call in.
<u>Parish Council:</u>	Objects

10.0 **RECOMMENDATION**

That Planning Permission is APPROVED subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

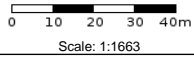
Conditions

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 plan drawing numbers:
 - 19/768/1 – Plot 1
 - 19/768/2 – Plot 7
 - 19/768/3 – Plots 2 & 8
 - 19/768/4 – Plots 5 & 6
 - 19/768/5 – Plots 3 & 4
 - 19/768/7 - Rev B – Site Plan
 - 19/768/8 – Paired Garages
 - 992/WVP01 - Rev C – Landscape Masterplan

Unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

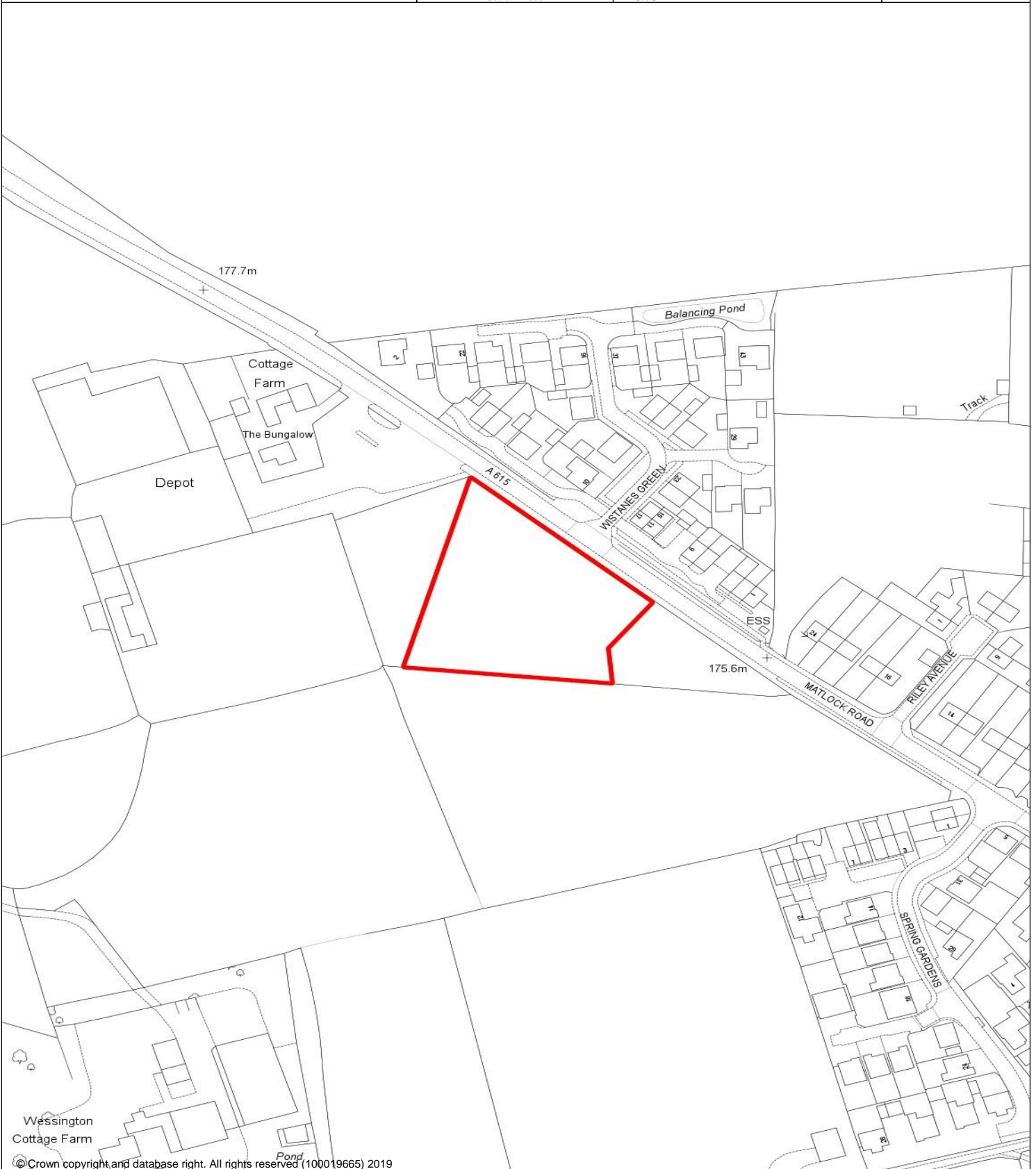
3. The boundary treatments as detailed on drawing number 992/WVP01 – Rev C shall be constructed in accordance with the approved details prior to occupation of the first dwelling and retained as such thereafter.
4. The development shall be constructed in accordance with the finished floor levels as shown on drawing numbers 19/768/7 Rev B.
5. The measures provided within the Crime Prevention Statement, in particular the installation of security lighting and alarms shall be implemented in full prior to completion of the development, and retained as such thereafter.
6. The waste bin storage areas shall be provided in accordance with the details shown on plan drawing number 19/768/7 Rev B prior to first occupation of the dwelling and retained as such thereafter.
7. Prior to any works commencing, the developer shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority full details of means of access to the site, taking into account that this will involve crossing a 'ditch' that runs between the existing carriageway and the site.
8. No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
9. The carriageways of the proposed estate road shall be constructed in accordance with Condition 8 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
10. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control constructed to base level, drained and lit in accordance with the County Council's [specification for new housing development roads](#) (see above link).

11. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the parking and manoeuvring shall be maintained free from any impediment to their designated use for the life of the development. The proposed individual driveways shall be no steeper than 1:14.
12. No dwelling shall be occupied until such time as a 2 metre footway has been constructed across the site frontage in accordance with details first to be submitted and approved, in writing, by the Local Planning Authority in consultation with the Highway Authority.



Author: K. Spelman

Date: 18/11/2019



APPLICATION Construction of a first floor extension over existing garage/utility area (Amended Plans) (Amended Title)
LOCATION 24 Marsh View, Eckington, S21 4EL
APPLICANT Mr Robertson and Mrs Reader
APPLICATION NO. 19/00785/FLH **FILE NO.** PP-08011441
CASE OFFICER Mr Kevin Figg
DATE RECEIVED 5th August 2019

REFERRED TO COMMITTEE BY: Cllr Jeremy Kenyon and Cllr Oscar Gomez Reaney

REASON: Concerns that the proposed extension would have a potential impact on the amenity of neighbouring residents and not appear in keeping with adjacent properties.

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

1.0 SITE DESCRIPTION

- 1.1 The application property is a brick built semi-detached two-storey dwelling located in a row of similar properties linked by flat roofed attached garages and backing on to open countryside to the west.
- 1.2 There are existing single-storey extensions to the rear of the property comprising a family room and utility area.
- 1.3 The other properties to the north and eastern sides of Marsh View are predominantly single-storey bungalows.
- 1.4 The application site lies within the established Settlement Development Limits for Eckington.

2.0 PROPOSAL

- 2.1 The current proposal is for the construction of a first floor extension over the existing single storey garage/utility area to the side of the property to provide an additional bedroom.

3.0 AMENDMENTS

- 3.1 The original plans submitted included the addition of a rear facing dormer window within the roofspace to extend an existing second floor bedroom. However, since this dormer window appears to constitute permitted development, for clarity, this element of the proposed development has been removed from the current application.

4.0 PLANNING HISTORY

- 4.1 There is no relevant planning history.

5.0 PLANNING POLICY CONSIDERATIONS

5.1 North East Derbyshire District Local Plan (adopted November 2005)

BE1 (General Design Principles)
GS5 (Development in Settlement Limits)
H5 (Domestic Extensions)

5.2 Emerging North East Derbyshire District Local Plan

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 would provide 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 undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making.

5.3 The Councils Successful Places Interim Planning Guidance (Adopted December 2013) is a material consideration in the determination of this application.

5.4 National Planning Policy Framework

The overarching aims of the revised National Planning Policy Framework (NPPF) are also material in the assessment of this application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The site notice was correctly displayed on a lamp post to the front of the property and expired 19/09/2019. Two adjoining neighbouring properties were notified in writing. Following the submission of amended plans, a further 14 day reconsultation of Ward Member, Parish Council and adjoining neighbours was undertaken.

6.2 Two **Ward Members** have requested that the current application be decided by Planning Committee and raised concerns that the proposed extension would have a potential impact on the amenity of neighbouring residents and not appear in keeping with adjacent properties.

6.3 The **Parish Council** raised no comments.

6.4 There are no **County Council Highways Authority** implications.

6.5 Representations have been received from a neighbouring resident with the following concerns:

- The proposed extension is of poor design and would be overbearing, visually intrusive and out of character with the type of dwelling;
- The extension would result in a loss of natural light and overshadowing to the rear of their property and reduce natural light to a landing and stairwell;
- The proposed rear window would overlook their garden with loss of privacy.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for this application are the impact of the proposed extension upon the amenity of neighbouring occupiers and impact of the proposal on the character and appearance of the site and the surrounding area.

