

# Public Document Pack



**North East  
Derbyshire**  
District Council

Our Ref:

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Date: Monday, 3 February 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 11 February 2020 at 1.00 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 - 9)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 7 January 2020.

## 4 Development Management Applications (Pages 10 - 79)

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

## 5 Planning Appeals - Lodged and Determined (Pages 80 - 83)

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

## 6 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

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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 7 JANUARY 2020

#### I N D E X

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5	424	Urgent Business – Open Session

## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON 7 JANUARY 2020

#### **Present:**

Councillor D Ruff .....	Chair
Councillor W Armitage	Councillor D Hancock
“ J Barry	“ E Hill
“ S Clough	“ C Huckerby
“ A Cooper	“ H Liggett
“ P Elliott	“ M Potts
“ R Hall	“ A Powell

#### Substitutes Present:

Councillor L Hartshorne - acted as substitute for Councillor T Reader

#### Also Present:

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

#### **419 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors P Antcliff, M Jones, T Reader and K Rouse.

The meeting was advised that Councillor L Hartshorne would act as substitute for Councillor T Reader.

#### **420 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.

There were no declarations made at the meeting.

#### **421 Minutes of Last Meeting**

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 3 December 2019 be approved as a correct record and signed by the Chair.

#### **422 Development Management Applications**

The Committee considered Report No PM/17/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

**NED/19/00868/RM**

The report to Committee explained that a reserved matters application had been submitted for access, appearance, landscaping, layout and scale pursuant to outline approval 17/00200/OL for the construction of 10 bungalows to wheelchair user standard M4 (3) (Major Development/Departure from Development Plan/Affecting setting of Listed Building) at land south west of Grange Farm, Milken Lane, Ashover for Mr J Stockton. The application had been referred to the 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 applicant and their agent exercised their right to attend the meeting. Both 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 considered vehicle and pedestrian access to the site, the appearance of the development and its landscaping details. They also considered the layout of the proposal and the overall scale of the development.

Members discussed the application. In particular, they discussed whether large vehicles, including refuse collection vehicles, would be able to access the site and possible safety implications for pedestrians. Members also discussed the effectiveness of the proposed screening and the possible contribution of the development to light pollution in the local area. Committee felt that these concerns could be satisfactorily addressed through the imposition of appropriate conditions.

**RESOLVED** – That application number NED/19/00868/RM be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager – Development Management.

**NED/19/00680/FLH**

The report to Committee explained that an application had been submitted for the retention of a single/two-storey front extension, two-storey side extension and single-storey rear extension, with rendering to the external facades of the property (Amended Plans) (Conservation Area) (Revised Scheme of 18/00567/FLH) at 6 Wellfield Close, Ridgeway, Sheffield S12 3XN for Mr & Mrs Andrew Cain. The application had been referred to the Committee by Councillor C Renwick, who had raised concerns about it.

Two objectors exercised their right to attend the meeting and spoke against the application. One of the objectors who spoke against the application was the District Councillor for the ward, Councillor C Renwick.

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 particular, they took into account the impact of the extension, as it had been built, upon the amenity of adjoining neighbouring occupiers. They also took into account the impact on the character and appearance of the site and the surrounding area, as well as the impact on the character of the Moss Valley Conservation Area.

Members discussed the application. In this context, they noted that the scheme of extension and refurbishments which had taken place had not been in line with the previously approved plans (NED/18/00567/FLH). The extension and refurbishments had proven to be significantly larger than originally agreed. Members discussed the revised plans and how these would reduce to the size of the extension of the refurbishments. They also queried what other changes might be possible and whether these would be adequate in terms of reducing the impact on the amenity of the adjoining neighbouring occupiers.

**RESOLVED** – That application number NED/19/00680/FLH be refused, contrary to officer recommendations, for the following reason -

The application is considered to be unacceptable as the rear extension would by reason of its scale and height have an unacceptable impact on the amenity of the adjoining neighbour contrary to policies GS5 and H5 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.

**NED/19/00673/FL**

The report to Committee explained that an application had been submitted for the development of seven dwellings with associated access and landscaping (Amended Title/Amended Plans) at 94B Main Road, Morton for Wibb Builders Limited. The application had been referred to the Committee by Councillor A Cooper, 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.

Committee considered the application. They had regard to the suitability of the proposal in the location in policy terms, its effect on character and appearance of the site and the surrounding street scene. They also considered its impact upon the amenity of neighbouring residents and land uses, its ecological impact, land contamination, drainage and highway safety.

Members discussed the application. In particular, they discussed how the site would be accessed, especially by large vehicles. In this context, they sought clarification of how the arrangements for collecting refuse from the development would work. The

Committee felt that it would be helpful to have additional information on many of the issues that had been raised during the meeting

**RESOLVED** –That consideration of application number NED/19/00673/FL be deferred to a later date in order to provide the Committee with additional information required to make a determination on the application.

**NED/19/00940/FL**

The report to Committee explained that an application had been submitted for change of use from A4 to A3 with part single storey/part two- storey rear extensions, single storey front extension with roof terrace above and internal and external alterations at 135 Cemetery Road, Dronfield S18 1XX for Mr Abul Khayere. The application had been referred to Committee by Councillors A Foster and K Tait, who had both raised concerns about it.

No objectors spoke against the application.

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

No supporters spoke in favour of the application.

Committee considered the application having regard to the principle of the development in the location, impact on the character and appearance of the area, the amenity of neighbouring uses, highway safety and economic development considerations.

Members discussed the application. In this context they discussed the possible impact of the change of use on traffic in the area, the parking and other transport arrangements that would be put in place for those using the restaurant and the impact on the local area of bringing the currently empty building back into use.

**RESOLVED** – That application number NED/19/00940/FL be approved in line with officer recommendations:- with the final wording of conditions delegated to the Planning Manager - Development Management.

**423 Planning Appeals Lodged and Determined**

The Committee considered Report No PM/18/19-20/AK of the Planning Manager – Development Management.

The following appeal had been lodged:-

Mr D Howarth - Conversion of two existing stable buildings to form one, four bedroom dwelling, with associated access lane, parking area and garden. (Affecting a public right of way) at Holly House, Matlock Road, Spitewinter Ashover (18/01265/FL)

The following appeal had been dismissed:-



Mr S Helliwell– Construction of vehicular access, domestic access track and private parking area (Resubmission of 18/00377/FL) at Land Approximately 100M South East Of Greenfield House, Hungerhill Lane, Stonedge (18/01245/FL)

No appeals have been allowed or withdrawn.

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

**424 Urgent Business**

There were no items to be considered in this part of the meeting.

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PLAN MINS(0107)/MD

## North East Derbyshire District Council

### Planning Committee

11 February 2019

#### **Development Management Applications**

#### **Report No PM/19/19-20/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 2<sup>nd</sup> August 1999, and incorporating the appropriate wording, where in refusing consent or imposing conditions on

an approval the Local Planning Authority are satisfied that their decision is in the interest of good forestry or that the tree(s) has/have an “outstanding” or “special” amenity value, unless the Council’s assessment of the amenity value of the Tree(s) is successfully challenged.

### **Legal Aspects**

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

### **Environmental Considerations**

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

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

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

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

## DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

PARISH	APPLICATION NUMBER	TITLE	PAGE NUMBER
DRONFIELD	NED/19/01147/FL	Application to vary condition 5 (Construction Traffic Management Plan) and 7 (timetable to Green Lane access) pursuant of 14/00901/FL at land to the rear of 14 to 22 Green Lane and 4 to 16 Park Avenue, Dronfield for Neil Twigg.	<b>14 - 25</b>
MORTON	NED/19/00673/FL	Development of seven dwellings with associated access and landscaping (Amended Title/Amended Plans) at 94B Main Road, Morton for Wibb Builders Limited.	<b>26 - 45</b>
DRONFIELD	NED/19/00988/FL	Application for the construction of a detached 2 bed bungalow (revised scheme of 18/00685/FL) (Amended Plans) at 17 Green Lea, Dronfield Woodhouse, Dronfield S18 8YA for Mr & Mrs Kavanagh.	<b>46 - 63</b>
BARLOW	NED/19/01082/FL	Redevelopment of large bungalow and outbuildings for 5 no small bungalows and related infrastructure at Woodside, Hackney Lane, Barlow for Mr Derek Mapp.	<b>64 - 79</b>

**APPLICATION NO.** 19/01147/FL

**APPLICATION** Application to vary condition 5 (Construction traffic Management plan) and 7 (timetable to green lane access) pursuant of 14/00901/FL

**LOCATION** Land To The Rear Of 14 To 22 Green Lane And 4 To 16 Park Avenue, Dronfield

**APPLICANT** Neil Twigg

**CASE OFFICER** Phil Slater

**DATE RECEIVED** 21 November 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Parkin

REASON: On the grounds of highway safety contrary to T2 of the North East Derbyshire Local Plan and the National Policy Framework.

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## 1.0 SITE DESCRIPTION

1.1 The wider application site comprises two paddocks to the south of Park Avenue and within the Dronfield Settlement Development Limit. The site is accessed via an existing single width, tree lined, access taken from between no's 8 and 10 Park Avenue. The site is currently overgrown grassland, and is sited to the rear of properties facing on to Park Avenue and Green Lane.

1.2 The site is visible from a public footpath which runs along the southern site boundary. This footpath provides pedestrian access to Cliffe Park to the south and to playing fields to the east. This footpath is the subject of this variation of conditions application.

## 2.0 PROPOSAL

2.1 This is an application to vary the wording of conditions 5 (method statement) and condition 7 (implementation plan and timetable) pursuant of application NED/14/00901/FL. The variation is required to allow the formation of the Green Lane access private drive within a new timescale of implementation.

2.2 Planning permission NED/14/00901/FL was granted in 2015 for the construction of 6 no detached houses, with four houses accessed via the existing access off Park Avenue to the north; and plots 1 and 2 accessed via an existing driveway directly onto Green Lane to the west. Pre-commencement conditions have been discharged and a material start made on site. The application is therefore extant.

2.3 Condition 5 required that construction traffic access the site via Park Avenue only; and this application proposes to vary the condition to allow access via Green Lane for the approved improvements works to the private drive only. No construction traffic for the houses would use the Green Lane access.

- 2.4 The proposed variation of condition 5 would be *“Development to be undertaken in accordance with the submitted details shown on drawing 1999-110-A Construction Plan. The plan shall be adhered to throughout the construction period and with the exception of the upgrading of the private drive off Green Lane, all construction traffic shall be via the Park Avenue access only.”*
- 2.5 Condition 7 required that design and construction details, including a timetable for implementation for the works to the Green Lane access be submitted to and approved in writing by the Local Planning Authority. This application proposes to vary the condition to allow for a revised timetable for implementation during school holidays. The dates include Spring half term 2020. If the works are unable to be carried out they would move to the next suitable school holiday period, such as Easter 2020.
- 2.6 Condition 7 is proposed to be amended to *“Work to the Green Lane access, incorporating widening of the driveway, raised table and construction of the footpath to be undertaken in full in accordance with the submitted details shown on drawing 1999-112-C, 199-114 and the Green Lane access works programme ref: 1999-115. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.”*
- 2.7 Condition 5 and 7 were previously discharged under NED/17/000989/DISCON.

### **3.0 AMENDMENTS**

- 3.1 None.

### **4.0 PLANNING HISTORY**

- 4.1 NED/09/00993/FL – Planning permission was granted in July 2010 for the Construction of 5 detached two storey houses at land to the rear of 4-16 Park Avenue.
- 4.2 NED/11/00361/FL – Planning permission was refused for the construction of five detached dwellings with integral garages (revised scheme of 09/00993/FL) at land to the rear of 4-16 Park Avenue. An appeal dismissed.
- 4.3 NED/11/01103/FL - Construction of 5 detached dwellings with integral garages (revised scheme of 11/00361/FL) (Amended Plans) at land to the rear of 4-16 Park Avenue. An appeal was allowed.
- 4.4 NED/13/01146/FL - Construction of 7 no. detached dwelling houses with integral garages (Revised scheme of 11/01103/FL including access off Green Lane) at land to the rear of 4-16 Park Avenue. This application was withdrawn.
- 4.5 NED/14/00901/FL - Construction of 6 No detached houses with integral garages (revised scheme of 13/01146/FL) (Amended Plans). Conditionally Approved.
- 4.6 NED/15/00437/FL - Removal of condition 5 of 14/00901/FL so that construction traffic may access the site via Green Lane. Refused
- 4.7 NED/17/00989/DISCON - Application to discharge conditions 2, 3, 4, 5, 7, 14, 15, 19, 20, 21, 22, 23, 25, 26, 27 and 28 pursuant of 14/00901/FL. Conditions discharged.

4.8 NED/19/00809/FL - Application to vary conditions 5 (Method statement) and 7 (Implementation Plan and Timetable) pursuant of 14/00901/FL (Amended title/Amended plans). Refused November 2019.

## **5.0 PLANNING POLICY CONSIDERATIONS**

5.1 The Development Plan comprises the North East Derbyshire Local Plan. The policies most relevant in determining this application are as follows.

- GS1 Sustainable Development
- H2 Housing Development on other sites within Settlement Development Limits
- H12 Design and Layout of New Housing
- T2 Highway Access and New Development
- T9 Car Parking Provision

5.2 Other relevant policy documents include Successful Places Interim Design Guide.

5.3 The Dronfield Neighbourhood Plan is adopted and carries full weight in the determination of the application. The relevant policies would be:-

- HOU1: Windfall Housing Development
- HOU2: Housing Mix

5.4 The evolving Local Plan: the North East Derbyshire Local Plan: Publication Draft (PD) (2014-2034) is also relevant to this application. In that Dronfield is identified as a Level 1 Town.

5.5 The Council is 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 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.

5.6 The following policies are considered those most relevant to this application and are a material consideration.

- SS1 Sustainable Development
- LC4 Type and Mix of Housing
- SDC12 High Quality Design and Place Making
- ID3 Sustainable Travel

## **6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS**

6.1 The application was validated on the 21 November 2019 with a determination date of 15 January 2020. An extension of time has been agreed until the 14 February 2020 to allow the application to be considered by members of planning committee. A Site notice was posted on the footpath adjacent to Green Lane and consultation letters were sent to all properties which adjoined the application site.



- 6.2 One **Ward Member** has objected the application and requested a committee determination on the grounds of highway safety contrary to T2 of the North East Derbyshire Local Plan and the National Policy Framework.
- 6.3 **Dronfield Town Council** has objected to the application on the basis that the application is unacceptable because the benefits of 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 paragraphs 109 and 110 of the National Planning Policy Framework.
- 6.4 The Town Council is concerned about the volume of building and works traffic that will be generated on Green Lane and it is also concerned about the safety issues of children and elderly residents using the entrance to Cliffe Park during the works being carried out, if planned during school holiday times.
- 6.5 The Town Council understands that previous planning permissions have stated that the access from Green Lane cannot be used for any construction traffic, as the lane does not meet highway standards in terms of visibility and safety is compromised when accessing Green Lane. The Council understands that all traffic should access the site in question from Park Avenue.
- 6.6 The **County Highway Authority** have not raised an objection to the proposals and have commented that in respect of condition 5 that the provision of Heras fencing to maintain a division between the turning area and the field as a whole is acceptable. In respect of condition 7 the HA have commented that the programme of works is acceptable.
- 6.7 **7 objections** have been received from local residents which have raised the following issues (in summary):-
- Contractors have closed off the path so that they can remove trees.
  - Lane has already been cleared of trees (*officer note: not a planning consideration*)
  - Green Lane is now a very busy road with traffic gridlock 4 times a day during rush hour and school drop off and pick up times. During these periods any attempt to bring construction vehicles in and out of Green lane would cause major traffic disruption and danger to pedestrians.
  - Using Park Avenue route would alleviate any additional congestion on Green Lane.
  - This application does not address safety concerns on previous applications
  - The path is used daily all year round by children accessing the park and school playing fields as well as families and this use is incompatible with construction traffic.
  - A further amendment may be sought to access all properties via Green Lane. (*Officer note: not a planning consideration as such an amendment would require permission.*)
  - Residents of Green Care Home use the access daily and use of the footpath will compromise safety.
  - The first application to remove condition 5 (NED/15/00437/FL) was refused and Highways raised concerns. (*Officer note: this application proposed construction traffic for the construction of plots 1 and 2 which is materially different from the current application*)

- Bearing in mind the previous history, the consistent objection from residents, the Town Council, the Dronfield School and two previous refusals by planning committee. There have been no changes since the last refusal in respect of traffic concerns.
- Application should be refused maintaining a consistent response to this third application.
- Whilst this application gives detailed planning to the construction of alterations to the proposed access off Green Lane it in no way addresses the various safety concerns which led to the condition that all the construction traffic would have to use the Park Avenue access.
- The plan Identifies days when various tasks are to be completed not identifying the hours to be worked. The noise and disruption could well be 24hrs per day. (*Officer Note: Condition 16 of the original permission restricts construction works to 7:30am-6pm Mon-Fri and 7:30-12pm Saturday.*)
- Reiterate its concerns about the unsuitability of the proposed vehicular access onto Green Lane, which cannot be regarded as safe. Large vehicles will have to swing out in order to enter the access, presenting a hazard to traffic coming uphill from the Callywhite Lane/ Chesterfield Road junction.

