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**North East
Derbyshire**
District Council

Our Ref:

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Date: Monday, 2 March 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 10 March 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, reading "Sarah Skerby".

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 01246 217391

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 5 - 16)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 11 February 2020.

Planning Manager - Development Reports

4 Development Management Applications (Pages 17 - 20)

Report No PM/21/19-20/AK – Development Management Applications

- (a) Watercress Farm, Watercress Lane, Danesmoor (19/01107/FL)
(Pages 21 - 37)
- (b) The Old Station, Station Road, Killamarsh (19/00713/FL)
(Pages 38 - 57)
- (c) Cartledge Hall Farm, Cartledge Lane, Holmesfield (19/00786/FL)
(Pages 58 - 77)
- (d) Grange Barn, Milken Lane, Ashover (19/01179/FL)
(Pages 78 - 85)

5 Planning Appeals - Lodged and Determined (Pages 86 - 90)

Report No PM/22/19-20/AK – Planning Appeals – Lodged and Determined

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 11 FEBRUARY 2020

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 11 FEBRUARY 2020

Present:

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

Substitutes Present:

Councillor M Foster - acted as substitute for Councillor A Powell

Also Present:

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

503 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors P Elliott and A Powell.

The meeting was advised that Councillor M Foster would act as substitute for Councillor A Powell.

504 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.

No interests were declared at the meeting.

505 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 7 January 2020 be approved as a correct record and signed by the Chair.

506 Development Management Applications

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

NED/19/01147/FL

The report to Committee explained that an application had been submitted 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. The application had been referred to the Committee by Councillor P Parkin, who had raised concerns about it.

Two objectors 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 favour of the application.

No supporters spoke in favour of the application.

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

Committee considered the application. It recognised that the main planning consideration to be taken into account would be the impact of any changes on highways safety. Committee noted that it had considered and rejected the application to vary these conditions in November 2019. This decision, it was explained, had been appealed to the Planning Inspectorate.

Members discussed the report. In this context, they explored the potential impact of a change in conditions on local people. The timescales for the proposed delivery work and the possible implications for road safety were also discussed. As part of their discussion, Members heard about other works which had taken place, which had required the closure of the adjacent path as well as traffic congestion allegedly linked to local businesses.

RESOLVED – That application number NED/19/01147/FL be refused, contrary to Officer Recommendations, for the following reasons:-

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

NED/19/00673/FL

Councillor C Huckerby attended the Committee for this item

The report to Committee explained that an application had been received 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.

Neither the agent nor the applicant attended the meeting.

No supporters spoke in favour of the application.

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

Committee considered the application. As part of this, it assessed 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, as well as the impact upon the amenity of neighbouring residents and land uses. It also took into account the ecological impact, land contamination, drainage and highway safety.

Members discussed the application. They noted that Committee had deferred consideration on the application at its last meeting, in order to obtain the additional information required by Members to make a determination on it. In this context, Members discussed how domestic waste from the development would be collected and whether any traffic problems associated with the development could be mitigated through appropriate conditions, such as better signage and traffic calming measures

RESOLVED – That application number NED/19/00673FL be approved in line with officer recommendations, subject to additional conditions in respect of traffic signage and calming and an upgrade to condition 9 to require ‘wheel washing’ of construction and other vehicles accessing the site, with the final wording of conditions delegated to the Planning Manager - Development Management.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - o 100 Rev B (Existing Site Layout, Block Plan & Location Plan)
 - o 101 Rev F (Proposed Site Layout & Location Plan)
 - o 102 Rev B (Proposed Layouts & Elevations - Plots 1 & 2)
 - o 103 Rev A (Proposed Layouts & Elevations - Plot 3)
 - o 104 Rev B (Proposed Layouts & Elevations - Plots 4, 5 & 7)
 - o 105 Rev A (Proposed Layouts & Elevations - Plot 6)
 - o HAS/16-006/51 (Width Measurements for Existing Site Access Track)
 - o HAS/16-006/52 (Width Measurements for Existing Site Access Track)
 - o HAS/16-006/54 (RCV Access Swept Path Assessment)
 - o HAS/16-006/55 (RCV Driveway Swept Path Assessment)

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

- 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.
- 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.
- 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.

- 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) details of warning signs;
 - g) details of wheel washing facilities and
 - h) details of how delivery vehicles will be managed into and out of the site along the access track, including timetable to avoid school drop off and collection times, details of the use of banksman, etc.

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

- 10 Before the commencement of any part of the development (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 dwelling shall be occupied 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.
- 19 Prior to the occupation of the first dwelling on the site, a scheme of pedestrian safety signage and traffic calming measures that are to be installed/erected along the access road into the site from the highway shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full prior to the first occupation of any of the dwellings on the site and be retained as approved for the lifetime of the development.
- 20 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):
 - o Details of tree/hedgerow planting, including species composition and densities (native species shall be used where possible),
 - o Location and extent of features such as boundary hedgerows, with appropriate protection measures,
 - o Details of any other habitat creation, including planting schedules where relevant,
 - o Location, number and type of bird and bat boxes/bricks; and
 - o 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 7th dwelling. The approved scheme shall be retained as approved thereafter.
- 21 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.

22 Before the commencement of the development hereby approved:

Where the site investigation (as required by Condition 21 above) 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.

23 No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by condition 22 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 21(b) to 22 above and satisfy condition (a) above.
- c) Upon completion of the remediation works required by condition 21 and 22(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.

Councillor Huckerby left the meeting at this point.

NED/19/00988/FL

The report to Committee explained that application had been received 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. The application had been referred to the Committee by Councillors M Foster and R Hall, who had both 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.

The applicants did not speak in favour of the application, but did answer questions from Committee members.

No supporters spoke in favour of the application.

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

Committee considered the application. In particular, it had regard to the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding area and the amenity of neighbouring uses, as well as highway safety issues.

Members discussed the application. They heard concerns about the impact of the proposals on local residents and of similar developments which had taken place in the local area. They also discussed parking at the proposed development, heard about its dimensions and the density of existing and future developments on the estate.

RESOLVED – That application number NED/19/00988/FL be refused in line with officer recommendations.

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 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.

NED/19/01082/FL

The report to Committee explained that an application had been submitted for the redevelopment of large bungalow and outbuildings for five small bungalows and related infrastructure at Woodside, Hackney Lane, Barlow for Mr Derek Mapp. The application had been referred to the Committee by Councillor C Huckerby, who had raised concerns about it.

The Agent for the applicant exercised their right to attend the meeting and spoke in support of the application. The applicant did not attend.

No objectors spoke against the application. No supporters spoke for the application.

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

Committee considered the application, having regard to whether the proposal was appropriate or inappropriate development in the Green Belt. Committee also considered the possible grounds for allowing the development, even if it was judged to be inappropriate.