8.0 PLANNING ASSESSMENT

- 8.1 Local Plan policy GS5 requires that development should not be detrimental to the character and appearance of the site or its surrounding environment nor have any detrimental impact on the amenity of neighbouring occupiers or uses and policy H5 requires that domestic extensions should be in keeping with the property and the streetscene, avoiding significant loss of privacy and amenity for neighbouring residents.
- 8.2 The first floor side extension now proposed would be set back from the front elevation of the property by 4.0m and would project beyond the rear elevation of the original dwelling by 2.5m with an asymmetrical pitched roof and rear facing dormer window. The proposed extension would be visible from public viewpoints along Marsh View but would be seen in the context of the application property and adjacent dwellings, and would appear subservient to the existing dwelling. In the opinion of Officers it is considered that the proposed extension would not be out of keeping with the residential character of the surrounding streetscene nor appear overbearing or visually intrusive compared to the existing situation.
- 8.3 The neighbouring dwelling at number 22 has an attached garage to the side of the property with a utility area to the rear. There is also an existing first floor side facing window which serves the landing and stairwell. The Councils Successful Places (Interim Planning Guidance) published in December 2013 states that proposals should not cause a loss of daylight or overshadowing where this would be detrimental to the residential amenity of neighbouring properties. However, this loss of light is only applicable to habitable rooms, such as kitchens, living rooms and bedrooms, and does not include non-habitable rooms such as utility areas, bathrooms and landings.
- 8.4 The adjacent dwelling at number 22 does have a rear facing kitchen window, which is set in from the shared boundary by approximately 3.0m and would be to the north of the extension now proposed. It is likely therefore that the proposed extension would result in some additional overshadowing of this window. However, following the guidance [the 45 degree rule] given in the above Successful Places document relating to overshadowing and loss of light, Officers do not consider that this window would be significantly impacted by the extension now proposed.
- 8.5 The first floor extension now proposed would feature a rear facing dormer window serving a bedroom with potential views over the rear garden of the adjacent dwelling at number 22. However, since any view would be primarily towards the bottom of the garden rather than towards the rear of the dwelling, it is not considered that this would be significantly harmful to the amenity of the neighbouring residents.

Conclusion

- 8.6 Overall, Officers are satisfied that the proposal represents acceptable development that is not significantly harmful to the character of the host property, the amenity of neighbouring residents or the character of the surrounding streetscene. It is therefore considered that the proposal complies with the requirements of the relevant Local Plan Policies, Successful Places Interim Planning Guidance and the National Planning Policy Framework.

9.0 SUMMARY OF CONSULTATIONS

County Highways: N/A

County Planning: N/A

Environmental Health: N/A

Drainage: N/A

Access Officer: N/A

Footpath: N/A

Neighbour: Objection received.

Others: N/A

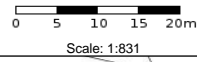
Ward Member: Received comments.

Parish Council: No comments.