6.8 Comments have been received from **Dronfield Henry Fanshawe School** raising the following points:-

- DHFS has been involved in the consultation process of previous planning applications
- The main school site does not have any playing fields on them and therefore we have to leave the site, cross over Green Lane and travel down the lane to provide field facilities to students in all year groups. Throughout previous, and current, applications the school has communicated with both local residents and the developers. All communications have been professional, forward-focused, solution-based and of a positive nature.
- The key issue for the school has always been the safety of students who use the lane to access the playing fields. In addition, students that have permission to be off-site at lunchtime use the lane to access Cliffe Park.
- During the winter months movement down the lane is minimal.
- During spring, summer and autumn, the lane is used regularly by a large number of students throughout the day and therefore due consideration must be given to the safety and wellbeing of the students in any modification of the area.

6.9 The **agent** has submitted a note and photographs of works carried out by Derbyshire County Council (DCC) along the access and lane and during school term time. The agent has also stated that an appeal to the earlier decision has been submitted to the Planning Inspectorate. The agent has raised the following points in regards to DCC tree felling:-

- It is clear that the County Council undertook dangerous tree felling work as outlined below:
  1. During school term time
  2. Without the same level of supervision as proposed by my client
  3. Without the same level of protective fencing as proposed by my client
  4. Closed the footpath during the felling operations
  5. No liaison with Henry Fanshaw School as required for my client

6. Undertook multiple heavy lorries movements to Green Lane, without supervision over the felling period – however, this action did not result in the level of danger and increase to the accident rate as Members of the planning Committee, or the immediate community had implied at the Planning Committee meeting.

7. working on site for 5 days

- This inconsistent approach should be considered when the current application is considered. Equally, the precise level of highway safety harm resulting from the County Council's tree felling work, namely none, will also be reported to the Members
- This evidence of working practice which is clearly deemed acceptable to the Council will also be reported to the planning Inspectorate should the appeal have to be progressed.
- This additional information clearly supporting the actions of my client will be considered and used to demonstrate to Members and the public that the perceived level of harm created and reference in the reason for refusal is without foundation.

6.10 The **agent** has submitted a further representation regarding HGV deliveries to the Green Nursing Home including photographs. The agent states:-

- 15<sup>th</sup> January 2020 significant disruption to traffic caused by HGV making its daily food delivery to the nursing home during peak school drop off time and peak rush hour traffic.
- HGV is parked on double yellow lines, blocking the footpath at time that school children are approaching the area.

## **7.0 PLANNING CONSIDERATIONS**

7.1 The planning considerations for this application relate to any changes impacting on highway safety.

## **8.0 PLANNING ASSESSMENT**

8.1 This application seeks to vary condition 5 (method statement) and condition 7 (implementation plan and timetable) pursuant of application NED/14/00901/FL. This is a re-submission of a similar application refused in November 2019. An appeal on this decision has been lodged with the Planning Inspectorate.

8.2 Planning permission NED/14/00901/FL was granted in 2015 for the construction of 6 no detached houses, with four houses accessed via the existing access off Park Avenue to the north; and plots 1 and 2 accessed via an existing driveway directly onto Green Lane to the west.

### **Principle of development**

8.3 Planning permission has been granted for 6 dwellings which includes plots 1 and 2 being accessed directly off Green Lane and via the private drive. This permission is extant and a material start has been made, along with the principle of the construction works being undertaken in school holidays.

8.4 The proposed improvements to the Green Lane access and private drive have been approved in principle under application NED/14/00901/FL and therefore this application seeks to vary the timetable for implementation and to allow

construction traffic to access Green Lane for the private drive improvements **only**. Construction of the dwellings would be via Park Avenue as originally approved. The duration of the works under consideration would be 6 days.

### **Highway Issues**

- 8.5 The Highway Authority (HA) has not raised an objection to the variation of the conditions 5 and 7. The reasons for these conditions being originally imposed were on the grounds of highways safety and therefore the comments of the Highway Authority carry considerable weight in the planning balance.
- 8.6 With regards to condition 5 the HA have commented that there is an existing fence in this location and that the developer has previously proposed that the smaller of the two fields be used as a turning space for vehicles (to prevent the need for reversing on the lane) which would require the removal of some of this fencing. The developer has confirmed that they would provide Heras fencing to maintain a division between the turning area and the field as a whole. The HA consider that this would be acceptable.
- 8.7 With regards to condition 7, Construction details on Drawing No. 112 Revision C are acceptable and the latest programme of works is also considered acceptable and there are, therefore, no objections to the rewording of this condition.
- 8.8 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the road network would be severe. Notwithstanding the previous refusal in 2019, in view of the HA not raising an objection, Officers do not consider that there is any counter evidence that the construction traffic using the access for the short time period (6 days) involved in the upgrading of the private drive would result in a demonstrable harm to highway safety or that the transport impacts would be severe. Planning permission for the upgrading of the access and use by 2 dwellings has already been granted planning permission. Officers consider therefore that the highway impacts can be satisfactorily addressed by the revised conditions.

### **Impact on Neighbours**

- 8.9 The planning permission that exists has controls on the hours of operation, and there is no material changes to the proposal for the access to serve plots 1 and 2. Officers therefore consider that there would not be any significant increase in noise or disturbance as a result of the proposed variation. There may be some additional inconvenience as a result of the works access via Green Lane but this is not considered to be sufficient to warrant a refusal of the application.

### **Other Matters**

- 8.10 A number of representations have been received some of which raise issues relating to the impact of the works on the users of Cliffe Park and the potential for more development to take access off Green Lane.

- 8.11 The use of the Green Lane access other than for plots 1 and 2 would require a further planning application and is not a matter for consideration under this application.
- 8.12 The concerns of residents are noted with regards to users of the park and impact on the school, however permission for the access has already been granted and in view of the Highway Authority again not raising an objection Officers are satisfied that the development would not have an adverse impact on access to the park or pedestrian safety.

### **Conclusion**

- 8.13 This application seeks the variation of 2 conditions of an extant permission for 6 dwellings within the Dronfield settlement development limits. Officers consider that the proposed revised wording of the conditions would not result in a detrimental impact on highway safety and the proposals are considered to be acceptable.

## **9.0 SUMMARY OF CONSULTATIONS**

County Highways:	no objections
County Planning:	n/a
Environmental Health:	n/a
Drainage:	n/a
Access Officer:	n/a
Neighbour:	objections received
Ward Member:	objections
Parish Council:	objections

## **10.0 RECOMMENDATION**

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

- The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
  - 1999-112-C Driveway widening detail
  - 1999-110-A Construction Plan
  - 1999-115 Green lane Access Works Programme
  - 1999-114 Private Drive Works  
Plan approved under NED/14/00901/FL
  - 1999-101-G Site Plan
  - 1999-106-B Site Sections
  - 1999-106-A House Type D
  - 1999-107 House Type A variant
  - 1999-102-A House Type A
  - 1999-103-B House Type B
  - 1999-104-A House Type C
- The landscaping scheme shall be carried out in accordance with the details approved under NED/17/00989/DISCON dated 16 January 2018.

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. The boundary treatments shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018 by the Local Planning Authority. The approved scheme shall be completed before the first occupation of any dwelling; and shall be retained as approved thereafter.
5. Development to be undertaken in accordance with the submitted details shown on drawing 1999-110-A Construction Plan. The plan shall be adhered to throughout the construction period and with the exception of the upgrading of the private drive off Green Lane, all construction traffic shall be via the Park Avenue access only.
6. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
7. Work to the Green Lane access, incorporating widening of the driveway, raised table and construction of the footpath to be undertaken in full accordance with the submitted details shown on drawing 1999-112-C, 1999-114 and the Green Lane access works programme Ref: 1999-115. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.
8. Prior to the introduction of vehicle movements at the junction of the access with Green Lane, consequential on the development proposals, visibility sightlines shall be provided extending from a point 2.4m back from the Green Lane carriageway edge extending to the extremities of the application site boundary abutting the highway in each direction. The land in advance of the sightlines shall be cleared and retained permanently free of all obstructions above ground level.
9. Prior to the first occupation of either Plot 1 or Plot 2 the "vehicular turning area" shown on drawing No 1999/101E shall be constructed in full retained as such thereafter free of any impediment to its designated use.
10. Prior to the occupation of any of Plots 3 - 6 the vehicle turning space shown on drawing No 1999/101 E shall be constructed in full and retained as such thereafter free of any impediment to its designated use.
11. Prior to the occupation of either Plot 1 or Plot 2 the "bin collection area" shown on drawing No 1999/101 E, shall be constructed and retained as such thereafter free of any impediment to its designated use.
12. The approved garaging and car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the

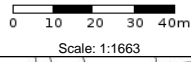
Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging and parking of private motor vehicles associated with the residential occupation of the property.

13. Before the dwellings are first brought into use, the area shown on the approved plans as reserved for the parking, garaging, circulation and standing of vehicles, shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only.
14. The roofing and walling materials shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full; and shall be retained as approved thereafter.
15. The finished floor levels of the dwellings and finished ground levels of the site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full and shall be retained as approved thereafter.
16. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
17. There shall be no building or other obstruction located over or within 3.0 metres either side of the centre line of the 450mm sewer which crosses the site.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. The surface water drainage site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
20. The foul drainage site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
21. The Mitigation strategy for amphibians and reptiles shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
22. The construction environmental management plan shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.

23. The permanent wildlife corridor shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
24. No site clearance works associated with the development of this site including removal of trees, hedgerows or other vegetation shall take place during bird breeding season (March to August) unless otherwise agreed in writing by the Local Planning Authority following the submission of detailed surveys and method statements.
25. The external lighting shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
26. The bat and bird mitigation for trees to be felled shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
27. The mitigation measures timetable shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
28. The biodiversity enhancement scheme shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
29. If during construction works associated with the development hereby approved, any areas suspected of being contaminated are discovered, 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. The assessment shall take the form of a Phase I contaminated land assessment (desk-study) and shall detail the site investigation strategy required to deal with the contamination identified. Any investigation required shall be undertaken in accordance with the scheme submitted and shall comply with current Government Guidance. The local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

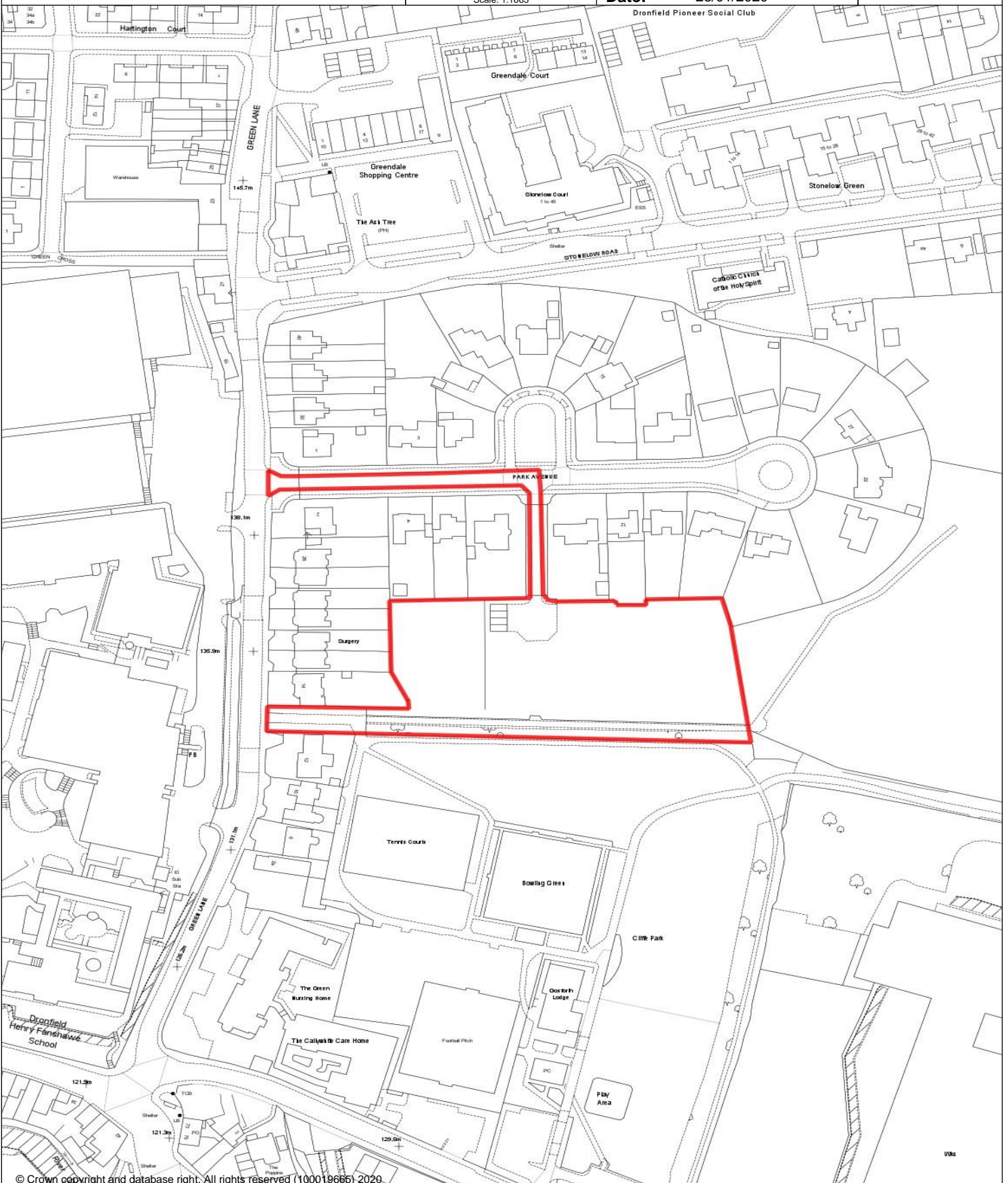
Upon completion of the remediation works carried out in accordance with the site investigation strategy; a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works 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.





Author: K. Spelman

Date: 28/01/2020



**APPLICATION NO.** 19/00673/FL  
**APPLICATION** Development of seven dwellings with associated access and landscaping (Amended Title/Amended Plans)  
**LOCATION** 94B Main Road, Morton  
**APPLICANT** Wibb Builders Limited  
**CASE OFFICER** Graeme Cooper  
**DATE RECEIVED** 17 July 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cooper

REASON: Major concerns regarding the proposed development with specific reference to the layout, its impact on countryside and highway safety, with specific reference to the layout and access into and out of the site being difficult.

**This application has been brought back to planning committee following efforts of Officers to seek amendments to the proposal. Members will recall that the application was deferred to allow the applicant to provide information on the access and its suitability to be used by elderly and disabled persons; and to address concerns relating to how refuse will be collected from the site.**

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## 1.0 SITE DESCRIPTION

- 1.1 The application site comprises land associated with number 94B Main Road, Morton. Part of the site appears to be an area of closely mown grass associated with this residential property. Most of the site being overgrown shrub and a pocket of young tree planting.
- 1.2 A track cuts through the centre of the site, with land either side overgrown scrub and self-set trees. It leads from Main Road to the north, into the site serving properties to the east.
- 1.3 Land levels on the site are relatively flat, with the southern extent of the site steadily falling away. Land levels beyond the site fall away more quickly into the valley. The access track serving the site extends south down towards a range of outbuildings. A former dismantled railway lies in the valley bottom. This former railway is identified in the Emerging Local Plan as a future greenway route.
- 1.4 The site is edged by residential development to the north and east, with some residents on Main Road sharing the vehicular access track, with a small parking area located to the rear of numbers 70 and 72.
- 1.5 The site appears open to the west and south, with only post and wire fencing dividing the site from open countryside.
- 1.6 The site entrance is located close to a zebra crossing which helps serve Morton Primary School.
- 1.7 The site sits predominantly outside the Settlement Development Limit (SDL) in open countryside, with only part of the access track within the SDL.

## **2.0 PROPOSAL**

- 2.1 The original proposal was for the erection of 9 dwellings on land to the rear of properties on Main Road, Morton.
- 2.2 Concern was raised by the case officer regarding the density of the proposal and the scale of the dwellings along the southern edge of the site. A meeting was held between the case officer and developer, resulting in the submission of an amended scheme, details of which are provided below in Section 3.0.
- 2.3 The application is accompanied by a planning statement, highways impact assessment and associated drawings, ecological appraisal and coal mining risk assessment.

## **3.0 AMENDMENTS**

- 3.1 An amended scheme has been submitted reducing the number of dwellings down to 7. These being a mix of 3 bungalows and 4 detached dwellings.
- 3.2 The bungalows would comprise 3 bedrooms with the detached properties being hipped, 4 bed dwellings. All but one property is provided with 2 off street parking spaces and a garage, with the other having 2 off street parking spaces.
- 3.3 The proposal includes a new access road with turning head to allow for larger vehicles to enter and exit the site in a forward gear. Parking spaces for existing properties on Main Road would be retained on the eastern side of the access track.
- 3.4 A number of amended plans have been submitted which confirm that for the most part two vehicles can pass along the access, a large vehicle can enter and exit the site in a forward gear, that pedestrians could be provided with a defined pedestrian route marked on the surface of the road and that bins can be presented in a safe location back from the highway on refuse collection days.