Members discussed the application. They noted that the site was located in the countryside, adjoining a Special Landscape Area (SLA). As such, the impact of the development on the countryside and the SLA would have to be assessed and evaluated properly. They discussed the proposed building materials, its impact on the neighbouring area and the potential impact on the wider Greenbelt if the application was approved.

RESOLVED – That application number NED/19/01082/FL be refused in line with officer recommendations.

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.

507 Planning Appeals Lodged and Determined

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

The following appeals had 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)

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)

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)

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)

The following appeal had been 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)

A claim for costs was dismissed

The following appeal had been dismissed:-

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

No appeals had been withdrawn.

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

508 Urgent Business

There was no urgent business for the Committee to consider.

PLAN MINS(0211)/MD

North East Derbyshire District Council

Planning Committee

10 March 2020

Development Management Applications

Report No PM/21/19-20/AK of the Planning Manager – Development Management

This report is public

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

FOR THE INFORMATION OF MEMBERS

Legal and Financial Implications

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

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

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

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

Human Rights Act 1998

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

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

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

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

Environmental Considerations

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

Community Safety Implications

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

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

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

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

Background Papers

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

With reference to applications made for works to Protected Trees

Financial Implications

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

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

Liability for compensation may be avoided by the Local Planning Authority in relation to trees which are subject to a Tree Preservation Order made prior to 2nd August 1999, and incorporating the appropriate wording, where in refusing consent or imposing conditions on

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

Legal Aspects

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

Environmental Considerations

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

Trees (Community Safety Implications)

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

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

DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

PARISH	APPLICATION NUMBER	TITLE	PAGE NUMBER
CLAY CROSS	NED/19/01107/FL	Proposed residential development comprising 21 dwellings (revised scheme or previously approved 18/00273/FL) (Major Development) (Amended Title) at Watercress Farm, Watercress Lane, Clay Cross for Woodsett Homes Limited.	21 - 37
KILLAMARSH	NED/19/00713/FL	Application for erection of 8 semi-detached and 5 detached bungalows, associated highway works, access, car parking, landscaping and outdoor amenity space. (Major Development) (Additional Information) at The Old Station, Station Road, Killamarsh, Sheffield for Mr T Rusling – Akroyd & Abbott.	38 - 57
HOLMESFIELD	NED/19/00786/FL	Demolition of a range of existing buildings (formerly used in association with the livery business and riding school); conversion of existing buildings (formerly used in association with the livery business and riding school) to form a single dwelling; restoration and retention of ancillary buildings; and erection of four new dwellings with associated landscaping, parking and access (conservation area/affecting a public right of way) at Cartledge Hall Farm, Cartledge Lane, Holmesfield, Dronfield for Mr Matthew Jacques c/o Crowley Associates Ltd.	58 - 77
ASHOVER	NED/19/01179/FL	Regularisation of Engineering Works consisting of the re-levelling of an agricultural field (Retrospective Application) at Field to the North of Grange Barn, Milken Lane, Far Hill, Ashover for Mr Hollingworth c/o the Agent.	78 - 85

APPLICATION NO. 19/01107/FL

APPLICATION Proposed residential development comprising 21 dwelling (revised scheme of previously approved 18/00273/FL) (Major Development) (Amended Title)

LOCATION Watercress Farm, Watercress Lane, Clay Cross

APPLICANT Woodsett Homes Limited

CASE OFFICER Graeme Cooper

DATE RECEIVED 8 November 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Wright

REASON: An application has been submitted with the intent to build an amount of properties requiring contributions for affordable housing and education in order to get permission. Concern that reducing the number of units by 2 avoids the need for affordable housing in the area. No funding will be provided for education, but new residents will put pressure on these services. Accumulation of houses being built in area is also causing pressure to stretched services. This development was already contentious with local residents and the developer has removed a tree without the permission of a land owner and there appears to be a total disregard for wildlife before the original application was granted.

The Site Inspection Group is to visit the site to assess the impact of the proposals on the site, its surroundings and highway safety issues.

1.0 SITE DESCRIPTION

- 1.1 The application site used to contain a farm house and associated outbuildings of Watercress Farm. The buildings were in a poor state or repair and largely uninhabitable. The site covers an area of approx. 0.56 hectares and is predominately flat in nature.
- 1.2 Access into the original site was from Watercress Lane, a narrow street with a small number of residential properties along it, the latter part of which appears to be an un-adopted, private road.
- 1.3 Surrounding land uses are a mixture of public open space to the north, 14 Beresford Close and an allotment to the west and residential properties to the south and east. The area is characterised by residential properties, typically two-storey and semi-detached in nature accessed off Springvale Close, or cul-de-sacs off this main circular road.
- 1.4 Work commenced on site back in December 2018, with development continuing on site in line with the previously approved plans.
- 1.5 The site sits in the Settlement Development Limit (SDL) of Clay Cross.

2.0 PROPOSAL

- 2.1 Permission is sought for the erection of 21 dwellings, with access taken from Springvale Close to the east. These being a mix of 6x4 bed, 14x3 bed and 1x2 bed properties.
- 2.2 The previously approved scheme was for 23 dwellings, including 4 on site affordable units. A S106 was agreed between the developer and Council to provide for education (£56,995.05), recreation (£18,800) and recreation maintenance (£5,520) contributions.
- 2.3 This proposal seeks to remove all affordable units from the scheme and will provide no financial contributions. A Financial Viability Appraisal has been submitted, prepared by S106 Management dated 20 November 2019. This has been independently assessed on behalf of the Council.

3.0 AMENDMENTS

- 3.1 None.

4.0 PLANNING HISTORY

- 4.1 18/00273/FL - Proposed residential development comprising 21 dwelling (revised scheme of previously approved 18/00273/FL) (Major Development) (Amended Title) (**Conditionally Approved – S106 Complete**)
- 4.2 19/00088/DISCON - Discharge of Conditions 3, 4, 10, 11, 12, 14, 15, 16, 17, 18, 21 and 26 of previously approved 18/00273/FL for 23 dwellings (**Further discharge required – only matters relating to conditions 4 (Phase 1 Study), 5 (Remediation scheme), 10 (Employment), 12 (Landscaping), 14 (Surface water), 15 (Foul water), 17 (highway surface water) and 21 (new junction) have been discharged**)

5.0 DEVELOPMENT PLAN POLICIES

- 5.1 The most relevant policies of the Local Plan are:-
- GS1 Sustainable Development
 - GS5 Settlement Development Limit
 - GS9 Planning Obligations
 - GS10 Crime Prevention
 - H2 Housing Development on other sides within the Settlement Development Limits
 - 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
 - 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, and is currently paused. The document sets out the Council's strategy for sustainable development and should be afforded limited weight in decision making.
- 5.3 The most relevant policies contained in the Local Plan (Publication Draft) include:
- SS1 Sustainable Development
 - SS2 Spatial Strategy and the Distribution of Development
 - SS7 Development on unallocated land within the Settlements with Defined Settlement Limits
 - LC2 Affordable Housing
 - LC4 Type and Mix of Housing
 - SP2 Clay Cross
 - SDC2 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
 - ID1 Infrastructure Delivery and Developer Contributions
 - ID3 Sustainable Travel
 - ID9 Open Space, Sport and Recreation Facilities
- 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 policies of the National Planning Policy Framework (NPPF) 2018, when read as a whole, is also a significant material consideration and aims to ensure that development is broadly sustainable having regard to three overarching objectives; economic, social and environmental factors.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 8 November 2019 and was due to expire on 7 February 2020, however an extension of time was agreed until 13 March to allow the application to be considered by members of planning committee. A site visit was undertaken by the case officer on 29 November. A site notice was placed on a lamp post on Springvale Close which expired on 20 December 2019.
- 6.2 The **Parish Council** was consulted and highlight and express their concerns over the number of properties that are not on adopted roads and share private drives. There needs to be substantial information regarding the impact of this planning decision cascaded to potential house buyers regarding ownership, maintenance and access.