10.0 RECOMMENDATION

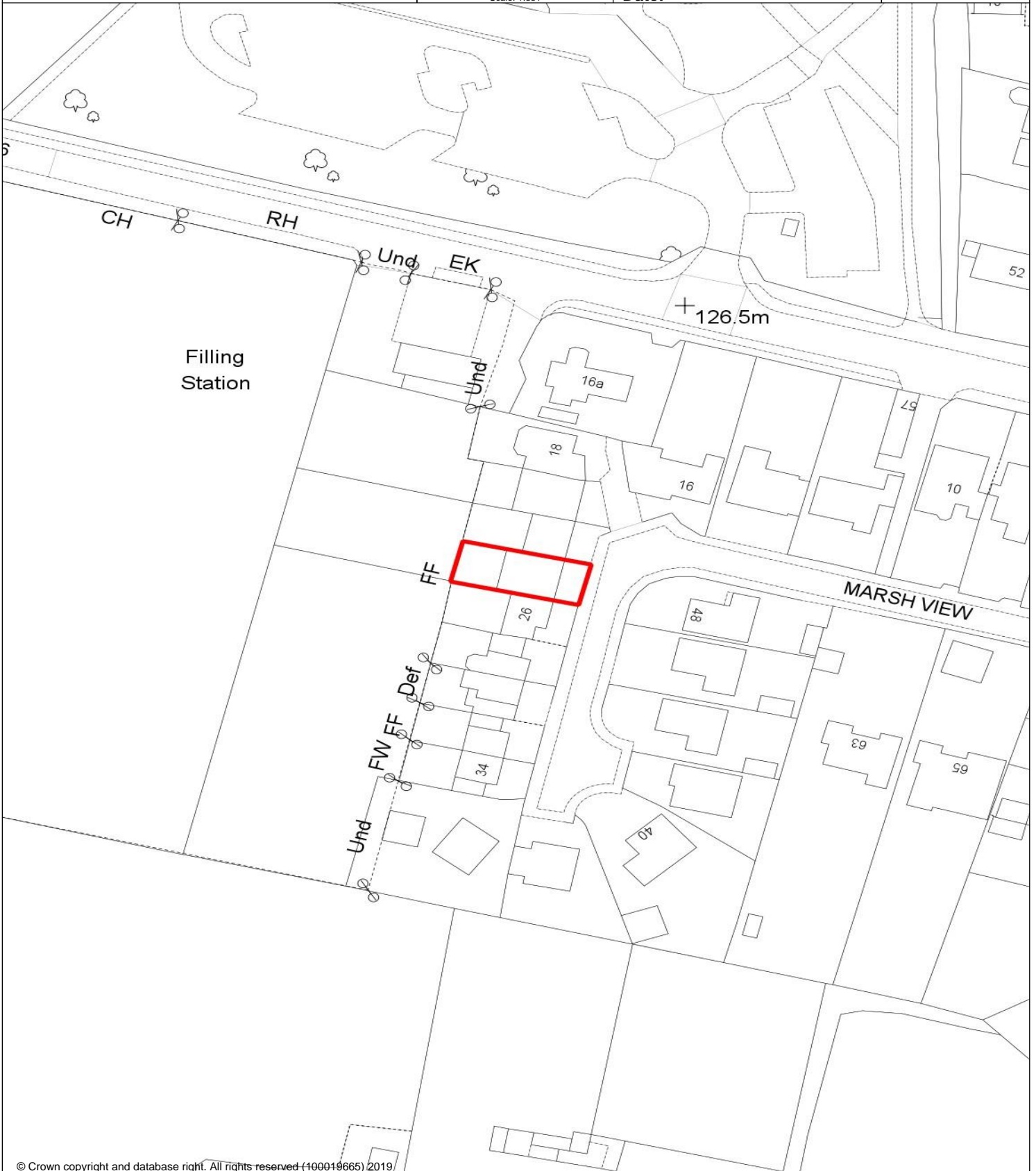
That planning permission is **APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the amended drawings 4FA196-01A and 4FA196-03B received 13/11/2019; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
3. The proposed materials shall match those of the existing building as closely as possible.



Author: K. Spelman

Date: 18/11/2019



North East Derbyshire District Council

Planning Committee

7 January 2020

Planning Appeals Lodged and Determined

Report No PM/16/19-20/AK of the Planning Manager – Development Management

This report is public

Purpose of the Report

- To inform the Committee of the appeals lodged and determined.

1 Report Details

1.1 Appeals Lodged

The following appeal has been lodged:-

Mr David Cooper - Application for the erection of one dwelling and replacement double garage (Amended Title/Amended Plans) at Rear Of 91 And 91A, Chesterfield Road, North Wingfield (19/00430/FL)

Planning Officer – Graeme Cooper – Graeme.Cooper@ne-derbyshire.gov.uk

1.2 Appeals Allowed

The following appeals have been allowed:-

Ms Joy Harrison-Roycroft – Application for change of use to equestrian with hay barn and field shelters (revised scheme of 18/00155/FL) at Land North West Of Holly Tree House, Westfield Lane, Middle Handley (18/00963/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Colin Wilson – colin.wilson@ne-derbyshire.gov.uk

Mrs Lynn Booth - Swim 121 – Application to vary Conditions 2 (employees) and 3 (opening times) relating to 16/00768/FL at The Croft, Mansfield Road, Mile Hill (18/01045/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Philip Slater– Philip.Slater@ne-derbyshire.gov.uk

1.3 Appeals Dismissed

The following appeal has been dismissed:-

L Plawecki – Application for a single detached dwelling at 84 Main Road, Renishaw (19/00121/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Colin Wilson– colin.wilson@ne-derbyshire.gov.uk

1.4 Appeals Withdrawn

No appeals have been withdrawn.

2 Conclusions and Reasons for Recommendation

2.1 N/a.

3 Consultation and Equality Impact

3.1 N/a.

4 Alternative Options and Reasons for Rejection

4.1 N/a.

5 Implications

5.1 Finance and Risk Implications

N/a.

5.2 Legal Implications including Data Protection

N/a.

5.3 Human Resources Implications

N/a.

6 Recommendations

6.1 N/a.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>Yes/No</p>
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	<p>Yes/No</p>
<p>District Wards Affected</p>	<p>All</p>
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>All</p>

8 Document Information

Appendix No	Title
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Joanne Edwards	217163