## **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
  - GS5 Settlement Development Limit
  - GS6 Development in Open Countryside
  - GS9 Planning Obligations
  - GS10 Crime Prevention
  - H3 Housing Development Outside SDL
  - H6 Affordable Housing Provision
  - H12 Design and Layout of New Housing
  - NE1 Landscape Character
  - NE3 Protecting & Managing Features of Importance to Wild Flora & Fauna

NE6 Development Affecting Nationally 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  
T5 Walking and Cycling  
T9 Parking Provision  
CSU4 Surface and Foul Water Drainage  
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 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. It is currently paused.

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

SS1 Sustainable Development  
SS9 Development in the Countryside  
LC4 Type and Mix of Housing  
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 Other policy documents that are material to the determination of this application are:

- Successful Places Interim Planning Guidance
- Sustainable Buildings SPD

5.5 The overarching planning policies contained in the National Planning Policy Framework (NPPF) are also significant material planning considerations.

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on 17 July 2019 and was due to expire on 10 October, however an extension of time was agreed until 10 January 2020 to allow the applicant to submit an amended layout and for the application to be considered by members of planning committee. A site visit was undertaken by the case officer on 15 August. A site notice was placed at the site entrance on Main Road which expired on 6 September.

6.2 The **Parish Council** was consulted and raised the following objections:

- Valuable green space and development should be concentrated on other existing brownfield sites
- Lack of infrastructure in the locality and concern village is already struggling

- No GP or dental surgery in the village
- No community centre in the village
- Bus services are infrequent and do not pass through the village
- Already sufficient housing built in village
- Only limited facilities in the village, including small shop/post office, 2 hair dressers and 2 public houses
- Impact on ramblers and dog walkers using Red Lane which has no pedestrian causeway [Officer note: this is not a designated public right of way]
- Insufficient parking within the site
- Refuse collection could be problematic given proximity to school
- Footpath on Main Road is busy at school crossing times

6.3 The **Parish Council** was re-consulted on the amended scheme. A further detailed objection was received raising the following comments:

- Concerns with submitted Highway Impact Assessment being inaccurate
- Parking is accepted on the footway in Morton
- The proposed access encroaches on zig zag lines of the zebra crossing
- Numbers 66 and 68 currently park on the footpath, moving the spaces down a private drive is unacceptable
- No pedestrian access provided to these new parking areas
- Highway comments have not been addressed
- Overall width of shared driveway should be 7.5m
- Pinch points on driveway are below these standards
- Valuable green space
- Sufficient new housing in Morton
- Detrimental impact on ramblers and dog walkers using track leading down Red Lane which has no footway
- Insufficient car parking provision

6.4 The **Local Ward member** raised major concerns regarding the proposed development with specific reference to the layout, its impact on countryside and highway safety. The member considers that if officers are minded to approve the scheme, the application should be considered by members of planning committee.

6.5 In considering the amended details, the **Local Ward member** raised concern to the impact of the proposed development on the surrounding countryside and on highway safety, with specific reference to the unacceptability of the layout and access arrangements with the entrance into and exit out of the site being especially difficult.

6.6 The **County Highways Authority** (HA) note the reduction from 9 to 7 dwellings. 19 parking spaces are provided within the site, but the plans do not include replacement parking. The proposal seeks to improve highway safety by providing bollards on the existing footway to either side of the access to prevent off street parking. The HA consider that the principle of bollards is acceptable, however details should be submitted to and approved in writing by the LPA. The road would not be adopted by the HA and its maintenance should be the responsibility of the developer or management company. There is concern that larger vehicles entering and exiting the site may struggle to enter and exit the site without encroaching into oncoming traffic. Should

refuse vehicles not enter the site then alternative provision should be provided. In view of the above, no objection is raised subject to conditions.

- 6.7 The **Council's Environmental Health Officer (EHO)** notes that the site is located in an area with a coal mining legacy which can give rise to contamination, including the generation of ground gases. A track crossing the site is a potential source of Made Ground. No supporting information has been submitted with the application as such land contamination conditions should be included on any decision issued by the LPA.
- 6.8 The **Coal Authority (CA)** was consulted on the proposed development and noted that the risk from underground workings is negligible. The CA considers that the submitted coal mining risk assessment is adequate to allow the LPA to determine the application. The CA has no objection to the proposed development, however they point out that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.
- 6.9 The **Council's Refuse Team** reviewed the amended scheme and whilst swept path drawings illustrate that a bin lorry can enter and exit the site, there is little room for manoeuvre. The Refuse Officer has major concern about the ability of the Council being able to enter the site from Main Road given the proximity to a pedestrian crossing, the level of on street car parking and number of pedestrians in this location. There is concern that once in the site the large refuse vehicle will not be able to turn and exit the site safely. There is a high risk of the refuse vehicle not being able to exit the site in a forward gear. As such, it is considered that refuse bins should be presented at the kerb side on Main Road.
- 6.10 The **Council's Refuse Team** was consulted on the indicative refuse collection drawings and confirmed that they would prefer to collect bins from the collection point close to the access onto Main Road, rather than enter the application site. It is expected that the refuse vehicle will pull up on Main Road and operatives will enter the site taking bins to the refuse vehicle. Bins will then be returned to the collection area.
- 6.11 **Derbyshire Wildlife Trust (DWT)** considered that sufficient information has been provided in the Ecological Appraisal, prepared by Baker consultants, dated June 2019 to determine the application. It is considered that the recommendations provided in the report are appropriate mitigation measures to offset the ecological impacts of the proposal. Any existing hedgerows should be retained and protected during development. If the Council is minded to approve the proposal, the DWT recommends that conditions be attached to secure mitigation measures.
- 6.12 **Severn Trent Water Authority (STWA)** recommend conditions relating to the disposal of foul and surface water.
- 6.13 The **Council's Drainage Engineer** considered that there was insufficient information submitted with the application to consider drainage matters. In view of this it is recommended that a condition be attached to any decision issued by the LPA.

- 6.14 The **Lead Local Flood Authority (LLFA)** raised no formal comments to the proposal and provided standing advice.
- 6.15 **DCC Landscape Adviser (LA)** was consulted and provided comments on habitat loss and the landscape impacts of the proposal. Overall the LA considers that the visual impacts of the proposal are greater than assessed by the LVIA, however the LA considers that the face the developments presents to the visible southern edge to be more important than screening. The design of this edge needs to be of high quality with frontages of dwellings facing to the south in a similar way to the adjacent properties 94, 94a and 94b Main Road. Parking areas could then be concealed behind the housing and the existing trees/scrub retained and reinforced with additional trees and hedging as a backdrop. In this way the development could be assimilated successfully into the existing built up area. To achieve this, the LA adviser considers that it may require a denser terrace to the south and possibly less housing on the site.
- 6.16 **DCC Infrastructure** confirmed that in line with their Developer Contributions Protocol no contributions will be sought from development of 10 units or less.
- 6.17 **10 objections** have been received from local residents raising the following objections:
- Access track not large enough for increase in traffic movements [*Officer note: the Highways Authority consider that the access can safely serve the proposed development*]
  - Potential loss of hedgerows
  - Concern about noise, dust and pollutions during construction phase [*Officer note: the impact of the construction phase is not a material consideration and is covered by Environmental Legislation*]
  - Encroachment on third party land [*Officer note: this is not a material consideration*]
  - Access from site onto Main Road is unsafe
  - Building is on Green Belt land [*Officer note: this is not Green Belt and is designed as open countryside*]
  - Access road used by ramblers and dog walkers with no footway [*Officer note: this track is a private lane and is not a public right of way*]
  - Loss of wildlife
  - Access to site is in close proximity to a zebra crossing
  - Site has already been development for 4 properties
  - Land has been backfilled in the past [*Officer note: the Councils EHO considers that a number of land contamination conditions be attached to any decision issued by the LPA*]
  - Proposed development would make parking at number 68 unsafe
  - Door to number 68 opens directly onto access track [*Officer note: the door to number 68 is set back from the track that will serve the proposed development*]
  - During school times the footpath is used by school children and is very busy
  - A number of cars are parked on the footway, within the sites visibility [*Officer note: the cars have no right to park on the footway*]
  - Refuse vehicle will not enter the site, meaning that on refuse collection days, up to 18 bins could be presented at the kerbside

- The proposal has no affordable houses [*Officer note: Government guidance states that LPA's can only require affordable housing on major developments*]
- Access is used by agricultural machinery throughout the year, leading to a busy farm
- Proposed dwellings would be close to agricultural use, causing issues of noise and odour complaints [*Officer note: EHO raised no concerns regarding noise and odour issues from neighbouring land uses*]
- Traffic survey should be conducted during school term times
- Negative visual impact on outlook from properties on Main Road

6.18 **1 letter of support** has been submitted in favour of the proposed development. The following comments have been submitted:

- Land is currently unsightly scrub land
- Proposal will meet needs to local residents in terms of affordability
- Installing road will improve pedestrian safety, preventing other road users from mounting the kerb

## 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 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.

## 8.0 PLANNING ASSESSMENT AND SUMMARY

### Principle of Development

8.1 The application site is primarily located outside the defined Settlement Development Limit (SDL) for Morton, within open countryside.

8.2 Local Plan Policy GS1 states that all development proposals will be located within the defined SDLs, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDLs is to restrain development in the countryside and to focus development upon sites within the SDLs and/or allocated sites to achieve a sustainable pattern of development. Unrestrained housing development is not considered as acceptable development in the countryside, with Policy GS6 stating that new development will only be permitted in the countryside if it meets set criteria. This includes that it would be in keeping with the character and appearance of the countryside and that it would not represent a prominent intrusion into the countryside.

8.3 Local Plan Policy NE1 is a more specific landscape policy which states that the varied and distinctive landscape character of the District should be conserved and/or enhanced. Development proposals that would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted.

8.4 Local Plan Policy H3 sets out the very limited circumstances in which proposals for housing may be permitted (such as the change of use of existing buildings, dwellings that are essential for the operation of an



agricultural or other rural based use, replacement dwellings or affordable housing on rural exception sites) but the development does not fall into any of these categories.

- 8.5 The evolving policies set out in the Local Plan (Publication Draft) (“LPPD”) identifies Morton as a Level 2 settlement with good levels of sustainability. In these locations the LPPD considers that these settlements will provide the location for planned housing growth. Officers therefore consider that Morton represents a generally sustainable settlement capable of accommodating further housing growth. An assessment of site sustainability against the policies contained in the NPPF is made below.
- 8.6 However, whilst noting that the development would be generally contrary to policies GS1, GS6 and H3 of the Local Plan, Officers contend that policies GS1, GS6 and H3 are out of date as they fail to comply with the aims of the NPPF and rely on settlement development limits established in 2005. This stance is consistent with that established in various appeal decisions issued recently where these policies have been rigorously tested.
- 8.7 Policy NE1 does remain relevant however as it reflects a general aim to protect the countryside from inappropriate development which is consistent with the aims of the NPPF. It is therefore considered up to date and the most important policy in respect of determining this application and it is not out of date. As a result, the ‘tilted balance’ set out in paragraph 11(d) of the NPPF is not engaged. The main assessment before Members therefore is whether or not the benefits of the proposed development is outweighed by any harm identified to the local landscape character.

### **Infrastructure Considerations**

- 8.8 The application makes no reference to the provision of affordable housing, with the maximum requirements of the Local Plan and Supplementary Planning Documents being 40% provision on suitable sites of 0.1 hectares and above in settlements with a population of 3000 or fewer.
- 8.9 Notwithstanding the above, the Planning Practice Guidance states that contributions should not be sought from developments that are not major developments. The proposal is for 7 dwellings and does not form major development.
- 8.10 In view of the above, affordable housing provision or financial contributions should not be sought in this instance.

### **Landscape/Street Scene Considerations**

- 8.11 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.
- 8.12 The proposal is for 7 dwellings, these being a mix of bungalows and 2 storey hipped properties served by a private driveway which also serves other

properties to the east. No finished materials have been submitted with the application but this matter can be dealt with by way of condition on any decision issued.

- 8.13 The site backs onto open countryside to the south, a track to the west and onto existing gardens to the north and south east. It would be important to provide adequate boundary features and landscaping across the site. Details submitting with the application at this stage are limited and as such a condition requiring the submission of landscaping and boundary treatments should be submitted to and approved by the Local Planning Authority.
- 8.14 The site gently slopes away to the south, before dropping into the valley where there is a dismantled railway, which is publically owned and allocated as a future greenway in the LPPD. Between the site and this proposed greenway are two paddock/fields. To the west of the current access track which serves a range of agricultural outbuildings to the south is a further paddock, with another farm to the west. To the east development has taken place with single dwellings and outbuildings constructed behind existing development on Main Road.
- 8.15 Land to the south of the application site extending to Stonebroom across the valley is identified in the LPPD as a Local Settlement Gap. The LPPD is a material consideration, but given it is yet to be adopted and currently paused it Officers attach very limited weight to it in the determination of this application. Nevertheless, the application site does not fall within the Local Settlement Gap and as such is not identified specifically as important to the visual character, cultural or historic identity of the locality.
- 8.16 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), prepared by Weddle Landscape Design dated July 2019. The report concludes that the zone of influence is restricted to localised viewpoints along Main Road and from Stonebroom to the south. Two key public viewpoints are identified in Stonebroom looking back towards the application site. These are considered to be of a low sensitivity. A number of highly sensitive areas are identified in private gardens. The report concludes that once the development is complete there will be slight adverse visual impacts on these Principal Viewpoints. There will also be slight adverse visual impacts to residential receptors to the south and adjacent properties along Main Road, Morton. However these will be mitigated by proposed tree planting on the southern boundary that will provide screening. These impacts will further reduce in the long term as the proposed screening matures.
- 8.17 The Council sought comments from the DCC Landscape Adviser (LA) and it was noted that a large area of young trees and shrub planting would be lost as a result of the proposed development. The LA agrees that the two view points of the site are accurate, with many of the public footpaths having no views of the site. The LA notes that the path along the old railway is omitted. The LA considers that the submitted landscaping scheme is insufficient and lacks detail, indeed some concern is raised that landscaping is illustrated within the gardens of these properties which may be at risk of being lost over time. Overall the LA considers that the visual impacts of the proposal are greater than assessed in the LVIA and that the southern edge should be landscaped adequately in a similar way to properties to the east. The proposed development should assimilate into the existing backdrop. The LA

concludes that there should be less housing on the site and larger gaps between the properties.

- 8.18 Officers note the comments of the LA and appreciate that the proposal would result in the loss of a number of young trees and shrub planting. These landscaping features are not protected and the trees are not considered worthy of protection, and as such could be removed from the site at any time. A scheme of landscaping can be conditioned on any decision and be placed outside the ownership of the properties.
- 8.19 Concerns have been raised from local residents regarding the negative visual impact of the proposed development when looking back towards Main Road. A supporting comment states that the land is currently unsightly scrub land.
- 8.20 Officers conclude from this evidence that it is clear that there would be some limited localised harm to the character of the area but that the proposal would be seen in the context of existing properties on Main Road and other back land development to the east. The proposal would not encroach in to the proposed settlement gap and that in conjunction with a well-designed landscaping scheme, with trees placed outside the domestic curtilages of properties, Officers consider that the proposal would not have an overriding harmful impact on the area and would provide a positive redevelopment of the site. As such Officers conclude that the proposed development would complement the character and appearance of the site and the surrounding street scene, subject to the approval of a strong scheme of landscaping to the south and within the site.

### **Residential and Neighbouring Land Uses Impact**

- 8.21 The proposed development would sit to the south of 70-98 Main Road, Morton. Which are predominantly two storey with upper floor windows looking back towards the application site.
- 8.22 A detached property sits to the south east corner of the application site and is served by a gravel drive, which runs through the centre of the site. A track leading from Main Road into the site also serves a range of farm buildings to the south and doubles as an informal footpath, which leads to a dismantled railway.
- 8.23 The proposed development would see three bungalows set approx. 7m from the northern boundary of the site, with existing properties on Main Road having views back towards the proposed development. Upper floor windows from the existing properties on Main Road would be set back approx. 10m from the boundary of the site. It is considered that this relationship between the proposed bungalows and existing properties on Main Road is acceptable.
- 8.24 No. 94B is located in the south east corner of the site and would be located close to plot 4. It is considered that the relationship between these two properties would be acceptable.
- 8.25 Within the development itself, each property is provided with adequate separation and private garden space that accords with the Council's Successful Places Interim Planning Guidance.

- 8.26 All of the two storey dwellings proposed include upper floor side facing windows which would face back towards other two storey dwellings. These are windows to bathrooms, landings and en suites. Windows provided to bathrooms and en suite bathrooms are high level, where Officers do not consider it necessary to require these to be obscurely glazed. Landing windows are provided at a lower level and are likely to offer views back towards blank walls and high level bathroom windows. In view of this relationship and the landings being non-habitable it is not considered necessary to require these to be obscured in nature and in other respects this relationship too is acceptable.
- 8.27 Some concern has been raised that users of the informal footpath and agricultural buildings will be adversely affected by the proposed development. There is no formal footpath serving the dismantled railway from Main Road and it is considered that this is a private drive. Users of the agricultural buildings may find that there is a slight increase in traffic movements along this track, but Officers do not consider that the proposed development would be harmful to the amenity of these neighbouring land uses.
- 8.28 Overall it is considered that the proposed development would provide adequate privacy and amenity for existing and future occupiers.