6.3 The **Local Ward member** raised the following comments:

"I wish this application to be decided by committee as once again I feel an application has been submitted with the intent to build an amount of properties requiring contributions for affordable housing and education in order to get permission. Then they want to reduce the amount by 2 to avoid provision of much needed affordable housing in our area. As for education are we saying that the 21 properties they are still intending to build won't require this funding and will not have need for the residents living in them to require school places, therefore putting more strain on service provisions etc. We should also take into account the house building currently granted in the locality when decisions are made on whether or not there is a need to provide financial contributions as this accumulation will cause more problems to our already stretched services. This development was contentious at the beginning with local residents plus the developer ripping out the tree adjacent without permission of the landowner and total disregard for wildlife before any application was granted."

6.4 The **County Highways Authority** (HA) raised no objection to the proposed change in the house types to plots 11, 12, 13 and 14 with the proposed change not set to alter the exiting approved highway layout. Accordingly, subject to similar conditions to those associated with the previously approved application (Ref: 18/00273/FL) there are no highway objections.

6.5 With regard to the application 19/00088/DISCON the HA provided comments concerning highway related conditions 17, 18 and 21 in its letter dated 29 April 2019. This latest information sets to address comments made with regard to condition 18. It would appear that No 68 Springvale Close is to be used as the sales office, with the existing residential vehicular access off Springvale Close being utilized for sales office parking. This should be acceptable in principle subject to the property not also being used as a private residential property.

6.6 The **Council's Environmental Health Officer** (EHO) notes that the application is supported by reports from Eastwood and Partners. Based on the information submitted the EHO recommends a number of conditions be included in any decision.

6.7 The **Coal Authority (CA)** was consulted on the proposed development and note that the application is supported by a Phase 1 and 2 Geotechnical and Geo-Environmental Site Investigation, dated 27 April 2018, prepared by Eastwood and Partners. The report states that coal or evidence of historical mining activity was not encountered within any of the exploratory hole positions. Based on these findings the report authors state that the risk to surface stability of the proposed development from historical mining activities is considered to be negligible. On the basis of the submitted information, the Coal Authority has no objection to the proposal.

6.8 The **Council's Refuse Team** was consulted and note that sufficient space should be provided at each dwelling for the storage of 3x refuse bins. The Council operate a kerbside collection service once a week. Access is required for a 32t vehicle with 22.8m turning circle and allowances should be made in the construction of the highway for this vehicle. Adequate off street parking should be provided to allow full access for refuse vehicles. The refuse lorry will not cross block paved, gravel or other un-adopted surfaces. A refuse

collection strategy should be put forward by the developer and where necessary an indemnity may be agreed between the developer and Council to allow access to un-adopted sections.

- 6.9 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted ecology report prepared by ECUS, dated June 2018 together with the submitted documents. The ecology report provides a clear description of the habitats and their likely importance to protected or notable species and there are no outstanding recommendations for additional ecological surveys. The existing habitats comprise mainly species poor grassland that is of relatively low ecological value, with scattered trees and scrub that provide habitat structure and foraging habitat for a range of wildlife. The layout offers very little scope for habitat creation and based on the current information the proposal would struggle to achieve a net gain for biodiversity. DWT recommend that the layout is reconsidered and opportunities sought to incorporate a greater extent of high quality habitats to offset the losses, for example native species hedgerows, additional tree planting, greenspace to accommodate wildflower habitats, etc. The provision of bird and bat boxes is welcomed and these can be secured by way of condition.
- 6.10 **Yorkshire Water** raised no objection to the proposed separate systems of drainage on and off site, the proposed amount of domestic foul water to be discharged into the combined public sewer, the proposed amount of curtilage surface water to be discharged into the public sewer as a restricted rate of 3.5l/sec and the proposed points of discharge of foul and surface water to the respective sewers.
- 6.11 **Environment Agency** raised no comments due to the application be located in a Flood Zone 1.
- 6.12 **NHS** raised no comments.
- 6.13 The **Council's Drainage Engineer** raised no comments.
- 6.14 The **Lead Local Flood Authority (LLFA)** raised no objection in principle to the proposed development. Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 15 November 2019. The surface water drainage network has already been constructed under previously approved planning application (18/00273/FL). The surface water drainage conditions appended to the decision notice for application (18/00273/FL) were not recommend by the LLFA. It would be inappropriate for the LLFA to recommend conditions given the surface water network has already been constructed.
- 6.15 The **Councils Housing Strategy Officer** was aware that this site was not successful in attracting a Registered Social Landlord (RSL). An off-site commuted sum would be accepted in lieu of on-site provision. Based on the formula contained in the Councils Affordable Housing SPD the expected commuted sum would be £191,952. The same officer was made aware of the submitted viability assessments and that the scheme is not viable. This was noted by the Housing Strategy Officer.

6.16 The **Councils Streetscene (Parks) Officer** was notified that the proposal would not provide any financial contributions towards the enhancement of local play space.

6.17 **DCC Infrastructure** stated that based on analysis of the proposal there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The following requests are made:

- £67,248.96 for Sharley Park Community Primary School towards additional education facilities.
- £103,472.70 towards additional education facilities at Tupton Hall School.

Following the receipt of an independent viability appraisal the County Council were re-consulted and made aware that the site was not viable. They note that the submitted Viability Report and Assessment makes a thorough review of the figures provided. Despite this, the conclusion remains that development cannot support any planning obligations and it is disappointing that the development is already underway before this has been highlighted by the developer through the revised application. As such Derbyshire County Council recognises the results of the viability report and that contributions will not be able to be provided to mitigate the impact of the development on the normal area primary and secondary schools.

6.18 **1 objection** have been received from a local resident raising the following objections:

- Concern at proximity of the proposed development to his property [*Officer Note: all proposed dwellings accord with the separation distances contained in the Councils Successful Places Interim Planning Guidance.*]
- Proposed development will reduce light entering neighbours garden [*Officer Note: officers do not consider that there would be any loss of amenity resulting from the proposed development.*]
- Concern of overlooking [*Officer Note: all proposed dwellings accord with the separation distances contained in the Councils Successful Places Interim Planning Guidance.*]
- Increase in noise disturbance [*Officer Note: construction noise is not material to the determination of this application – matters relating to amenity resulting from the proposed development have been considered in the application process.*]

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 principle of development on the site was established through the granting of planning permission 18/00273/FL. This permission remains extant. Therefore the principle of development is considered to be acceptable.