### **Highway Safety Considerations**

- 8.29 The proposed development is for 7 dwellings served from a private drive which leads from Main Road to the north. Within the site there is a turning head to allow larger vehicles to enter and exit the site in a forward gear. Each property is served by 2 off street parking spaces and all but 1 property has a garage.
- 8.30 The Highway Authority (HA) was consulted on the proposed amended plans. It is noted that 19 parking spaces are provided within the site, with some off street parking maintained for existing properties on Main Road. Improvements to highway safety, in the form of a scheme of bollards are also proposed. The HA has no objection in principle to this scheme, but consider that details should be submitted to and be approved by the LPA. The road would not be adopted by the HA and its maintenance would be the responsibility of the developer or a management company. There is concern that larger vehicles entering and exiting the site may struggle to do so without encroaching into oncoming traffic. Should refuse vehicles not enter the site then alternative provision should be provided for refuse collection and this can be controlled by way of condition. In view of the above, no objection is raised on matters of highway safety subject to conditions.
- 8.31 Amended plans have been submitted proposing a refuse collection point set back 5.872m from the edge of the footpath. Space is provided for 14x240L bins, in accordance with the Councils waste collection needs. The Councils Refuse Team has confirmed that they would prefer to collect bins from the collection point rather than enter the application site. The refuse collection point is in close proximity to number 70 Main Road, but could be screened from view, details of which can be agreed at a later date. In view of this, and that the bins would be located away from the main amenity area of number 70, it is considered that the proposed refuse collection point would not be detrimental to the amenity of residents. Such a collection point should be

installed and kept free of obstruction prior to the first use of any dwelling hereby approved.

### **Ecological Considerations**

- 8.32 The site is mostly overgrown with a track crossing the site. The south east section of the site forms part of a garden area associated with 94B Main Road. The applicant has submitted an Ecological Appraisal.
- 8.33 The Council's consultee on these matters, DWT, considered the submitted report and concluded that sufficient information has been submitted to allow the LPA to determine the application. The submitted report makes a number of recommendations to mitigate the loss of habitat and the impact on mammals and nesting birds. DWT recommend that any existing hedgerows on site be retained and a scheme of ecological mitigation and enhancement be submitted to and approved by the LPA to secure adequate mitigation measures on site.

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

- 8.34 The Council's EHO highlighted that the site is within an area which has a coal mining legacy which can give rise to contamination. No supporting details have been submitted with the application. As such it is considered that a number of land contamination conditions be included in any permission issued by the LPA.
- 8.35 The Coal Authority (CA) considers that the risk from underground workings is negligible and that no objection is raised to the proposed development. The CA highlight that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

### **Drainage Considerations**

- 8.36 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.37 No objections were raised by statutory consultees, subject to the inclusion of foul and surface water drainage conditions on any decision issue by the LPA.

### **Other Material Considerations**

- 8.38 Objections have been received from local residents in relation to off street parking on Main Road and potential disturbance from construction works. Matters relating to illegal or dangerous parking are not material planning matters while disturbance from construction works, in terms of the hours that the site may operate, could be controlled by condition if considered appropriate.

### **Sustainability Development and Conclusions**

- 8.39 The application should be determined following a consideration against the policies of the Development Plan. However, the NPPF sets out a general presumption in favour of sustainable development and that planning permission should be granted without delay where the development plan is

absent, silent or relevant policies are out of date, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF when taken as a whole or specific policies in the NPPF indicates development should be restricted.

- 8.40 In economic terms, the proposal would clearly have some short terms benefits to the construction industry and the development would create 7 family dwellings, adding to the local community with some ongoing local spend from the occupiers. These same families would help support the local community and provide much needed bungalow accommodation for the village. Therefore the proposal would also clearly have social benefits to the local community. Both the economic and social benefits accruing to the scheme weigh in favour of the application.
- 8.41 As set out above, the proposal would lead to a localised harm to the character of the area, but it would be seen in the context of existing residential development on Main Road. The proposal would not encroach into the adjoining settlement gap, contained in the ELP and would link to the exiting built framework of Morton and, in Officers opinion, not be detrimental to the local historic environment. The localised landscape harm would be mitigated over time by way of landscaping within the site.
- 8.42 Overall, Officers consider that the overall benefits of the scheme would outweigh the localised landscape harm and represent sustainable development.
- 8.43 Having taken into account all these material matters, it is considered that the proposed development would be in keeping with the character and appearance of the site and the surrounding street scene and so would comply with the policies contained in the Local Plan that re a most important in determining the application and NPPF. The proposed development would have a localised landscape impact, but the public benefits of the scheme outweigh that harm.
- 8.44 The proposed dwellings would be of a design which complements the prevailing traditions of the area, furthermore it would not be detrimental to the privacy and amenity of existing and future residents.
- 8.45 In highway safety terms the HA has raised no objection and as such the proposed development would not lead to an unacceptable impact upon highway safety, and the residual cumulative impact on the road network would not be severe enough to refuse the application on highway safety grounds.
- 8.46 Matters relating to ecological mitigation, land contamination, ground stability and site drainage can be addressed by suitably worded conditions.
- 8.47 For the reasons above, it is considered that the proposed development should be conditionally approved.

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## 9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Severn Trent Water:</u>	Comments
<u>Refuse Team:</u>	Comments
<u>Derbyshire Wildlife Trust:</u>	Raised comments in relation to ecological matters
<u>DCC Infrastructure:</u>	No contributions sought
<u>LLFA:</u>	No comments
<u>DCC Landscape Adviser:</u>	Comments
<u>Drainage Engineer:</u>	Comments
<u>Neighbour:</u>	10 objections to proposal 1 supporting letter
<u>Parish Council:</u>	Objections
<u>Ward Member:</u>	Concerns raised and request that the application be considered by members of planning committee

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## 10.0 RECOMMENDATION

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

### CONDITIONS

#### Time Limit/Scale of Development

1. The development hereby approved 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 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:
  - 100 Rev B (Existing Site Layout, Block Plan & Location Plan)
  - 101 Rev F (Proposed Site Layout & Location Plan)
  - 102 Rev B (Proposed Layouts & Elevations – Plots 1 & 2)
  - 103 Rev A (Proposed Layouts & Elevations – Plot 3)
  - 104 Rev B (Proposed Layouts & Elevations – Plots 4, 5 & 7)
  - 105 Rev A (Proposed Layouts & Elevations – Plot 6)
  - HAS/16-006/51 (Width Measurements for Existing Site Access Track)
  - HAS/16-006/52 (Width Measurements for Existing Site Access Track)
  - HAS/16-006/54 (RCV Access Swept Path Assessment)

- HAS/16-006/55 (RCV Driveway Swept Path Assessment)
- HAS/16-006/56 (RCV Internal Swept Path Assessment)
- HAS/16-006/57 (Potential 14x240L Container Refuse Collection Point)

### **Details**

3. Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
4. Before development starts, details of the existing ground levels, proposed finished floor levels of the 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.

### **Landscaping and Boundary Treatments**

5. Before above ground works start, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) a schedule of proposed plant species, size and density and planting locations and
  - d) an implementation programme.
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.
7. Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of that dwelling and shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

### **Drainage**

8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the



development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

## **Highway Safety**

9. Before development commences, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) details of any site accommodation;
  - e) construction working hours;
  - f) hours of operation; and
  - g) details of how delivery vehicles will be managed into and out of the site along the access track.

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

10. Before any other operations are commenced (excluding Condition 9 above), the existing access to Morton Road shall be modified in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4 metres x 40 metres in the easterly direction and 2.4 metres x 37 metres in the westerly direction, the area in advance of the sightlines being maintained clear of any object greater than 1 metre in height relative to the adjoining nearside carriageway channel level.
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, including the replacement parking, and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
13. There shall be no gates or other barriers on the access road or within the development.

14. The access to Morton Road shall be no steeper than 1:20 for the first 5 metres from the nearside highway boundary and 1:14 thereafter.
15. Prior to the first use of any dwelling hereby approved, the refuse collection area illustrated on drawing HAS/16-006/57, dated 20 January 2020, shall be implemented in full in accordance with the approved details and retained for the designated purpose at all times thereafter.
16. Prior to occupation of any dwelling the subject of this application, the developer shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority, a scheme for the provision and installation of bollards within existing highway at either side of the access. The approved scheme of bollards shall be installed/implemented prior to the first occupation of any dwelling and retained as approved thereafter.
17. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
18. Notwithstanding the submitted details, prior to the first use of any dwelling hereby approved, details of a 900mm wide pedestrian route along the western edge of the access shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian route shall be implemented in full and retained for the designated purpose at all times thereafter.

## **Ecology**

19. Prior to building works commencing above foundation level, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing to the Local Planning Authority. Mitigation and enhancement measure shall include (but not be limited to):
  - Details of tree/hedgerow planting, including species composition and densities (native species shall be used where possible),
  - Location and extent of features such as boundary hedgerows, with appropriate protection measures,
  - Details of any other habitat creation, including planting schedules where relevant,
  - Location, number and type of bird and bat boxes/bricks; and
  - Details of the location, number and design of hedgehog gaps in fencing.The approved Ecological Mitigation and Enhancement measures shall then be implemented prior to the occupation of each dwelling and fully implemented prior to the occupation of the 7<sup>th</sup> dwelling. The approved scheme shall be retained as approved thereafter.

## Land Contamination

20. Before the commencement of the development hereby approved:

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

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

21. Before the commencement of the development hereby approved:

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

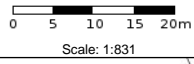
The developer shall give at least 14 days' notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

22. No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by condition 20 above have been carried out in full in compliance with the approved methodology and best practice.

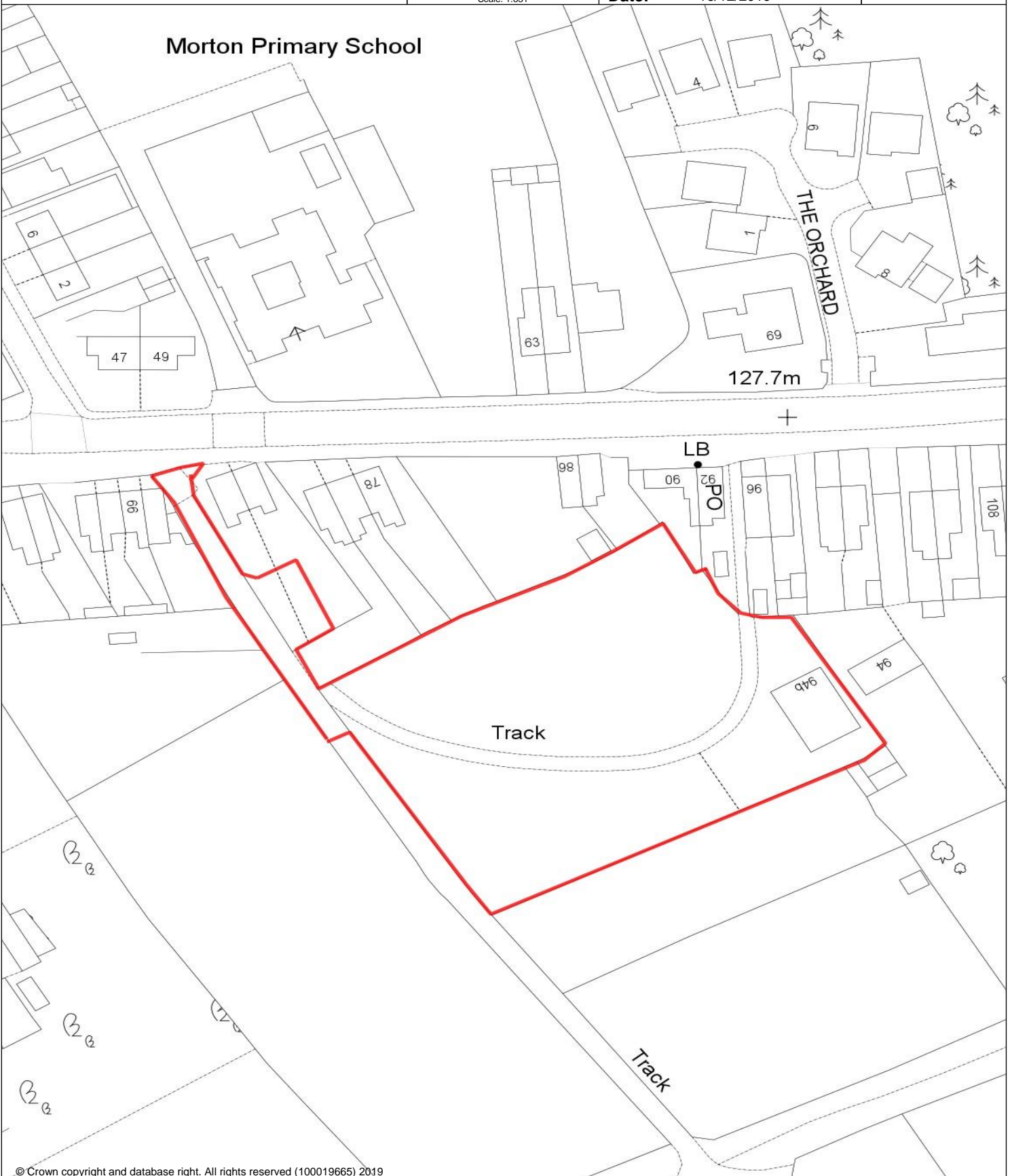
b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report 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 19(b) to 20 above and satisfy condition (a) above.

c) Upon completion of the remediation works required by condition 20 and 21(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.



Author: K. Spelman

Date: 16/12/2019



**APPLICATION NO.** 19/00988/FL

**APPLICATION** Application for the construction of a detached 2 bed bungalow (revised scheme of 18/00685/FL) (Amended Plans)

**LOCATION** 17 Green Lea Dronfield Woodhouse Dronfield S18 8YA

**APPLICANT** Mr & Mrs Kavanagh

**CASE OFFICER** Aspbury Planning – Denise Knipe MRTPI

**DATE RECEIVED** 30 September 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Foster and Councillor Hall.

REASON: Due to the level of public interest and that the revised application has changed from when the inspector determined the Appeal.

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**The Site Inspection Group is to visit the site to assess the impact of the proposal on the character and appearance of the area and the amenity of adjoining property owners.**

## **1.0 SITE DESCRIPTION**

- 1.1 The application site is located to the rear of No.17 Green Lea which is a bungalow situated on a corner plot within a residential area and the settlement development limits for Dronfield.
- 1.2 Green Lea is a cul-de-sac comprising of detached single storey dwellings constructed from brick and stone with low front boundary walls enclosing private amenity space. Properties located on the northern boundary of the highway are bound by the open countryside.
- 1.3 The general character of the area is open with properties benefiting from significant front amenity areas, generally side and recessed parking and garaging and reasonably sized private amenity areas.
- 1.4 Modifications to the primary building, No.17, have been undertaken recently following planning consent being granted (NED/18/00684/FLH refers) which involved blocking up of rear windows and the insertion of patio doors on the side elevation, a garden shed and the creation of a new patio seating area within the side garden. Close boarded fencing to the height of approximately 2 metres has been erected around the perimeter of the site bound by the pavement and a laurel hedge has been planted between the low wall and the screen fencing.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks full planning permission for the subdivision of the plot and the construction of a two bedroom bungalow to the rear of the primary dwelling.

- 2.2 The proposed bungalow would sit alongside No.19 but be set slightly further forward of the front elevation of No.19 (by 0.55m) but remaining generally consistent with the staggered building line leading up to the head of the cul-de-sac. The dwelling would be sited gable end on to the street, having a side entrance doorway. This is typical of the character of the area.
- 2.3 The bungalow is shown to be constructed from facing brick work and natural stone with a tiled roof which responds to the local materials.
- 2.4 Parking would be provided to the front of the proposed bungalow for 2 no. vehicles and a small landscaped amenity area provided at the front and a private garden to the rear of approximately 76 square metres.

### **3.0 AMENDMENTS**

- 3.1 During the course of the application amended plans have been received which reduce the overall length of the dwelling by 2.3 metres and the width by 0.3 metres. The dwelling has also been pulled further forward slightly which increases the amount of useable space at the rear of the property to reflect the garden sizes generally promoted through the Council's "Successful Places" Design Guidance whilst removing built form from being in line with the windows on the rear elevation of No.17 Green Lea.
- 3.2 Additional information has also been provided which shows the relationship with the building layouts in the area seeking to demonstrate that it is reflective of the general character of the area and a cross section showing the "25 degree rule" plotted as detailed in "Successful Places". This is applied seeking to protect living conditions of existing and future residents from overbearing development which may cause unacceptable loss of light and is submitted in response to comments made by the Planning Inspector in relation to the poor outlook and amenity issues to No. 17 Green Lea.
- 3.3 For the avoidance of doubt the plans on which the decision is to be taken are:  
210.01 Rev A – Proposed Floor Plan and Elevations;  
210.02 Rev A – Proposed and Existing Site Plan;  
210.03 Rev A – Building Line;  
Detailed Site Layout Plan; and  
25 Degree Rule plan.

### **4.0 PLANNING HISTORY**

- 4.1 18/00684/FLH - Demolition of existing garage and construction of single-storey side and front extensions and erection of garden shed to side. Conditionally Approved
- 4.2 18/00685/FL - Proposal of a new single storey 3 bed dwelling to the rear garden of No.17 Green Lea with associated landscape and access: Refused and Dismissed on Appeal.

The Inspector in dismissing the appeal concluded that the construction of a three bedroom bungalow to the rear of the site would cause significant harm to the character of the area. The proposal in his view '*....would not adhere to the spacious quality of the area and would be experienced as a cramped development that intrudes into the open and undeveloped aspect along this street. When combined with the minimal setback from the side boundaries,*

*and the small garden spaces proposed for the existing and proposed dwellings, the appeal scheme would also be at odds with the development surrounding, and in my view, would be cramped and incongruous to its locality' (paragraph 10 of the Appeal Decision).*

Furthermore at para.13 the Inspector considered that the relationship with No.17 would be affected and concluded that *'The proposed dwelling would be positioned very close to the rear of No17 and would almost obliterate the outlook gained from the rear of the property. The positioning of the building in relation to the windows to the rear of No17 would cause a significant loss of outlook and light as a result of the proposal and cause a dominant and overbearing presence compared with the existing situation. That said, in my view the scheme would present unacceptable living conditions towards No17 in regard to loss of outlook and light.'*

4.3 The decision letter is reproduced in full at Appendix A.

## **5.0 PLANNING POLICY CONSIDERATIONS**

5.1 The Development Plan comprises the North East Derbyshire Local Plan and the recently made Dronfield Neighbourhood Plan (October 2019).

### **North East Derbyshire Local Plan (2005)**

5.2 The most relevant policies of the Local Plan are considered to be:

GS1: Sustainable Development

GS6: Settlement Development Limits

H12: Design & Layout of New Housing.

BE1: General Design Principles

T2: Highway Access and the Impact of New Development

T9: Parking Provision for Development

### **Dronfield Neighbourhood Plan (2019)**

5.3 The Neighbourhood Plan (NP) provides a set of objectives for the future of the town and sets out certain defined planning policies and proposals to achieve these aims. It also sets out aims with suggested policies for how the town may develop in ways that meet identified local need and ensure Dronfield remains a great place to live, work and visit

5.4 The most relevant policies of the NP are considered to be:

Policy HOU1: Windfall Housing Development

Policy HOU2: Housing Mix

Policy D3: Good Design

### **North East Derbyshire Local Plan (2014-2034) Publication Draft:**

5.5 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 but is currently paused and as such should be afforded limited weight.



5.6 The most relevant policies contained in the LPPD are:

SS1: Sustainable Development

SS2: Spatial Strategy and the Distribution of Development

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

SP1: Dronfield

SDC12: High quality Design and Place-Making

LC4: Type and Mix of Housing

### **National Planning Policy Framework (NPPF)**

5.7 The revised NPPF 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 NPPF replaces the previous versions 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 supporting economic, social and environmental objectives.

5.8 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans but they are not criterion 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.

5.9 Specifically at para 127 of the NPPF it is stated that development should add to the overall quality of an area, look to create attractive, welcoming and distinctive places to live, work and visit and lead to a high standard of amenity for existing and future users

### **Other Considerations**

5.10 The Council's "Successful Places" design guidance sets out how to practically and effectively achieve good design and is a material consideration in this case.

## **6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS**

6.1 The application was valid on the 30 September 2019. An extension of time has been mutually agreed until the 14 February 2020 to allow consideration by the Planning Committee.

6.2 A site notice was put up on the frontage of the site on 16 October 2019 advertising the application for a two bedroom dwelling.

6.3 **Ward Councillors: Councillor Hall** has requested that the application be considered by the Planning Committee and a site visit is conducted due to the fact that the revised application has changed from when the inspector did the report.

- 6.4 **Councillor Foster** has also requested that the application is heard by the Planning committee due to the level in public interest.
- 6.5 **Dronfield Town Council:** Requests a site visit by the Planning Committee.
- 6.6 **Highways Authority:** The above application is a revised scheme of planning application 18/00685/FL upon which the Highway Authority commented on by letter dated 18th July 2018. It is understood that the previous application was refused for reasons other than highways, however as the current submission does not materially alter in highway terms, the comments contained in the earlier letter equally apply. Accordingly, in line with previous highway comments, there are no highway objections to the proposal, subject to conditions being appended to any consent in the interests of highway safety.
- 6.7 **Interested Third Parties:** Seven objections have been received to the proposal and **six** letters of support on a pro-forma style letter have also been received.

The objections are summarised below:

- Out of keeping with the character and layout of the estate;
- Breaches the building line;
- No reasons to depart from the Inspectors Decision to refuse;
- Too close to number 19 and now further forward resulting in loss of light to living room window;
- No. 17 will still be left with no garden space;
- Site notice was late being put up;
- Whilst smaller to that refused it is still very similar;
- Contrary to the design policies of the Dronfield Neighbourhood Plan;
- Garden grabbing, its s greenfield site;
- Design not in keeping with the streetscene;
- Plot too narrow which is out of keeping;
- Front garden area is not private space and will be overlooked;
- Still a three bed property with the third bedroom renamed as home office;
- The provided streetscene view to support the proposal is only a cropped version and doesn't take into account the whole street context;
- Supporting information of other development in Dronfield has no relevance to Green Lea;
- The support letters received are not residents of this area and should be discounted; and
- The support letters have been pre populated with information which shows that they have been approached.

The letters of support are summarised as follows:

- Demand for this type of property in Dronfield;
- Allows for downsizing and for residents to remain in the area;
- Will provide a suitable dwelling for those with disabilities; and
- Materials are in keeping with the area.

- 6.8 **Planners Response:** The comments are duly noted. The matters relating to the appeal decision are discussed below, along with an assessment of the revised proposal.

Comments have been received in respect of the delay in displaying the site notice. This was pinned to the lamp post outside of No.17 on the 16<sup>th</sup> October and was still in place at the time of the Officers site visit on the 5<sup>th</sup> November (photographic evidence). This would accord with the 21 days' notice period. It is not considered that residents have been prejudiced by the site notice going up 16 days after the submission of the application.

Comments have been received in response to the support letters submitted and they consider that due to the residents not living on Green Lea that they should not be taken in to account. Planning is defined as "*the control of the use of land in the public interest.*" Public interest can extend beyond the boundaries of a planning application however each application is to be adjudged on its own merits taking into account any representation received and matters of planning policy.

## 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 area, the amenity of neighbouring uses and highway safety issues.
- 7.2 The decision of the Planning Inspector in respect of the appeal referred to above is a material consideration which attracts significant weight in the consideration of this application.

## 8.0 PLANNING ASSESSMENT

### Principle

- 8.1 The site lies within the Settlement Development Limits (SDL) for Dronfield which is considered a sustainable settlement due to the high level of services available. Under Local Plan (2005) policies GS1, GS5 and H12 and the Publication Draft Local Plan 2014-2034 policies SS1, SS2 and SS7 there is a presumption in favour of development in such areas subject to other policies in the Local Plan being satisfied. These relate to amenity, character of the area and highway safety. Publication Draft Local Plan 2014-2034 policy SP1 support proposals that would maintain Dronfield's role as a social and economic focus for development.
- 8.2 Dronfield Neighbourhood Plan aims:
- To support a level of housing provision that meets local need.
  - To support the development of housing for the elderly and affordable homes.
  - Prioritise the use of brownfield sites for housing and other forms of development.
  - To ensure all new development includes suitable infrastructure to address its needs and any new impact it may have.
  - To preserve its residential aspect.

- 8.3 **Policy HOU1** supports proposals for windfall housing within the existing urban area (the built up area of the town not covered by the Green Belt) where they:
- a) are well integrated within adjoining uses and the surrounding areas;
  - b) provide protection and integration for natural features such as trees, hedges and streams;
  - c) provide for a safe vehicular and pedestrian access to the site; and
  - d) that traffic generation and parking impact including mitigation measures do not result in a severe adverse impact on, road and pedestrian safety.
- 8.4 **Policy HOU2** seeks to ensure that housing development provides a mix of house types, size and tenures and requires the provision of smaller dwellings (2 bedrooms or less) or specialised housing suitable to meet the needs of young families, disabled, young people and older residents will be supported within housing developments to meet a local housing need.
- 8.5 **Policy D3** requires good design and sets a criteria-based policy. Development proposal should make use of site characteristics and surroundings, including: layout and use; and form of space within the site; siting; scale; height; proportions and massing; orientation; architectural detailing; landscape, existing plants, trees and other features and materials; established building arrangements and forms such as front gardens should be respected; and materials chosen should complement the design of the development and add to the quality or character of the surrounding environment.
- 8.6 Therefore, in principle, the construction of a new dwelling in this general location is acceptable subject to the detailed design of the unit and its impact on the character and amenity of the area being acceptable.

Impact upon the Character of the Area.

- 8.7 The application has been revised from the earlier proposal that was refused and dismissed on appeal in August 2019. The revised proposal has reduced the length and width of the dwelling and comprises of a two bedroom bungalow with home office/guest bedroom and provides additional information in an attempt to overcome the earlier refusal.
- 8.8 Changes on the ground have also subsequently been carried out which include the effective subdivision of the plot and erection of a two metre close boarded boundary fence around the perimeter of the site with a laurel hedge planted between the fence and existing wall.
- 8.9 The Inspector described the character of the area as dwellings of similar design and layout which consists of brick bungalows with gables facing toward the road edge, there being a regimented setback between properties with a single carport/garage to the side and larger setbacks from the front boundary and larger rear gardens. Gaps between properties were considered to be important to the layout, in that views are obtained to well vegetated rear gardens and he commented that the open countryside beyond could also be experienced which is a positive characteristic (only to the north of Green Lea). Boundary treatment consisting of low dwarf front boundary walls with large areas of lawn to the front garden and vegetation were considered to be positive attributes to the character of the street scene. He concluded that in

his opinion this spacious character and open and well vegetated aspect helped to inform the character and appearance of the area.

- 8.10 It is evident that the corner plot no longer has this generally open aspect and garden structures erected behind the fence are visible within the streetscene. This has altered the character of the area.
- 8.11 However, the revised proposal still presents a single storey dwelling to the rear of No. 17 Green Lea located adjacent to No.19 Green Lea with front parking and limited amenity space that is not characteristic of the wider estate. As a result the views between the dwellings, that the Inspector found so important to the character of the area, would not be maintained and the distinctive spacious front gardens found elsewhere on the estate would also be lost. In the opinion of Officers this aspect of the proposal fails to address the concerns raised by the Inspector and so fails to adhere to the policies of the Development Plan which seek to secure development which maintains and respects the character of the area.
- 8.12 Objections have been raised in respect to the subdivision of the garden citing it as 'garden grabbing', representing an over development of the plot that would not be in keeping with the general character and layout of the estate. Officers place weight on these views and concur with their assessment of the application.

#### Amenity Space

- 8.13 A plan has been provided which shows the level of amenity space to be provided for both the host building and the proposed dwelling. Whilst the rear amenity space for No. 17 would be reduced in size a large side garden area retains some amenity land for the host building that equates to 212 square metres. Whilst screened, Officers take the view, shared with the Inspector that this is only a semi private space. The bungalow has been remodelled and access to the retained rear garden area can be taken from the side patio door or rear patio doors leading on to the retained patio area. Notwithstanding that, Officers retain the view that this level of amenity is inadequate and would result in an unacceptable level of amenity being retained by an existing user.
- 8.14 The proposed dwelling would have a small area of open amenity land to the front of the site (44 square metres), enclosed by a low wall and a modest rear garden which equates to 75 square metres of 'private' amenity land. This is in excess of the Council's design guidance 'Successful Places' which seeks to provide 70 square metres for a three bedroom dwelling. Officers discount the front "amenity" area as this would be purely a public area of land not providing any meaningful amenity land. However, the area shown to the rear would provide an acceptable amenity area and so Officers conclude, on balance, that the level of amenity space now provided, subject to appropriate boundary treatments, would be sufficient to provide an adequate level of amenity space for the proposed dwelling.

## Impact upon Residential Amenity

- 8.15 Development Plan policies state that proposals will only be permitted providing it would not have a detrimental effect on the amenities of neighbouring occupiers and uses. The Council's adopted guidance 'Successful Places' is design guidance that seeks to ensure that development proposals respond positively without having a detrimental impact upon existing land uses. It promotes different levels of separation distances that relate to different situations (orientation, layout, design) to ensure overlooking, loss of privacy and light is avoided.
- 8.16 The proposal would be situated to the rear of No. 17 Green Lea and adjacent to No.'s 15 and 19 Green Lea. All three properties have the potential to be affected by the proposal but the Inspector, when considering the earlier proposal, concluded that the impact on No.'s 19 and 15 Green Lea would be acceptable and the amendments subsequently undertaken only assist in this regard further taking the dwelling further away from No.15 and marginally towards the road in respect of No.19. However, the Inspector found that the outlook from No. 17 was adversely affected.
- 8.17 The applicant has also taken steps to address the impact of the proposed new dwelling on No.17. which has subsequently had its internal arrangement remodelled including changing the way the garden area is accessed. New patio doors have been inserted on the side elevation to the living room which looks out onto the side garden area. Patio doors are also placed in the rear elevation giving direct access to the retained patio area between a new 2m high boundary fence separating the proposal from the rear garden of No.17.
- 8.18 The proposed dwelling would also be sited further forward towards the street than No. 17 than previously and its design has taken into account the positioning of windows/door openings to prevent any direct overlooking towards it. The proposal would be sited within approximately 5 metres of No.17. This is below the recommended separation distance promoted within Successful Places, however, as set out above, the revised proposal is offset from the windows to the rear elevation of No.17 ensuring a reasonable outlook can be maintained. It is not considered that overlooking would be created and therefore no appreciable loss of amenity as a result of loss of privacy would occur. Furthermore, given the single storey nature of the new dwelling and that the boundary fence is 2 metres high it is considered that the arrangement would be acceptable for the reasons set out above. This is considered sufficient to overcome the Inspectors reservations on this issue and so leads Officers to conclude that now, on balance, the outlook from No. 17 would be acceptable.
- 8.19 There is a potential for the proposal to have an overbearing impact upon No.17. However, as set out above, the proposal has moved the dwelling away from any affected windows such that the 25-degree rule [A measurement assisting an assessment of any overshadowing] is achieved. Added to a proposed eaves height of 2.6 metres and given that the roof pitch slopes away to an overall height of 4.4 metres Officers consider that no unacceptable overshadowing would result.

- 8.20 The Applicants have provided other examples within the area where such arrangements have been approved. However each application is to be considered on its own merits.
- 8.21 No.19 Green Lea has a walkway running along the side boundary of the application site, giving access to the rear of the bungalow and entrance door. Contained in the side elevation of No.19 are three windows at high level, two are obscurely glazed. The proposed bungalow would be sited within 2m of No.19 and run along the boundary by 13.5m in close proximity to these side windows. However given the size of the windows, their size and position, it is not considered an unacceptable impact on amenity would be created.
- 8.22 There are three high level windows proposed in the proposed dwelling looking towards No.19, one to serve the kitchen and dining room (high level units) and the other to the en-suite. They could all be conditioned to be bottom opening and obscurely glazed and given the positioning of the windows it is not considered there would be any adverse impact on amenity caused by them.
- 8.23 Whilst No.19 would experience some loss of light to its windows, these face north and so currently only benefit from limited light. A two metre high boundary fence could be erected in front of these windows in any case and so in view of all these issues Officers conclude the proposal would not adversely and unacceptably impact on the amenity of No.19 which, as set out above, concurs with the conclusions of the appeal Inspector in this regard.

#### Highway Safety

- 8.24 The proposal is seeking to create a separate vehicle entrance to the south of the nearby road corner and provide two parking spaces within the site. The Highway Authority has commented raising no objection to the proposal.
- 8.25 Objections have been raised in regards to impact upon the street from parked vehicles however there are no parking restrictions in the area which prevents this from occurring now, and the addition of one dwelling is not considered to amount to creating a severe impact upon the highway network in any case. Furthermore, Green Lea is a cul-de-sac and not a through route and the level of traffic is low, mainly as a result of occupiers and visitors of the properties. It is considered to be lightly trafficked. The Planning Inspector did not consider that there would be a severe impact upon highway safety by the formation of a new dwelling.

#### Conclusion

- 8.26 The proposal seeks to subdivide a residential plot and construct a single storey two bedroom dwelling. The location is considered to be generally sustainable.
- 8.27 The revised siting and scale of the dwelling is noted. However, Officers conclude that this does not address the fundamental concerns of the Inspector in respect of this matter and that the proposal still fails to meet the policy requirements of the Development Plan.
- 8.28 Additionally, such is the result of the loss of its rear garden area on the amenity of No.17 Officers contend this would result in an unacceptable level of amenity being retained to serve that dwelling. This too is considered contrary to the Development Plan's aims and policy objectives.

- 8.29 However, Officers consider that the impact on No.17 in terms of overlooking and outlook has been addressed and that there remains no unacceptable impact on highway safety. Officers conclude there is no overriding impact on other nearby residential occupiers.
- 8.30 The other issues raised by the applicant and stakeholders are noted including the provision of one further dwelling and the social and economic benefits that may arise from it. However, none of these other considerations outweigh the Officer conclusion that in term of the impact on the character and appearance of the area and the amenity of the occupiers of No.17 that the proposal is unacceptable. Accordingly, the application is recommended for refusal.

## 9.0 SUMMARY OF CONSULTATIONS

County Highways:	No objections, subject to conditions
Environmental Health:	No comments received
Drainage:	No comments received
Neighbour:	7 objections, 6 support
Ward Member:	Councillor call in
Parish Council:	Comments received.