Infrastructure Considerations

- 8.2 The previously approved scheme for 23 dwellings included 4 on site affordable dwellings along with financial contributions towards education (£56,995.05) and recreation (£24,320).
- 8.3 A financial viability assessment has been submitted with this application concluding that the scheme is unviable and is unable to provide any on site affordable housing or financial contributions.
- 8.4 The Council sought the opinion of an independent viability expert, who reviewed the submitted viability assessment and confirmed that the details were accurate and followed up to date guidance. He concludes that the scheme is technically unviable even before any planning policy requirements are applied and recommends that the financial contributions be removed from the scheme to provide the best chance of the scheme being fully delivered.
- 8.5 Derbyshire County Council (DCC) Infrastructure have been consulted on the proposals to remove the education contribution, and have commented that the submitted Viability Report and Assessment makes a thorough review of the figures provided. Despite this, the conclusion remains that development cannot support any planning obligations and it is disappointing that the development is already underway. As such DCC recognises the results of the viability report and that contributions will not be able to be provided to mitigate the impact of the development on the normal area primary and secondary schools.
- 8.6 In view of the independent review of the applicants viability report, and DCC not raising an objection to the removal of the education contribution officers consider that the removal of the s106 contributions is acceptable due to the viability of the site.

Landscape/Street Scene Considerations

- 8.7 The proposed scheme differs from that previously approved with plots 11-14, a run of four terraced properties removed from the scheme and replaced with 2x4 bedroom properties. In place of a private parking area will be a smaller turning area and driveway.
- 8.8 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.

- 8.9 The surrounding streetscape is largely made up of residential properties, typically two storey, semi-detached in nature. The dwellings proposed would be a mixture of two-storey detached, semi-detached along with a short terrace of three properties. The housing mix would comprise 1x2 bed, 14x3 bed and 6x4 bedroom properties. Materials will primarily be red brick with small elements of render as a focal point on key strategic buildings.
- 8.10 Each property is provided with 2 off street parking spaces, with some having integral garages. Parking is provided predominantly to the front and side of each property and two short private drives are proposed within the scheme. Concern is raised by the Parish Council to the number of developments being served by private drives, however this is not material to the determination of this application.
- 8.11 Levels plans have been submitted with this application illustrating details across the site. Most of the development had already been constructed when Officers visited the site. The levels in the south west corner were an issue during the construction phase and the levels of plot 11 and 12 are lower than those of plots to the east and north. Levels from within the site fall to properties on Springvale Road. As such, Officers are satisfied with the submitted details and that the proposed dwellings would not have a detrimental impact upon the character of the area.
- 8.12 Boundary treatments have been submitted, which include 1.8m close boarded fencing to all private gardens. A feature brickwork wall is also proposed around the garden of plot 1. However some boundary treatment details are unclear and there are areas where 1.8m high fencing is proposed where it would be unacceptable from a design perspective. Furthermore, stronger frontage boundary treatments should be installed to enhance the scheme when entering from Springfield Close. Officers consider that these elements can be controlled by conditions.
- 8.13 Landscaping details have been previously approved during the course of a discharge of conditions application (19/00088/DISCON). The details approved included tree, shrub and grassed areas across the site. A full schedule of landscaping and implementation programme was submitted to and approved by the LPA. Notwithstanding the previously approved landscaping scheme, Derbyshire Wildlife Trust (DWT) provided comments on this amended scheme. They recommend that the additional native hedgerows are included, additional tree planting is undertaken and greenspace is seeded with wildflower mixes to incorporate greater natural habitats. Alterations to the previously approved landscaping scheme will be required to take into account amendments to the overall layout of the site, this will also allow for the request of DWT to be considered. It is considered that this can be dealt with by way of condition on any approval.
- 8.14 When viewed in the context of the properties that surround the application site it is considered that the layout as proposed, both in density and format, would respect the character of the area and comply with policies BE1 and H12 of the adopted Local Plan, and be generally in accordance with the guidance of Successful Places.

Residential and Neighbouring Land Uses Impact

- 8.15 The application site is bounded by residential properties to the east, south and part of it is western boundary. Plots 6-10, which would have rear gardens adjacent to the back gardens of properties that front Springvale Road, would be two-storey in scale and have rear gardens in depth ranging from just over 9m to 11m.
- 8.16 Plot 11, which will be a two storey property sits approx. 3m from the southern boundary of the site. Properties to the south on Springvale Road have 18m long private gardens. The side elevation of plot 11 includes a first floor bathroom window and ground floor high level window. Officers consider that the upper floor bathroom window should be conditioned to be obscurely glazed and have no opening parts below 1.7m above floor level to avoid any loss of privacy and amenity for neighbouring residents.
- 8.17 Rear garden depths range from 9m up to beyond 12m. The Councils Successful Places Interim Planning Guidance states that to reduce the effect of direct overlooking from new houses, first floor habitable room windows facing a rear boundary should not normally be sited closer than 10.5m to the boundary. However each case should be assessed on its own merits. Properties along the north and western boundaries which just fall short of this requirement overlook open space and not neighbouring properties. Plots 7, 8 and 10 are between 9-10m from the boundary of the site, but upper floor windows would be in excess of 21m from existing upper floor windows on properties on Springvale Road, and as such, in respect of the previous permission, concluded that this relationship was acceptable and that residential amenity would not be significantly compromised from overlooking.
- 8.18 Plots 2 to 5 would be orientated toward 68 Springvale close but at a distance of 13m away with a typical boundary treatment of a 1.8m boarded fence there is not considered to be any overriding concern with regard to overlooking.
- 8.19 Plot 11 and 12 would be orientated towards 14 Beresford Close but, given the garden depths proposed and oblique nature of angle between the properties, it is not considered that the amenity of the occupiers would be compromised.
- 8.20 Plot 6 would predominantly be to the rear of 2 Penistone Gardens and no windows are proposed in the pertinent first floor side elevation of this property and a distance of 12m would be retained between the two dwellings.
- 8.21 Having regard to the above, it is considered that the layout as submitted would be acceptable so as to not have a detrimental impact on the amenity of occupiers surrounding the application site through a dominating or overlooking impact.
- 8.22 The proposed rear gardens of the new development would range from between 8m and 11m in depth. In accordance with the Councils Successful Places Interim Planning Guidance a rear garden area of 50sqm, 70sqm and 90sqm would typically be sought for two, three and 4 bedroom properties respectively. Nearly half of the properties fall below the space standards, however taking into account that most of these properties also have front gardens and are only a short walk from a local park (Plots 5, 18-23 back onto

the recreation area) and open countryside it is considered, on balance, that this would be acceptable.

- 8.23 Therefore, having regard to the layout as proposed and its relationship with neighbouring properties it is considered that the impacts on residential amenity, for both the proposed occupiers and those adjacent to it, would be acceptable.

Highway Safety Considerations

- 8.24 Access to the site would be from Springvale Close and the majority of the highway proposed within the application site would be adopted, with the exception of two short sections of private road. Two parking spaces are proposed for each dwelling and some properties are provided with integral garages.
- 8.25 County Council Highways Authority (HA) raised no objection to the layout for 21 dwellings. The applicant has also submitted an updated site accommodation plan, which seeks to address an outstanding matter on the original approval. The HA note that 68 Springvale Close is to be used as a sales office, with the existing residential vehicular access off Springvale Close being utilized for sales office parking. This should be acceptable in principle subject to the property not also being used as a private residential property at the same time as a sales office.
- 8.26 In terms of refuse collection, it is noted that a refuse vehicle will enter the site and use the turning head provided, but will not enter the private drive areas. The Council operates a kerbside collection service so residents on the private drives will have to present their bins at the kerbside. Whilst this may be acceptable for plots 11 and 12, plots 2-5 and 18-23 may require a dedicated refuse presentation point at the kerbside for use on collection days, as such it is considered that the layout will need amending to accommodate 2 presentation points. This can be dealt with by way of condition.

Drainage Considerations

- 8.27 A full drainage scheme has been submitted which illustrates surface water entering the public sewer to the west and foul water exiting the site to the south between plots 6 and 7 onto Springvale Road. Surface water from the site would be limited to 3.5l/sec.
- 8.28 Yorkshire Water and the Lead Local Flood Authority have raised no objection to the proposed drainage scheme, subject to the surface water rate being limited to 3.5l/sec.

Ecological Considerations

- 8.29 A bat and bird box and hedgehog gap plan has been submitted illustrating 7 bat tubes, 3 swift nest boxes and hedgehog gaps to each garden. A number of hedgehog gaps are also included in the outer boundaries of the site.

- 8.30 Derbyshire Wildlife Trust (DWT) note the provision of bird and bat boxes, along with hedgehog gaps. These features are welcomed, however their comments relating to the landscaping scheme above can be addressed by way of an amended landscaping scheme to ensure that the proposal has a net biodiversity gain.

Land Contamination and Coal Mining Legacy

- 8.31 The Councils Environmental Health Officer (EHO) was consulted during the course of the application. Based on the information submitted the EHO recommends a number of conditions be included on any decision.
- 8.32 The Coal Authority was consulted and noted that no evidence of historical mining activity was not encountered within any of the exploratory hole positions. Based on these findings the report authors state that the risk to surface stability of the proposed development from historical mining activities is considered to be negligible. On the basis of the submitted information, the Coal Authority has no objection to the proposal.

Other Material Considerations

- 8.33 During the course of dealing with application 19/00088/DISCON (linked to the previous approval for 23 dwellings) matters relating to conditions 4 (Phase 1 Study), 5 (Remediation scheme), 10 (Employment), 12 (Landscaping), 14 (Surface water), 15 (Foul water), 17 (highway surface water) and 21 (new junction) were considered and approved, however it should be noted that an amended landscaping scheme will be required to take into account the amended layout and comments of DWT. Furthermore details relating to surface, foul, highways surface water, levels, site accommodation and biodiversity enhancement details have been superseded by the details submitted with this application. The submitted plans include details of what materials each property will be constructed from.
- 8.34 Previously required conditions relating to 8 (validation report), 16 (boundary treatments) and 22 (access closure) need to be included in any decision to ensure that details are submitted to and approved by the LPA.
- 8.35 The Councils Housing Enabling Officer confirmed that the developer had been having difficulties finding a social landlord to take on the 4 previously approved on site affordable houses and instead was willing to accept a commuted sum. A commuted sum of £191,952 was requested in lieu of any on-site provision. However, due to the scheme being unviable no financial contributions would be provided.

Conclusion

- 8.36 The application site falls within the Settlement Development Limit for Clay Cross, one of the four most sustainable settlements within the District. Policies within the Adopted and Publication Draft Local Plan, along with guidance within the NPPF support the principle of residential development, which is considered to be sustainable.
- 8.37 The principle of development has also previously been accepted through the granting of permission for 23 dwellings, under reference 18/00273/FL.

- 8.38 The independent viability professional employed to review the submitted viability assessment recommended that the financial contributions be removed from the scheme to provide the best chance of the scheme being fully delivered. In Officers opinion, to retain such contributions would risk the development ceasing and not being completed. Whilst disappointing, given the sustainable location of the site and provision of 21 dwellings, it is not considered good reason to refuse the proposed development.
- 8.39 The layout as proposed would respect the character of the area, which is built to a relatively high density, made up of two-storey dwellings with a mix of house types. Taking into account the amenity of existing and proposed occupiers it is not considered that either would be unduly compromised through an overlooking or dominating impact. Furthermore, adequate parking provision is provided with no detrimental impact on highway safety.
- 8.40 For the reasons above, it is considered that the proposed development would comply with policies GS1, GS5, GS9, NE1, NE7, BE1, H2, H6, H12, T2 and T9 of the adopted Local Plan; policies SS1, SS2, SS7, LC2, LC4, SDC12 and ID1 of the Local Plan (Publication Draft), along with guidance contained in the NPPF.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Yorkshire Water:</u>	No objections
<u>Refuse Team:</u>	Comments
<u>Derbyshire Wildlife Trust:</u>	Raised comments in relation to ecological matters
<u>DCC Infrastructure:</u>	Comments
<u>Housing Officer:</u>	Comments
<u>Streetscene (Parks):</u>	Comments
<u>LLFA:</u>	No objection in principle
<u>Drainage Engineer:</u>	No comments
<u>NHS:</u>	No comments
<u>Neighbour:</u>	1 objection
<u>Parish Council:</u>	Concern raised
<u>Ward Member:</u>	Request that the application be considered by members of planning committee

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 carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - 17_2129_ LP (Location Plan)
 - 17/2129/(02)001 (House Type A)
 - 17/2129/(02)002 Rev A (House Type B1 & C)
 - 17/2129/(02)003 (House Type D & E)
 - 17/2129/(90)101 Rev C (Existing & Proposed Site Layout – Materials Only)
 - 17/2129/(02)101 Rev F (Existing & Proposed Site Layout)
 - 17/2129/(02)102 Rev B (Proposed Site Layout with Vehicle Tracking)
 - 17/2129/(90)103 Rev B (Contractors Compound/Phasing Plan)
 - FT/12607/F1 (Bat, Bird and Hedgehog Gap Plan)
 - 42371/005 Rev L (Section 104 Layout)
 - 42371/006 Rev F (External Works)
 - 42371/007 Rev D (Plot Drainage)

Landscaping and Boundary Treatments

2. Notwithstanding the submitted details, within 2 months of this decision, 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 native plant species, size and density and planting locations, which takes into account the comments of DWT including new native hedgerow planting, native tree planting, wildflower seeding in green spaces, etc,
 - d) an implementation programme.
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. Notwithstanding the submitted details, within 2 months of this decision, 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.