## 10.0 RECOMMENDATION

That Planning Permission is **REFUSED** for the following reasons:

1. The application is considered to be unacceptable as, due to the size, design and location of the proposed dwelling, it would represent a cramped form of development that intrudes into the open and undeveloped aspect of the street, is at odds with the existing dwellings and be incongruous in the locality adversely impacting the character and appearance of the area.

As such, the development is contrary to policies GS1, GS5, BE1 and H12 of the North East Derbyshire Local Plan, policies SS1, SS7 and SDC12 of the North East Derbyshire Local Plan (Publication Draft) (2014 -2034), policies HOU1 and D3 of the Dronfield Neighbourhood Plan and the policies of the NPPF when read as a whole.

2. The application would result in an unacceptable level of private amenity space being retained to serve the existing dwelling (No.17) and so fail to retain an adequate level of amenity for an existing user contrary to policies GS5 and H12 of the North East Derbyshire Local Plan, policy SDC12 of the North East Derbyshire Local Plan (Publication Draft) (2014 -2034), policy D3 of the Dronfield Neighbourhood Plan and the policies of the NPPF when read as a whole.



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## Appeal Decision

Site visit made on 19 July 2019

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

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### Appeal Ref: APP/R1038/W/19/3222836

#### 17 Green Lea, Dronfield Woodhouse, Dronfield S18 8YA

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs David Kavanagh against the decision of North East Derbyshire District Council.
  - The application, ref. 18/00685/FL dated 4 July 2018, was refused by notice dated 4 October 2019.
  - The development proposed is a new single storey 3bed dwelling to the rear garden of 17 Green Lea with associated landscape and access.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are the effect of the proposed development upon:
  - the character and appearance of the locality; and
  - the living conditions of the existing and future occupiers, with particular regard to the provision of private garden space, overlooking, light and outlook.

### Reasons

#### *Emerging North East Derbyshire Local Plan 2014-2034 (ELP)*

3. I note that the Council is currently in the process of adopting a new Local Plan (2014-2034). The plan has been submitted for examination and has been subject to hearings undertaken in November and December 2018 and March 2019. The Council refused the application subject to this appeal citing the ELP Policies SS1, SS7 and SDC12 and has sought that I give weight to these policies as a material consideration to the determination of this appeal. Once adopted the ELP would replace the saved Policies of the North East Derbyshire Local Plan 2005 (LP).
  4. Emerging Policy SS1 of the ELP relates to sustainable development and lists a number of principles which broadly reflects Saved Policy GS1 of the LP, however seeks further principles to sustainable development such as protecting the character, quality and setting of the towns and villages, amongst others. Emerging Policy SS7 of the ELP covers windfall sites and broadly reflects Saved
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Policies GS5 of the LP where it seeks that development not be detrimental to the character and appearance of the area. Emerging Policy SDC12 of the ELP is a place making and design-led policy that broadly reflects Saved Policies BE1 and H12 of the LP and which is where the Successful Places Design Guide would also be attached to with regards to setting principles for good design.

5. In my application of paragraph 48 of the National Planning Policy Framework (the Framework), whilst the ELP is not part of the adopted development plan, it is at an advanced stage in the adoption process, and in my opinion the emerging policies would appear to be consistent with the Framework. I am also mindful that the examining Inspector may wish to re-open the examination to hear further evidence which could result in further changes and additions to these policies and accompanying text. Based upon this, I will afford the ELP policies moderate weight in this appeal decision.

#### *Character and appearance*

6. The appeal property is located to the side and rear garden of No17 Green Lea which lies on a corner site on a bend along Green Lea as it traverses into a cul-de-sac. The dwellings which make up Green Lea are part of a larger speculative development which appears to date from the late twentieth century. The dwellings maintain a very similar design and layout which consists of brick bungalows with gable facing toward the road edge, there is a regimented setback between properties with a single carport/garage to the side and larger setbacks from the front boundary and larger rear gardens. Gaps between properties are important to the layout in that views are obtained to well vegetated rear gardens and the open countryside beyond can also be experienced which is a positive characteristic. Boundary treatment consists of low dwarf front boundary walls with large areas of lawn to the front garden and vegetation which are positive attributes to the character of the street scene. To me, this spacious character and open and well vegetated aspect helps to inform the character and appearance of the area.
7. Whilst the appeal site is within a designated settlement boundary and in principle would be an appropriate location, Saved Policies GS1, GS5, BE1 and H12 of the North East Derbyshire Local Plan (LP) seek amongst a number of principles, that development adhere to the character and appearance of the area and reinforce local distinctiveness. These policies are supported by a design guide called Successful Places 2013, which is a joint design guide from the Councils of Bassetlaw, Bolsover, Chesterfield and North East Derbyshire. The Design Guide, particularly at Chapter 3 talks about character and appearance and how successful places are derived from design which is informed by its context, character and function within the street. Similar provisions to achieving good design are also given in emerging Policies SS1, SS7 and SDC12 of the ELP.
8. Unlike the surrounding context, the proposed dwelling would introduce built form to the rear of the plot which has little relationship to the character and appearance of the street scene. Whilst the proposal would have a similar front setback, the dwelling would take up much of the rear garden of No17 with both the existing No17 and the proposed development having significantly undersized private gardens than surrounding. No17's resultant garden would also be confined to the side of the plot, rather than to the rear. It would also appear that part of the private garden to the proposed dwelling would be to the front garden which would also not be in keeping with the general layout and pattern

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of development in the area. Whilst I acknowledge comments that the Successful Places Design Guide seeks that flexibility can be had to the provision of private garden space, this is also dependent upon the existing character, layout and appearance of the area, which this proposal does not conform to.

9. With relation to layout, the surrounding dwellings have rear gardens where average sizes are between 140Sqm – 180Sqm. The Council estimates that the rear garden of the proposed dwelling would be approximately 46Sqm, whereas the existing No 17 Green Lea would not have a rear garden, with the majority of garden confined to the side of the house which would be of 50Sqm, well below the average size and layout of plots within the surrounding area.
10. The proposal would not adhere to the spacious quality of the area and would be experienced as a cramped development that intrudes into the open and undeveloped aspect along this street. When combined with the minimal setback from the side boundaries, and the small garden spaces proposed for the existing and proposed dwellings, the appeal scheme would also be at odds with the development surrounding, and in my view, would be cramped and incongruous to its locality.
11. Given my above reasoning, the proposed scheme would cause significant harm towards the character and appearance of the area. The scheme would therefore be contrary to saved Policy GS1 of the LP (which seeks sustainable development through the improvement of the quality of the built environment); saved Policy GS5 of the LP (which seeks that development within settlement boundaries would not be detrimental to the character and appearance of the site), saved Policy BE1 Of the LP (which amongst a number of design principles, seeks that development respects the character and appearance of the surrounding area); and saved Policy H12 of the LP (which amongst a number of principles, seeks that new development respects the character of the site, its surroundings and contributes to local distinctiveness); which is supported by the Successful Places Design Guide (which sets a number of design led principles to enable development to be appropriate to its context). The scheme would also be contrary to emerging Policy SS1 of the ELP (which amongst a number of principles, seeks that development protect and/or enhance the character, quality and setting of towns and villages); emerging Policy SS7 of the ELP (which amongst a number of principles, seeks that windfall sites are appropriate in scale, design and location to the character and function of the settlement); and emerging Policy SDC12 of the ELP (which amongst a number of design criterion, seeks that development responds positively to local character and context).

#### *Living Conditions*

12. The Successful Places Design guide at Section 3.11.16 states that family houses are likely to require larger gardens, preferably in the range of 70-100 Sqm, but not less than 50Sqm. Whilst I note that it is sought for me to consider the front garden space to be part of the overall private garden space, I am not convinced this would be 'private' but more semi-private and more akin to the front garden. The Council estimate that the rear garden of the proposed dwelling would be approximately 46Sqm, whereas the existing No 17 Green Lea would have a side garden space of 50Sqm, well below the minimum standard specified. That said, the proposed development would provide an inadequate level of amenity space

to the proposed or existing dwelling and conflict with saved Policies GS5 and H12 of the Local Plan and emerging Policy SDC12 of the ELP.

13. Turning to outlook and loss of light, the main concerns regarding the appeal property arise from the proposed dwelling and its proximity to the shared boundary to No19 Green Lea, the existing dwelling at No17 and No15. The proposed dwelling would be positioned very close to the rear of No17 and would almost obliterate the outlook gained from the rear of the property. The positioning of the building in relation to the windows to the rear of No17 would cause a significant loss of outlook and light as a result of the proposal and cause a dominant and overbearing presence compared with the existing situation. That said, in my view the scheme would present unacceptable living conditions towards No17 in regard to loss of outlook and light.
14. Whilst No19 and No15 would experience loss of outlook as a result of the proposal, I would not find this to be unreasonable with the dwellings still able to achieve an adequate outlook as a result of the positioning and size of their respective gardens. Given the single storey nature of the site and the boundary treatment proposed, overlooking into neighbouring properties would not be a level where it could be perceived as being unacceptable.
15. That said, the proposed dwelling would not comply with saved Policy GS5 of the LP (which seeks that development not have a detrimental effect on the amenities of neighbouring occupiers); and saved Policy H12 of the LP (which amongst a number of principles, seeks that new development not damage the amenity of adjoining land and premises); The proposal would also be contrary to emerging Policy SDC12 of the ELP (which amongst a number of principles, seeks to protect the amenity of existing and future occupiers). These policies are also supported by the Successful Places Design Guide which sets parameters for the appropriate integration of development to avoid impacts to amenity of future and existing occupiers.

### **Other Matters**

16. I note comments with regards to a covenant on the land which may prevent such development. Covenants are civil issues and are not part of a planning determination and as such have not been considered as part of this appeal.
17. I note that the Framework encourages the development of small sites and making effective use of urban land in accessible locations. I also note the benefits which derive from the generation of short term employment opportunities in the construction of the scheme, the contribution of a dwelling to the Council's housing supply and the resultant local expenditure from future occupiers to local services. Whilst these benefits favour the scheme it does not outweigh the harm I have identified.
18. I also note discussion on the process of the application in that the appellant feels aggrieved that the original application was refused by Committee Members who disagreed with the opinion of its professional officers who recommended approval of the scheme. Council Members are not bound by the opinion of their professional officers, but need to make a robust evaluation of the matters if they disagree. I have found too that the scheme fails on its adherence to the character and appearance of the area and with regards to living conditions, and hence the concerns of Council Members was justified in this particular case.

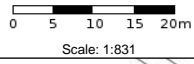
**Conclusions**

19. For the reasons given above, the appeal is dismissed.

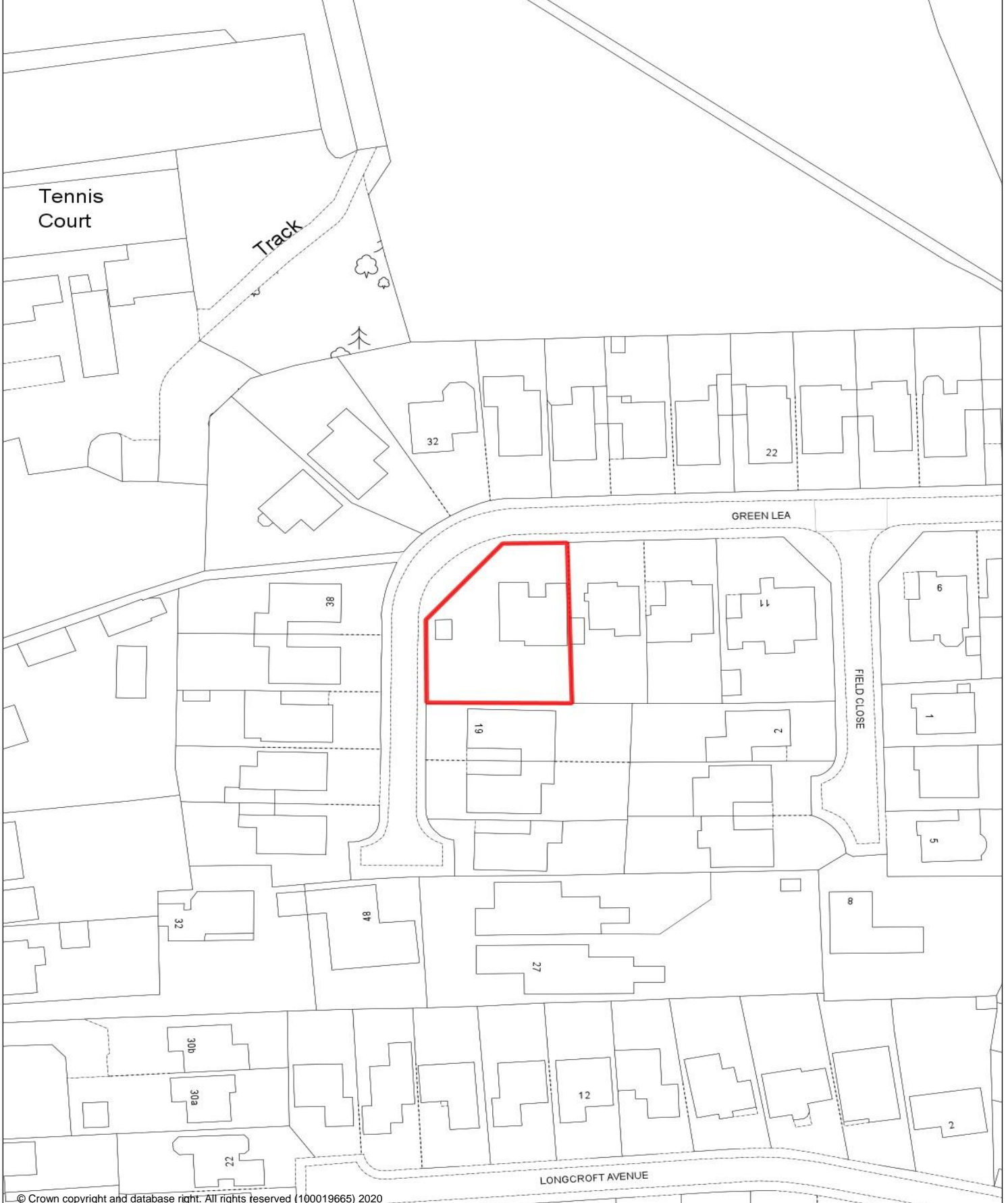
*J Somers*

INSPECTOR





**Author:** K. Spelman  
**Date:** 28/01/2020



**APPLICATION NO.** 19/01082/FL

**APPLICATION** Redevelopment of large bungalow and outbuildings for 5no. small bungalows and related infrastructure

**LOCATION** Woodside, Hackney Lane, Barlow

**APPLICANT** Mr Derek Mapp

**CASE OFFICER** Adrian Kirkham

**DATE RECEIVED** 31<sup>st</sup> October 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Huckerby

REASON: Barlow Parish Council are fully supporting this application for 5 small bungalows. There is an ageing population in the area – who are wanting to down size and still stay in Barlow

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The Committee Site Inspection Group is to visit the site to view the location of the site, note the site's location in the Green Belt and its proximity to the Special Landscape Area, assess the impact of the development on the character and appearance of the site and the surrounding landscape, its impact upon neighbouring amenity along with highway safety.

## 1.0 SITE DESCRIPTION

- 1.1 The site is located to the east side of Hackney Lane, the B6051, on the southern approach to Barlow. The area is locally known as Nesfield and it lies close to the District boundary with Chesterfield.
- 1.2 The site is located outside the settlement development limits for Barlow as defined in the North East Derbyshire Local Plan [LP] and therefore has the status of "countryside" for planning policy purposes. It is located within the North East Derbyshire Green Belt. The fields and woodland to the opposite side of the road (to the west of the site) are located within a Special Landscape Area [SLA].
- 1.3 The site presently accommodates a substantially extended bungalow and an associated detached garage, a driveway and areas of hardstanding, lawns and woodland areas to its periphery. There is also another smaller outbuilding located on the site's southern boundary.
- 1.4 There are some other dwellings in the general vicinity of the site to the north, south and east set within open fields and woodland.

## 2.0 PROPOSAL

- 2.1 The applicant seeks consent to demolish the existing bungalow and garage (and the additional garden building – although this is not depicted specifically on the submitted plans) and its replacement with 5no. bungalows (3no. of which have second storey living and other accommodation shown). They would be faced with natural stone and have slate roofs and be arranged around a private drive.



2.2 The application is accompanied by the following reports and information as follows:

- Ecological Survey and Assessment;
- Access Feasibility Report;
- Design and Access Statement;
- Planning Statement (plus addendum);
- Coal Mining Risk Assessment and Supplementary Report;
- Visually Verified Montage Report;
- Response to Landscape Briefing Note by Michelle Bolger;
- Tree Survey and Arboricultural Method Statement;
- D E Manley QC Legal Opinions (2no.);
- Access Feasibility Report;
- Land Contamination Assessment;
- Appeal Decision 3200416 (relating to Tanyard Farm, Lymm);
- Permitted Development Illustrative Scenario.

### **3.0 AMENDMENTS**

3.1 No amendments have been made to the application during the course of considering the application.

3.2 However, to assist in the assessment of the application the Council has sought advice on the potential landscape impact of the proposal. This has been the subject of additional comments subsequently from the applicant.

### **4.0 PLANNING HISTORY**

4.1 74/00045/FL: Filling of disused railway cutting and landscaping. Conditionally approved 2/10/1974.