Employment

5. The scheme to enhance and maximise employment and training opportunities during the construction stage and post construction stage hereby approved under planning reference 19/00088/DISCON shall be implemented in full in accordance with the approved timetable.

Construction

6. 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.

Ecology

7. The ecological features illustrated on drawing FT/12607/F1, prepared by ECUS Environmental Consultants dated January 2019 shall be implemented in full prior to the occupation of each dwelling and retained as approved for the lifetime of the development.

Privacy and Amenity

8. Prior to the first use of Plot 11 hereby approved, the window shown on the approved plans to the bathroom on the dwellings southern elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The window shall then be retained as such thereafter at all times.

Highway Safety

9. Within 2 months of this decision and notwithstanding the submitted details, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the completion of the final dwelling and retained as approved for the lifetime of the development.
10. The site accommodation and phasing plan hereby approved by drawing 17/2129/(90)103 Rev B shall be adhered to and retained throughout the construction period.

11. Throughout the period of construction, wheel washing facilities shall be provided and utilised within the site.
12. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
13. The new junction hereby approved under planning reference 19/00088/DISCON shall be laid out, constructed to base level and provided with 2.4m x 160m visibility splays in both directions, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site. For the avoidance of doubt, the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
14. Within 2 months of this decision, details of how all other means of access into the development site have been permanently closed with a physical barrier shall be submitted to and approved in writing by the Local Planning Authority. These other means of access into the site shall remain permanently closed in perpetuity.
15. The proposed access drive to Springvale Close shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.
16. The new dwellings shall not be occupied until the proposed new estate street between each respective plot and the existing public highway has been laid out in accordance with the approved application drawings to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
17. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents/visitors/service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
18. Within 2 months of this decision, details for the storage of refuse bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage facilities shall then be implemented in full prior to the completion of the development and retained for the designated purposes at all times thereafter.

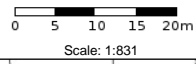
Land Contamination

19. The dwellings hereby approved shall not be occupied until:

The remediation works identified in the Remediation Plan submitted with the application as part of the Eastwood & Partners letter report 'Watercress Farm Danesmoor Planning Reference 19/00088/DISCON (Ref: PR/AJK/SAE/42371-004; dated 18th November 2019' shall be undertaken in accordance with the scheme in that report. The remediation works 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.

20. Upon completion of the remediation works required 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.
21. If during the construction associated with the development hereby approved any suspected areas of contamination are discovered, 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 phased approach for assessing, investigating and managing land contamination contained in good practice guidance.



Author: K. Spelman

Date: 24/02/2020



PARISH

Killamarsh

SITE VISIT

APPLICATION NO. 19/00713/FL

APPLICATION Application for Erection of 8 semi-detached and 5 detached bungalows, associated highway works, access, car parking, landscaping and outdoor amenity space. (Major Development) (Additional Information)

LOCATION The Old Station Station Road Killamarsh Sheffield

APPLICANT Mr T Rusling – Akroyd & Abbott

CASE OFFICER Phil Slater

DATE RECEIVED 12th July 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Clough

REASON: concerns that's this is an overdevelopment; concerns that the potential of 20 plus cars accessing the overused road and junction. Sheffield Road is extremely busy road that backs up in both directions.

The Site Inspection Group is to visit the site to assess the impact of the proposals on the site, its surroundings and highway safety issues.

1.0 SITE DESCRIPTION

1.1 The application site is located within the Killamarsh Settlement Development Limit and is the site of the former Killamarsh station with industrial warehouses to the rear, and existing residential development to the north, and east.

1.2 To the rear (west) of the site runs the Trans-Pennine trail.

1.3 The site is currently vacant and is a previously developed site. The site is allocated for housing (14 dwellings) in the Emerging Local Plan.

2.0 PROPOSAL

2.1 This is an application for the erection of 8 semi-detached and 5 detached bungalows, associated highway works, access, car parking and outdoor amenity space.

2.2 The development would provide on-site parking to allow for 2 parking spaces per dwelling, with rear gardens which abut the trans-pennine trail. Access to the site is via Station Road.

3.0 AMENDMENTS

3.1 The scheme has been revised following comments from the Police and Derbyshire Countryside in respect of the rear site boundary and also to address Officers comments with regards to softening the frontage car parking.

3.2 The rear boundary to the trans-pennine trail is proposed to be a 1.8m high hoop top railing set back 1m from the existing hedgerow which would form the boundary to the trail.

4.0 PLANNING HISTORY

- 4.1 NED/07/00865/FL - Erection of 14 detached two storey dwellings with integral garages (Major Development). Granted subject to s106. This permission is extant.

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

- 5.1 The Development Plan comprises the North East Derbyshire District Local Plan. The policies most relevant to the determination of the application are as follows:

GS1 Sustainable Development
GS9 Planning Obligations
GS10 Crime Prevention
BE1 General Design Principles
H3 New Housing Outside Settlement Development Limits
H12 Design and Layout of New Housing
T2 Highway Access and the Impact on New Development
T4 Travel Plans
T5 Walking and Cycling
T9 Car Parking Provision
R5 Providing for Children's Play Space through New Development
CSU4 Surface and Foul Water Drainage
CSU6 Contaminated Land

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

- 5.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and whilst under examination the Local Plan is currently paused. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded limited weight in decision making.
- 5.3 The following Local Plan: Publication Draft policies are considered relevant to this application and are a material consideration:
- SS1 – Sustainable Development
SS2 – Spatial Strategy and Distribution of Development
LC1 – Housing Allocations
LC4 – Type and Mix of Housing
SDC11 – Flood Risk and Drainage
SDC12 – High Quality Design and Place-Making
ID1 – Infrastructure Delivery and Developer Contributions
ID2 – Provision and Safeguarding of Transport Infrastructure
ID3 – Sustainable Travel
- 5.4 Within this plan Killamarsh is identified as a Level 1 Town within the settlement hierarchy.

- 5.5 Other relevant policy documents include the Successful Places Interim Design Guide.

National Planning Policy Framework

- 5.6 The National Planning Policy Framework (NPPF) is relevant in the determination of the application. The NPPF states that decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay or where policies which are most important for determining the application are out of date granting permission unless policies in the framework that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 12 July 2019 with a determination date of 11 October 2019. An extension of time has been agreed until 13th March 2020. Site notices were posted on Station Road and consultation letters sent to all properties which adjoined the application site.
- 6.2 One **Ward Member** has called-in the application for a committee determination on the grounds that:-
- There are concerns that this is an overdevelopment in terms of the type of properties being considered on such a small piece of land. Although this particular road has a mixed tenure of properties, the types being considered either needs to be adjusted or reduced further.
 - Serious concerns in relation to the potential of an additional 20 plus cars accessing this already over used road (partly un-adopted) and junction, without any changes being considered. Station Road into Sheffield Road is an extremely busy road that backs up in both direction at busy times and this is due to increase when the new local theme park opens at Rotherham Valley, later this year.
 - The site really needs to be seen by the Committee Site Inspection Group.
- 6.3 The **Parish Council** has raised no comments.
- 6.4 The **Highway Authority** (HA) has commented that subject to conditions there are no objections to the proposals from a highway safety point of view. The HA have commented that whilst the hardstanding areas fronting Station Road have been reduced in width sufficient width has been retained, however parking spaces should be a minimum depth of 5.5m.
- 6.5 HA have also commented that the fronting section of Station Road is not adopted and the applicant should consider future maintenance arrangements.
- 6.6 The **Councils Environmental Health Officer (EHO)** has commented that the application is supported by a report prepared by CoDa Structures 'Phase 1 & 2 Engineering and Environmental Assessment Station Road Killamarsh (Ref: 6154 revision A; dated 14 May 2019)' which would appear to be an updated version of a report prepared in 2007. The update appears to be limited to the

consideration of the contaminant concentrations encountered during the 2007 works with more recent generic assessment criteria for assessing potential risks to human health.

- 6.7 It is EHO view there is a requirement for further characterisation of the site to inform a more robust assessment of the potential risks to human health and the environment. Therefore EHO would request pre-commencement conditions are attached to any permission granted.
- 6.8 The agent has submitted a revised phase 1 and 2 Engineering and Environmental Assessment and the EHO has commented that although the revised report provides some additional information in relation to the current circumstance at the site it is EHO view further site characterisation is required to determine whether the proposed remediation will be adequate to address the contaminant linkages identified in the conceptual site model. Therefore, EHO would recommend that conditions are attached to any permission granted.
- 6.9 *Potential sound impacts* - As the proposed development site lies in relatively close proximity to a large industrial area with units which would appear to have extraction systems on the façade facing the proposed development site EHO would have some concerns regarding the potential for an adverse impact on the amenity of any future occupants. Therefore we would recommend a condition is attached to any permission granted.
- 6.10 **DCC Infrastructure** have commented that based on current projections no s106 contribution towards education would be required at this time.
- 6.11 The **Employment and Skills Officer** has requested a condition relating to maximising employment and training opportunities.
- 6.12 **NHS England** have been consulted and have not provided any comments.
- 6.13 The **DCC Flood Team** (LLFA) initially recommended a holding objection until such time as the applicant submits further information.
- 6.14 The agent has submitted a Flooding and Drainage Assessment and the LLFA have commented that they have reviewed the information submitted by the agent which was received on 7th November 2019. The LLFA has *no objection* subject to conditions relating to the detailed design and associated management of the surface water drainage on site and a condition relating to any additional surface water during construction.
- 6.15 **NEDDC Drainage** initially commented that there is insufficient information submitted.
- 6.16 The agent has submitted a Flooding and Drainage Assessment and the Drainage Engineers have been consulted and have raised no further comments.
- 6.17 **DCC Archaeology** have commented that the site retains no archaeological significance and there is no need for archaeological/heritage work under the current planning application.

- 6.18 **Derbyshire Wildlife Trust (DWT)** initially commented that no ecological information has been submitted in support of the application.
- 6.19 The agent has submitted a Preliminary Ecological Appraisal and the DWT have commented that the ecology report and survey have been undertaken using current best practice measures and provide suitable biodiversity enhancements for the application. The report provides a sufficient assessment as well as some reptile survey effort which is considered sufficient for the habitats and overall size of the development proposal. In line with the recommendations within the report, if the council is of a mind to grant permission then DWT recommend conditions to protect biodiversity.
- 6.20 **NEDDC Street-scene** have commented that Station Road is a narrow road with very little off road parking and they would need to know what the developer plans to do with regards the bin presentation issue.

If the road will be adopted, access would be required for an RCV which has a GVW of 32t with a 22.8m turning circle and will not access or cross any block paved, gravelled or any other un-adopted areas, therefore any properties located beyond these areas will have to present their bins at a nominated collection point adjacent to the public highway.

If the development remains un-adopted, and the developer wishes us to access the development, the developer may propose an alternative solution to ensure that the private/un-adopted road in question is of a suitable construction and is approved and signed off by the highway authority (Derbyshire County Council) rather than the developer; this will be of a satisfactory standard to ensure that damage will not be incurred to our vehicles and/or the road surface.

This would be a matter for NEDDC Streetscene to negotiate agreement terms that we consider to be acceptable to indemnify the Council and safeguard our position, to access private/un-adopted roads.

The agent has confirmed that the road will be constructed to adoptable standards and will be offered for adoption to the Highway Authority.

- 6.21 **NEDDC Parks** have commented that the proposed site comprises of 13 three bed dwellings. This could attract an estimated £10,885.42 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £3,196.76. This estimate is based on the last available update (April 2019) to Appendix 2 of the council's Supplementary Planning Document.
- 6.22 The nearest existing facilities to the proposed development are at Campion Drive, Killamarsh and Quarry Road, Killamarsh. Campion Drive Play Area – which is a small play area and nearest – and Quarry Road Play Area are both owned and maintained by North East Derbyshire District Council and may benefit from additional / replacement equipment to increase the play value to local residents and it would be more appropriate to allocate any s106 monies to facilities in the locality, as with the previous development at this location, rather than specific to a particular play area.

- 6.23 It is unclear as to whether any of the apparent existing trees/hedges may be retained. Should land adjacent to any trees for retention be utilised for the delivery, use or storage of site equipment/materials etc., then sufficient consideration will be given to avoid damage being caused to the trees.
- 6.24 The **Coal Authority** have commented that as the site falls outside of the Development High Risk Area then standing advice applies.
- 6.25 The **Crime Prevention Design Advisor** has commented with regards to the revised scheme that there is now a 1.8m high hoop topped rail shown across the rear boundary. If the Local Planning Authority are content that this finish is sufficient to provide adequate privacy from the adjacent Trans Penine Trail in combination with the proposed planting buffer, then he would agree that this is acceptable from a security perspective, given that the planting buffer should provide additional protection to bring to a level roughly commensurate with the 2m high fencing previously advised.
- 6.26 This rail should extend along the side boundary of plot 1 to the pavement edge as previously recommended. Secure gates for individual plots are still not shown and should be added close to each front elevation.
- 6.27 **DCC Countryside Services** have commented that the revised Site Plan Layout, Revision D shows a hooped top railing at 1.8m in height along the sites western edge. Considering the elevated position of the development plot above the Trans Pennine Trail, this would mean the top of this metal railing would stand approximately 2.6m above the trail which is too high and visually imposing for a non-natural structure. The current hedgerow may offer some disguise through summer months but through the winter this fencing would be quite visible.
- 6.28 The Site Boundary Sections Plan, Section 2 shows a vegetation buffer to be situated parallel to the hooped top railing. DCC question the location of the proposed vegetation buffer as it appears to be located on top of the old brick built platform where there is no growing medium. The applicant should clarify its proposals for the location as well as the species intended to be used in this buffer. Planting should not be of dense coniferous species that will overshadow the hedgerow and which will prevent healthy growth. Typical species of the existing hedgerow should be used. The Preliminary Ecological Appraisal Report identifies this hedgerow being of high ecological value and an important part of the wildlife corridor.
- 6.29 The Site Boundary Sections Plan, Section 1 shows a footpath immediately to the south of plot 1. This footpath is not depicted on the site layout plan and suggest there may be plans to make connections to the old railway bridge that spans the Trans Pennine Trail. Countryside Service owns the majority of this bridge and if connections are to be made they refer to previous comments on this application about the need to communicate more detailed information on the relationship between the development and this bridge.
- 6.30 The agent has provided clarification on the above points:-
- The height of the rear boundary treatment is based on the requirement to provide security in relation to access to the rear gardens of the dwellings. the agent considers the design of the fence and offset from the trail