4.2 85/00779/FL: Extensions to bungalow to form porch and hall, and extension to lounge. Conditionally approved 13/3/1985.

4.3 85/00780/FL: Extension to dining room. Conditionally approved 24/7/1985.

4.4 19/00440/FL: Application for 5no. bungalows. Refused 02.10.2018 for the following reason:

The development is unacceptable as it represents inappropriate development in the Green Belt. The development would have a negative effect upon the openness of the Green Belt and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. It would also cause visual harm to the rural character and appearance of the countryside and adjacent Special Landscape Area. There are no considerations that clearly outweigh the harm. Very special circumstances have not been demonstrated. The proposal fails to accord with policies GS2, GS7, H3, N1 and N2 of the North East Derbyshire Local Plan and national policy for the protection of Green Belts and for protecting and enhancing valued landscapes as set out in the National Planning Policy Framework.

This application was a direct duplicate of the application now being considered by the Planning Committee.

## 5.0 PLANNING POLICY CONSIDERATIONS

5.1 The Development Plan comprises of the saved policies of the North East Derbyshire Local Plan (adopted November 2005). In addition, the Council is now at an advanced stage in the production of the Publication Draft Local Plan 2014-2034. This new Local Plan reflects national guidance as set out 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. However, as the Plan is currently paused, Officers consider very limited weight should be attached to its policies although it does replicate the general exclusions to Green Belt development as set out in the extant Local Plan.

### 5.2 North East Derbyshire Local Plan 2005 [LP]

The most relevant policies of the North East Derbyshire Local Plan in respect to this application are:

GS1 – Sustainable Development  
GS2 – Development in the Green Belt  
GS6 – New Development in the Countryside  
NE1 – Landscape Character  
NE2 – Special Landscape Areas  
NE5 – Other Sites of Importance for Nature Conservation  
BE1 – General Design Principles  
H3 – Housing outside the settlement development limits  
H12 – Design and Layout of new housing  
T2 – Highway Impact of new development

### 5.3 North East Derbyshire Local Plan (2014-2034) Publication Draft [PD]

The most relevant policies of the Publication Draft Local Plan in respect to this application are:

SS1 – Sustainable Development  
SS2 – Spatial Strategy and the Distribution of Development  
SS9 – Development in the Countryside  
SS10 – North East Derbyshire Green Belt  
SDC3 – Landscape Character

### 5.4 National Planning Policy Framework [NPPF]

Chapter 13 of the NPPF sets out the government's policy for protecting Green Belt land. Paragraphs 143 -146 set out the approach for dealing with proposals affecting the Green Belt and state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 145 and 146 [of the NPPF] set out the various exceptions to inappropriate development in Green Belts.

5.5 Paragraph 8 sets out that sustainable development should, among other things, protect and enhance the natural environment whilst paragraph 170

sets out that planning decisions should recognise the intrinsic character and beauty of the countryside.

## 5.6 National Planning Practice Guidance [PPG]

The National Planning Practice Guidance advises that assessing the impact of a proposal upon the openness of the Green Belt requires a judgement based on the circumstances of the case. It says that the Courts have identified a number of matters which may need to be taken into account including (but not limited to):

- Openness (both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume);
- Duration of development;
- Degree of activity likely to be generated such as traffic generation.

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 **Barlow Parish Council (PC)** – Support this repeat application and ask that the full planning committee consider the application as the land is already developed. The PC are mindful of Green Belt policy but do not see a problem with this application in that regard. The PC sees a solution to a poor quality road frontage site being replaced with a quality small development enhancing the openness of the Green Belt, well screened from the road. This progressive project is welcomed by the PC and [the PC considers it] enhances the area and it is recommended that planning permission is granted on this occasion.

6.2 **Ward Councillor:** Barlow Parish Council are fully supporting this application for 5 small bungalows. There is an ageing population in the area – who are wanting to down size and still stay in Barlow

6.3 **Yorkshire Water** – The proposal is in an area not served by the public sewer. The application should be referred to the EA and Environmental Health for comment on private treatment facilities. The agent has indicated surface water disposal to the main sewer. As there is no public sewer network available, the developer would need to look at alternative solutions for surface water disposal as per Building Regulations.

6.4 **DCC Highways** – No objections subject to conditions.

6.5 **Derbyshire Wildlife Trust** – No objections subject to the imposition of conditions in respect of lighting, management of invasive species, pre-development check on badger activity, measures to protect wildlife during construction, avoidance of the bird nesting season and implementation of the ecologist's recommendations for enhancement.

6.6 **The Coal Authority** – Falls within a Development High Risk Area. Further investigations are required post demolition. No objection subject to a planning condition.

6.7 **NEDDC Environmental Health** – No objection subject to conditions to address potential land contamination issues.

## 7.0 APPLICANT'S CASE

7.1 A significant amount of information has been submitted by the applicant in support of his application as set out at paragraph 2.2 above and the submitted documents may be considered in full [as required] by members ahead of the Committee meeting. However, in precis the applicant's planning case is as follows:

- This is a good opportunity to replace an oversize bungalow and an extensive curtilage with a greater number (albeit small) dwellings better suited to the locality
- Affordable housing is not proposed but house types which [the applicant believes] will enhance the locality and provide additional dwellings of a type popular locally.
- The site is previously developed land.
- The site forms part of Nesfield, containing a number of residential properties and Barlow is an otherwise sustainable community which can be accessed along a footway with easy access to bus stops.
- The site is not isolated.
- The creation of the additional units would not raise Green Belt issues and the site comprises a residential curtilage and has been for over 40 years.
- The 5 bungalows are not standard house types and have minimal impact visually respecting the openness required.
- The submitted verified visual montages prove the openness of the Green Belt is not compromised.
- The existing dwelling enjoys permitted development for various works. This is a material consideration that should be taken into account.
- The proposal is considered to be in accordance with the NPPF comprising a minor bespoke redevelopment of a previously developed well defined curtilage within a group of dwellings on the edge of a consolidated linear settlement. It would retain and have no greater impact on openness and protect the 5 purposes of Green Belt.
- The relevant saved Local Plan policies are out of date and thus have no weight. The PD cannot be given significant weight. [Notwithstanding that] the proposal accords with the PD.
- The proposal is in line with NPPF section 5 adding to the variety of land coming forward, will stimulate local services, is a sensitive redevelopment of previously developed land, is similar to subdividing the existing dwelling into 2 and accords with the spirit of the policy that encourages exceptional quality.
- Pre-application discussion has taken place [which the applicant considers] indicates there are no objections to the principle of redevelopment nor the potential additional dwellings but stated an overall increase of 70% was unacceptable and no account should be taken of permitted development rights. As a consequence opinion was sought from David Manley QC which concluded the applicant's approach was correct.
- Unanimous support for the previously refused application was received from the local Parish Council. The decision notice on that application is flawed and further advice from David Manley has been taken as follows:
  - (i) Draft notes of a meeting held with Mr Kirkham have not been accepted as a true record, no amendments have been put forward and his notes of the meeting not provided. Mr Manley concludes

the policy references were incorrect, incorrectly referred to, immaterial and makes casual reference to policy issues.

- (ii) The Case Officer's approach to the issue of curtilage in the delegated report is legally flawed.
  - (iii) Mr Kirkham's approach to para 145(g) was incorrect.
  - (iv) All this reveals a narrow focus in the minds of Officers in taking the original decision.
  - (v) There is no engagement with the issue of visual perception, and,
  - (vi) The reference to a valued landscape is unevidenced and unreasonable. The costs of dealing with this on appeal should be recoverable.
- Mr Kirkham subsequently met the applicant on site to view it. He concluded he will not assist the applicant by identifying what he considers curtilage, he will not indicate a scale of development he believes consistent with the NPPF, he has indicated an intention to refuse any subsequent application under delegated powers regardless of Mr Manley's points, he had offered to meet to discuss a scale down scheme but the applicant has no idea what he has in mind and it is a very disappointing outcome and particularly given the appeal that will be lodged at the applicant's expense with costs racking up quickly given the front loaded basis on which appeals have to be lodged nowadays.
  - The Council can grant permission for this popular development in accordance with the NPPF, there are no material considerations to justify a refusal, the Council should consider this application very carefully given the resource implications for the parties and the Council's exposure to an application for an award of costs, the applicant remains available to discuss Mr Kirkham's concerns, the montages have not been challenged at any stage and permission should be granted.

7.2 Additionally, and as referred to above, the Council has sought advice on the potential impact of the development on the openness of the Green Belt and any landscape harm. In reply to that work the applicant has submitted his own note which concludes:

- There is no explanation of the methodology used in the assessment undertaken
- The assessment does not fully consider the details submitted and concludes an impact that is greatly overstated.
- The conclusions are based on two receptors only, views from Hackney Lane (predominantly from traffic passing the site) and does not account for the speed of movement and the transient nature of the visibility, and from footpaths to the west where the assessment fails to provide an assessment as to the frequency of use.
- No reference is made to the mitigation proposed which is to introduce new tree planting and enhance the setting in the landscape, and,
- The degree of change between an existing situation and the redevelopment is negligible.

## **8.0 PLANNING CONSIDERATIONS**

8.1 The primary planning considerations for the application are whether the proposal is appropriate or inappropriate development in the Green Belt; and if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other

considerations in favour of the proposal so as to amount to very special circumstances necessary to justify the development.

- 8.2 Additionally, the site is located in the countryside, the intrinsic character and beauty of which should be recognised. The site is located adjoining a Special Landscape Area. Therefore, the impact of the development on the countryside and the SLA should properly be assessed and evaluated.

## **9.0 PLANNING ASSESSMENT**

### ***Introduction***

- 9.1 The Applicant is seeking consent to demolish 2/3 existing buildings, a bungalow, a detached garage and garden shed, and replace them with 5no. new bungalows and associated infrastructure including car ports (although no specific details of these structures have been submitted) and access roads. All the units would be served off a single vehicular access point joining the highway network, with a secondary pedestrian access being retained.
- 9.2 The site is located within the Green Belt and outside the settlement limits defined for Barlow in the Local Plan. It lies on the opposite side of the road from the Special Landscape Area and within an otherwise generally attractive landscape.
- 9.3 The Council's extant Development Plan (2005) pre-dates the NPPF (2019). Whilst the relevant policies are, for their most part, in general conformity with it, policy GS2 of the LP does not wholly reflect the wording of the NPPF, in particular it does not include the potential redevelopment of previously developed land [PDL] within its exceptions.
- 9.4 Policy SS10 of the PD is in close conformity with the Framework but carries only very limited weight due to the stage the plan is at currently. Therefore, it is considered that the NPPF paras 143-146 carry the greater weight and that consideration of the proposal should follow that approach.

Therefore, the main issues for consideration are:

- (a) Whether the proposal is inappropriate development in the Green Belt; and
- (b) If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations in favour of the proposal so as to amount to very special circumstances necessary to justify the development.
- 9.5 In addition, and as set out above, a full assessment of the proposal should be undertaken in respect of its location in the countryside and adjoining a SLA. The policies of the LP in this regard are considered commensurate with the NPPF and so should carry full weight.

### ***Whether inappropriate development in the Green Belt***

- 9.6 The NPPF states that new buildings in the Green Belt should be regarded as inappropriate but also lists a number of exceptions to this (para 145). None of the exceptions listed in a) – f) of para 145 apply to the circumstances of this

case and the applicant does not reply on them in seeking to justify his case. The exception upon which the applicant relies is that listed at para 145 g), that being the “partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.”

- 9.7 Within this exception there are two main elements to consider. Firstly it is necessary to consider whether the land upon which the development is to take place is PDL. Secondly it is necessary to consider whether the development would have a greater impact on the openness of the Green Belt than the existing development. Both parts need to be satisfied in order for the development to fall within this exception. This approach is consistent with the case put forward by the applicant.

### ***Whether PDL***

- 9.8 NPPF Annex 2 Glossary defines PDL as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure.”

- 9.9 Excluded from the definition is (amongst other things) “...land in built-up areas such as residential gardens...”. The term “built-up areas” is not defined in the NPPF so a judgement has to be made and when taking into account the considerable spacing between the few scattered dwellings in the locality and the predominance of fields and woodland it is considered that the area of the application site cannot be regarded as a “built-up” area. Neither do any of the other exclusions to the definition of PDL apply to the circumstances of this case.
- 9.10 Recent case law has indicated that whether or not land is within the curtilage of a building/dwellinghouse is a matter of fact and degree but the decision maker should make that decision following a consideration of the site, its physical layout, its ownership, past and present, and its use or function, past and present.
- 9.11 Therefore, it does not necessarily follow that the application site, or all of it, falls automatically within the definition of PDL. It is necessary to go back to the definition to determine whether the site in whole, or any part of it, is to be considered as PDL.
- 9.12 Part of the land is occupied by the bungalow and garage which are clearly interdependent. These are permanent structures and, hence, Officers consider these parts of the site to be properly PDL. There is associated fixed surface infrastructure (driveways and hard standings) also closely associated with the dwelling and these parts of the site are also considered to be PDL. The definition extends to the “curtilage of the developed land”. However, when taking into account the extent of the site, the configuration of the buildings, the distance of some parts of it from the dwelling and fact that all the site has historically not made up a single entity, Officers conclude that the PDL definition should not be considered to extend across the whole of the site, in particular to the woodland and lawned areas to its southern and

eastern parts. Thus it is considered that, in any case, parts of the proposed development would be on land outside of the PDL.

- 9.13 Therefore, on this point alone, Officers conclude that the application fails the test of appropriateness in that new built form would extend beyond the extent of the curtilage to the dwelling.
- 9.14 The applicant has submitted legal opinion on this matter raising issue with the Council's approach and is of the view that the site comprises residential curtilage and has been for over 40 years. However, Officers note that what constitutes the curtilage in any particular case is a matter for the decision maker to conclude on and that nothing raised by the applicant is at odds with the Officer approach or their conclusions on the facts of this case as reasoned above notwithstanding that the bungalow and its garden constitute one enclosure.

### ***Effect upon openness***

- 9.15 The second part of the para 145 g) requires an assessment of the effect of the development upon the openness of the Green Belt.
- 9.16 When having regard to the relevant documentation, the PPG, case law and the applicant's own legal opinion it is acknowledged that the concept of "openness" is open textured and is not narrowly limited to a volumetric approach. A number of factors are capable of being relevant in any particular case and will probably include both spatial and visual aspects (amongst other things). Additionally the NPPF makes no prescription as to volumes and areas (or indeed visual aspects) or whether such matters need to be taken into account in every case. The assessment of the effect upon openness in any particular case, and the factors to be taken into account, is also a matter of judgement for the decision maker.
- 9.17 In this case the proposed development is of a permanent nature. It is considered that the assessment of effect upon openness should take into account volume, footprint and visual effect.
- 9.18 Looking at the matter firstly from a spatial perspective, it is readily apparent that the new structures will extend the built form into areas where there is currently no development. Therefore, from a purely spatial perspective it has to be concluded there is, and must be, an impact on openness.
- 9.19 However, as set out by the applicant and case law, there is also a visual assessment of the proposed development that needs to be undertaken. A useful starting point in this regard is the volumetric calculation between "as is" development (347 square metres floor area/1245 cubic metres volume) including outbuildings) and that "proposed" (652 square metres and 2500 (approx.) cubic metres – although it is unclear if this includes the proposed car ports). Using the applicant's own figures as set out above and in the submitted planning statement there is a projected increase in floor area of at least 88% with a volumetric increase of at least just in excess of 100% (although this is reduced if based on the volumetric evidence used by the applicant's lawyer (652 square metres and 2163 cubic metres) to 73%). Officers consider this to be a significant increase (when taking any of the applicant's measurements) in any case.



- 9.20 However, as set out in the applicant's submissions it is considered appropriate and necessary to consider how that translates visually, as would be seen through the eyes of an observer.
- 9.21 Views of the site are mainly, but not exclusively local (rather than longer distance). The main public viewpoints are from Hackney Lane (along the site frontage, from the carriageway and footpaths to either side) and from the public footpaths on the rising land to the west (opposite side of the road). The site can also be seen in private views from the adjacent field and Nesfield Villas to the north, in glimpses from the track to the south and, of course, from within the site itself.
- 9.22 The site also has a degree of visual containment being screened by its woodland in views from the east and, to an extent, in views from the south. Other trees and its boundary frontage wall also provide some degree of screening.
- 9.23 From Hackney Lane the presenting view is that of the original bungalow which fronts Hackney Lane in close proximity to it. There is an impression of building(s) and/or an extension to the rear although, essentially, the site appears to be that of a modest bungalow set within extensive open grounds. The impact of the existing development is further limited by its design, its main roof axis being parallel to the road, which reduces any impact, and its clustered arrangement.
- 9.24 The proposed development, from a number of points, would provide for views into the depth of the site including at the point where the private drive meets Hackney Lane as the site frontage would be opened up. An arrangement of bungalows would be seen, each with its own garden area, walls/fences, drive, garage, parking and other domestic items associated with domestic living arranged around a surfaced shared driveway. The dwellings would be seen against the backdrop of woodland but would give the impression of a site largely developed as a small residential estate. In this regard the development would affect openness negatively when compared to the existing situation of a single bungalow with a consolidated footprint in extensive grounds.
- 9.25 In views from the public footpaths on rising ground to the west (this land being within the SLA) the original bungalow to the site frontage is predominant with the roof of the extended part to the rear also being visible together with the surrounding extensive grounds. However, currently the bungalow due to its specific design, most notably the orientation of the roof slopes, and its height appears recessive in the immediate locality.
- 9.26 As shown in the submitted visual montages, the proposed development would appear, as it is, as a collection of smaller dwellings with some gaps between but giving the impression of, essentially, a developed site with the extensive grounds of the existing consolidated bungalow being lost. In addition, the height of the new structures would exceed that of the existing buildings, as they have a proposed ridge height of 5,5 metres as opposed to the current heights estimated as between 4 and 4.5 metres. Again the effect upon openness would be negative.

- 9.27 In private views from the land to the north, and as glimpsed through the trees in views from the south, the proposed bungalows would be seen in closer proximity to the northern and southern boundaries than the existing bungalow, each with its own separate back garden, fencing, garden buildings and other domestic paraphernalia (e.g. play equipment, washing etc.) all of which would have a negative effect upon openness in these views.
- 9.28 There are also views from within the site itself that need to be taken into account. From here the development would be seen and experienced by occupiers and visitors and they would not experience any Green Belt openness perceiving an intensive form of development of bungalows, each with its own separate curtilage, across much of the site. The visual effects upon openness would be negative when compared to the existing situation of looking out from the existing consolidated built form of the bungalow across extensive areas of open land and woodland towards the site boundaries.
- 9.29 The applicant has set out in his submission why he considers the visual impact of the proposed development would not be greater than the existing situation. He states that its impact is reduced by being moved built form away from the main highway, by forming smaller more open and separated individual elements spaciouly located across the site, using levels and existing trees whilst also retaining an inviting entrance and a cluster of dwellings around a central area. In particular, the applicant states that the height of the buildings are commensurate with the existing structures on the site using lower floor levels, the natural slope of the site, introducing earth banks, stone walls and planting to soften the impact of the development. He also states that the design of the dwellings will reduce their impact and a green buffer retained around the perimeter of the site. Montages are submitted seeking to support this contention.

In his rebuttal to the Council's landscape advice the applicant identifies that the ridge heights of the proposed dwellings will be no higher than the height of the existing dwelling. However, this justification is based on the new locations of the dwellings and how they will sit in the site whereas in reality the height of the ridges will be up to 1.74 metres higher than the existing dwelling.

The case for the applicant is noted by Officers. However, none of these issues, either alone or cumulatively, alters the Officer view on the proposal's impact on openness. In particular, the montages are depicted in summer during full leaf and so it is considered underplay any potential visual impact that there would be from the development.

The spatial impact of the development is clear, introducing new development where currently there is none, whilst the proposal will open up the site, introduce more and higher structures across it, increase the amount of onsite activity and seek to artificially soften the scheme.

- 9.30 When taking into account all these factors, from both a visual and spatial perspective it is considered, that the effects upon the openness of the Green Belt from the development would be negative.

### ***Conclusions on whether inappropriate***

- 9.31 Officers conclude that part of the proposed development would be on land that is not PDL. Even that element of the scheme that would be set upon PDL, by reason of its scale and massing, would impact negatively on the openness of the Green Belt.

In addition, and notwithstanding this, even if it were concluded that all the site was properly PDL, the overall impact of the scheme on the openness of the Green Belt, both spatially and visually, would have a greater impact on the openness of the Green Belt. Therefore, the development does not fall within the exception at para 145g) and amounts to inappropriate development in the Green Belt.

### ***Green Belt harm***

- 9.32 As inappropriate development, the application proposal would be harmful to the Green Belt by definition. Additionally it would have a negative effect upon openness (as reasoned above) and would conflict with the Green Belt's purpose of safeguarding the countryside from encroachment. The NPPF para 144 indicates that "any" harm to the Green Belt must carry substantial weight.

### ***Other (non-Green Belt) harm - effect upon the character and appearance of the surrounding countryside***

- 9.33 The site is considered to lie within a landscape of high value, a gently undulating landscape characterised by mature trees, sloping fields and woodland, field boundaries defined by dry stone walls and hedgerows with a scattering of farmsteads and other dwellings.
- 9.34 In views (as identified in the consideration of openness above), including those from within the SLA, the development would appear as a small residential estate of some formality with dwellings (each having its own domestic curtilage) arranged around a private drive with its associated parking, lighting, garden landscaping and other items associated with day to day living. The development would be of suburban rather than rural character and appearance and would not reflect the more scattered, sporadic and organic nature of the existing built development (such as it is) in the vicinity and the otherwise rural, agricultural and wooded character and appearance of the landscape. Its impact would not be assisted by the loss of a number of trees.
- 9.35 Overall, and as concluded in the work undertaken on behalf of the Council the overall impact upon the local landscape character would be moderate/major adverse. In these respects there would be significant harm to the character and appearance of the landscape and SLA. This adds to the Green Belt harm.
- 9.36 The applicant does not agree with this conclusion and states that the existing bungalow is currently visible, views of the site are filtered by existing trees, an assessment of the frequency of use of the nearby footpath network has not been undertaken or been taken into account, the positive aspects of the scheme have not been given sufficient weight, overall ridge heights should be used (see above), views into the site from the highway network would be

limited due to the speed with which traffic would pass it, the boundary screen will be more effective, greater weight should be placed on the mitigation strategy and the new dwellings will fully integrate into the landscape context.

None of these points, whilst noted, alter the Officer view. In particular, the fact that the applicant is seeking weight to be placed on a mitigation strategy and boundary screening to justify the proposal suggests that the development will adversely impact on openness, and, adversely, the character of the area. There is also no need to assess how frequently the footpath network is used. That the development will impact on how that network is experienced is a material matter and Officers can testify that on site visits it is clear that the footpath network is in operational use.

### ***Whether very special circumstances***

- 9.37 Because there is Green Belt harm, carrying substantial weight, together with other landscape harm, permission must be refused unless that harm is clearly outweighed by other considerations in favour of the proposal and which amount to very special circumstances.
- 9.38 The proposal would, as a windfall site, make a marginal contribution towards housing supply (4 additional dwellings). However, in circumstances where the Council can demonstrate a more than adequate 8.6 years housing land supply, this consideration carries extremely limited weight.
- 9.39 It is argued that the development would contribute towards growth, would be easily accessible to the village and would bring benefits in terms of supporting facilities in the village. These benefits, arising from only four additional dwellings, would be marginal at best and carry very little weight.
- 9.40 The applicant has suggested that significant development could take place on the site based on permitted development rights and that this could provide a legitimate fall-back position. However, little detail has been given of this and no Lawful Development Certificate has been sought.

In respect of the suggested porch and side extensions, it is unclear how these would relate to the existing floor space, what the extensions would be used for and whether all the permitted development criteria would be complied with.

One of the extensions would block the existing access which raises the question of whether there is any realistic prospect of it being built. In respect of the garden buildings, those annotated “garden dining room/kitchen”, “home office” and “bar” would provide primary living accommodation and would not, in any case, be regarded as “incidental” buildings in any case.

To be Class E development the buildings must be “required” for incidental purposes but there is no evidence of why buildings of this number and size are reasonably “required”. Additionally it is uncertain whether some of the buildings would fall within the curtilage of the dwellinghouse (curtilage being the small area about the dwelling). These developments, if they are permitted developments at all, are at best only a theoretical possibility. In all these circumstances it is considered very little weight can be given to this purported fall-back position.

- 9.41 Reference has been made to an appeal decision (Tanyard Farm, Lymm) in which development was found to be not inappropriate based upon the visual aspects of openness. That decision, which is untested by the Courts, was made in very different circumstances to those of this application. The site concerned was of degraded and unsightly appearance, containing a range of commercial uses and buildings (of greater footprint than proposed) and adjoining the settlement development boundary. The Council had already made an assessment that the site was weak in terms of its Green Belt purpose. Additionally, (as the proposal involved affordable housing) it was assessed under a different exemption against a test of “substantial harm” to openness i.e. a higher threshold of harm than would apply to this current application. The decision on this application must be made taking into account its own facts and circumstances.
- 9.42 A number of issues, such as those relating to land contamination, land stability, highway considerations, ecology, surface water disposal and private treatment facilities for example, could be addressed by planning conditions. However, these are neutral factors in the decision and do not overcome the fundamental objections to the proposal.
- 9.43 The applicant appears to place weight on the bungalows meeting a local demand. However, tellingly it is not stated that the dwellings are otherwise affordable or how any mechanism would be used to deliver these realistically for a local market. Realistically, the units would be for the open market and as such, Officers consider very little weight can be afforded to this issue. Ultimately, local demand for this type of property is not a planning matter. Whilst reflecting the local vernacular in terms of materials and some of the architectural detailing the development cannot be justified as being of “exceptional quality” (under para 79 NPPF) not least because of its discord with landscape character and appearance.
- 9.44 There are no considerations that either singularly or collectively clearly outweigh the harm and Officers conclude that very special circumstances are not demonstrated.

## **PLANNING BALANCE AND CONCLUSION**

- 9.45 On the main issues it is concluded that the development is inappropriate development in the Green Belt because it extends beyond the PDL and does not preserve openness in any case. The development is, thus, harmful by definition, has negative effect upon openness and conflicts with the Green Belt’s purpose of safeguarding the countryside from encroachment. Substantial weight should be given to any Green Belt harm. Other harm arises in terms of visual effects upon landscape character and appearance and the visual amenity of the adjoining SLA.
- 9.46 Whilst contributing to housing supply, that contribution is extremely marginal in circumstances where the Council can demonstrate 8.6 years housing land supply. This consideration carries very little weight and the delivery of housing within the Green Belt should in any case generally not be considered an overriding factor.

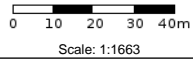
9.47 Officers also consider that other considerations including those concerning support to local facilities, growth and permitted development possibilities carry very little weight and there are no considerations that clearly outweigh the harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal. Very special circumstances do not exist. The proposal fails to generally accord with the policies of the Development Plan.

9.48 It is therefore concluded that permission should be refused.

## **10.0 RECOMMENDATION**

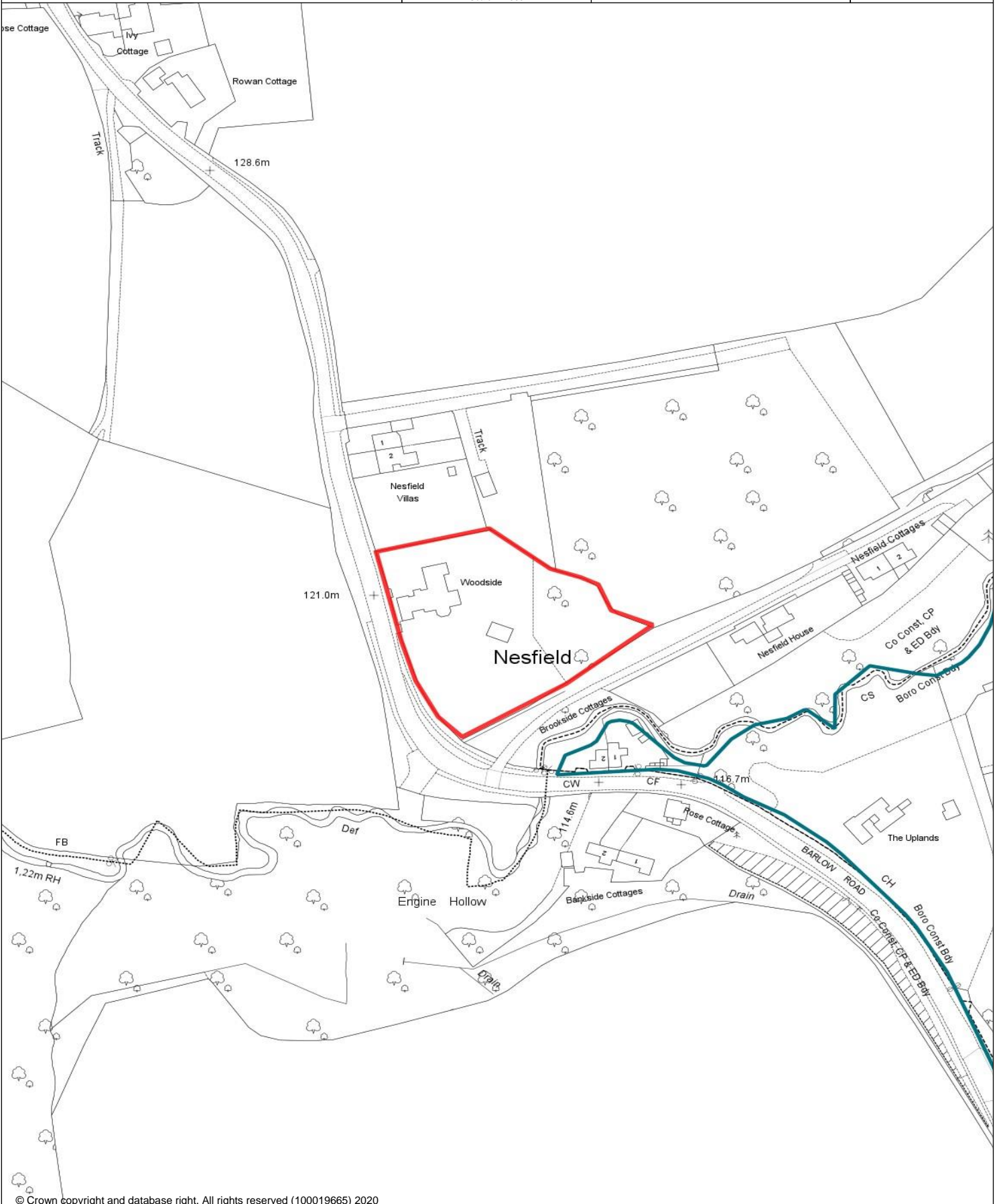
10.1 It is recommended that permission be **REFUSED** for the following reason:

1. The development is considered unacceptable as it comprises inappropriate development in the Green Belt. The development would have a negative effect upon the openness of the Green Belt by reason of both spatial and visual harm and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. It would also cause a significant degree of visual harm to the rural character and appearance of the countryside and adjacent Special Landscape Area due to the uncharacteristic pattern of development proposed and the loss of roadside trees. There are no considerations that clearly outweigh the harm and very special circumstances have not been demonstrated. The proposal fails to accord with policies GS2, GS6, H3, NE1 and NE2 of the North East Derbyshire Local Plan and national policy for the protection of Green Belts, for protecting and enhancing the natural environment and recognising and responding to the intrinsic character and beauty of the countryside as set out in the National Planning Policy Framework.



Author: K. Spelman

Date: 28/01/2020



## North East Derbyshire District Council

### Planning Committee

11 February 2020

#### **Planning Appeals Lodged and Determined**

#### **Report No PM/20/19-20/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 appeals have been lodged:-

**Mr And Mrs Linell - Application to convert triple garage together with single storey side extension to form dwelling at Highbrook, Far Lane, Barlow (19/00540/FL)**

Planning Officer – Susan Wraith – [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

**Mr & Mrs Temperton - Proposed two storey detached dwelling with detached garage/ancillary accommodation (revised scheme of previously withdrawn 18/01277/FL) (Amended Title/Amended Plans) at Carbery Wood, Kelstedge Lane, Brockhurst, (19/00453/FL)**

Planning Officer – Graeme Cooper – [Graeme.Cooper@ne-derbyshire.gov.uk](mailto:Graeme.Cooper@ne-derbyshire.gov.uk)

**Mr A Cox - Green 4 Developments Ltd - Outline application (all matters other than access reserved for further approval) for the erection of 24 dwellings, new access and provision of open space (Revised scheme of NED/17/01243/OL)(Major Development)(Departure from Development Plan)(Affecting the setting of a Listed Building/Conservation Area) (Amended Plan) (Amended Title) at Land North Of 92 Chesterfield Road, Shirland (19/00056/OL)**

Planning Officer – Philip Slater – [Philip.Slater@ne-derbyshire.gov.uk](mailto:Philip.Slater@ne-derbyshire.gov.uk)



**C/O Neil Twigg- Application to vary conditions 5 (Method statement) and 7 (Implementation Plan and Timetable) pursuant of 14/00901/FL (Amended title/Amended plans) at Land To The Rear Of 14 To 22 Green Lane And 4 To 16 Park Avenue, Dronfield (19/00809/FL)**

Planning Officer – Philip Slater – [Philip.Slater@ne-derbyshire.gov.uk](mailto:Philip.Slater@ne-derbyshire.gov.uk)

## 1.2 **Appeals Allowed**

**Keepmoat Homes Ltd – Outline planning permission for the development of up to 84 residential dwellings (Use Class C3) with access for determination and all other matters reserved for future determination (Major Development/Departure from Development Plan) (Amended Title/Plans) at Land North Of Pilsley Road And West Of Coney Green Road, Clay Cross (16/01260/OL)**

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – (Philip Slater) Susan Wraith – [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

**A CLAIM FOR COSTS WAS DISMISSED**

## 1.3 **Appeals Dismissed**

The following appeal has been dismissed:-

**Ms M Brown – Application for replacement of 6no Windows (Conservation Area) at Ashover Post Office, Moor Road, Ashover (19/00403/FL)**

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – (AP) Susan Wraith – [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@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

<b>Is the decision a Key Decision?</b> 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: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: 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>	Yes/No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	Yes/No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

Appendix No	Title
<p><b>Background Papers</b> (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
Katie Spelman	217172