including the enhanced landscape buffer is a good approach to achieving a balance between security and amenity in this location;

- The agent is happy to enhance the existing buffer strip with existing hedge species and will undertake the necessary work in this location to ensure that correct environment for the enhanced planting is provided as part of the approved landscaping scheme; and
- The footpath to the south of plot 1 is the existing footpath to the bridge. This is outside the application boundary. The application does not propose to change this or create new linkages to it.

6.31 DCC have not raised an objection and have requested that an old chain link fence with concrete posts that divides the site and the Trans Pennine Trail be removed. It would also assist future management of the hedgerow and development buffer strip. This is requested as part of any conditional hedgerow enhancement.

6.32 The **Trans-Pennine Trail Officer** has commented on the revised scheme and still has concern regarding the closed corridor the development will have in terms of fencing / planting.

6.33 The alignment of the Trans Pennine Trail (TPT) is still not clearly represented on the plans submitted or mentioned within the application. This should be addressed by the applicant and was noted previously. The TPT provides a well-used utility and recreational route for local residents to enjoy.

6.34 The installation of a hooped top railing at 1.8m is noted to replace the current chain-link fence. This is a concern in relation to the lower level of the Trans Pennine Trail and could result in an area that could feel intimidating for Trail users.

6.35 Should planting be in the vicinity of the fencing care must be taken to ensure the fence can be maintained and the planting does not deter light from accessing the Trail. It is still unclear from the plans if there is any intention to connect to the bridge that is currently stepped and in Derbyshire ownership.

6.36 Following clarification from the agent (see para 6.28 above) the TPT Officer has confirmed that they support DCC Countryside comments.

6.37 **2 objections** from local residents have been received. The **objections** raised can be summarised as follows:

- Inaccuracies in the application form
- How will Killamarsh be expected to cope with the numerous and often substantial housing developments continuously bolted on to the village, particularly over the past 20-30 years. There surely must be a legal limit to this with regards the management of local services and resources. For example, both local primary schools are over-subscribed and many local children have to use schools in surrounding towns. The GP surgery is full and has a waiting list and this may also be the case for the dentist.

(Officer Comments: Derbyshire County Council and NHS have been consulted and no financial contribution to either school or GP surgeries have been requested. DCC have confirmed that relevant shared normal area infant, junior, and primary schools and the secondary school would

have sufficient capacity within the next five years to accommodate the additional pupils arising from this development)

- Road congestion caused by extra housing but without paying attention to the road infrastructure creates danger. This is particularly an issue at the junction of Station Rd and Sheffield Rd.
(Officer Comment: The Highway Authority have not raised an objection. The site benefits from an extant permission for 14 houses which would result in greater impact than the development currently under consideration).
- Putting this many properties on a tiny piece of land (0.45ha) amounts to overcrowding.
(Officer Comment: the development conforms to the councils design guide 'Successful Places' in terms of parking standards and outdoor amenity space. The rear gardens are generally in excess of the guidance and it is not considered by officers to represent overdevelopment of the site)
- The proposed site for building appears to be classed as a Brownfield site. Because the land has remained untouched for many years it was able to regenerate unhindered in to a small area of woodland and meadow.
(Officer Comment: the site is previously developed land and benefits from an extant permission for 14 houses)
- Gas and Leachate pollution dangers/concerns
(Officer Comment: the agent has submitted a phase 1 and phase 2 land contamination report which the Councils Environmental Health officer has been consulted. No objections have been raised and conditions are recommended)
- Station Road not suitable for turning lorries delivering building materials or bin wagons.
(Officer Note: the Highway Authority has not raised an objection and conditions are recommended in respect of bin collections)

6.38 **2 letters of support** have been received which can be summarised as follows:-

- Support the application of the bungalows being built, but are concerned as to where we will park the cars that are currently parked on that side of the road. Will parking be available in between the bungalow driveways or has any alternative space been allocated?
(Officer comment: on-plot parking is proposed for the new dwellings and a turning head for refuse/delivery vehicles. The parking spaces provided are in accordance with the councils design guidance. No additional visitor parking or parking for existing residents is proposed)
- Also, do you have any plans for the banking outside the terraced houses?
(Officer comment: the area of banking to the south of the bungalows within the application site boundary would not be developed and would remain a landscaped area.)
- Support for the redevelopment of vacant brownfield land
- Support for the traditional railway inspired architecture.

7.0 PLANNING CONSIDERATIONS

7.1 The primary 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, the amenity of neighbouring uses and highway safety.

8.0 PLANNING ASSESSMENT

- 8.1 This is a full application for residential development comprising the erection of 8 semi-detached bungalows and 5 detached bungalows, associated highway works, access, car parking and outdoor amenity space at The Old Station, Station Road, Killamarsh.

Principle of Development

- 8.2 The site is a previously developed (brownfield) site located within the defined Settlement Development Limit for Killamarsh which is identified as a level 1 settlement in the Emerging Local Plan. The site has also previously been granted permission for 14 houses and which a material start has been made on site.
- 8.3 The site is allocated in the emerging local plan as a housing site for 14 dwellings. The scheme is proposed to deliver a scheme of self-contained bungalows.
- 8.4 The redevelopment of this site would be in accordance with policies GS1, GS5 and H6 and the principle of the development is therefore considered to be acceptable.

Affordable housing

- 8.5 As the scheme is for less than 15 dwellings and has a site area of less than 0.5 hectares there is not a requirements to provide affordable housing.

Provision of Supporting Community Infrastructure

- 8.6 Derbyshire County Council has commented that they do not require a contribution towards education in this instance, and the NHS have not commented on the application.
- 8.7 Council Parks officers have commented that the proposed site of comprises of 13 three bed dwellings. This could attract an estimated £10,885.42 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £3,196.76. This estimate is based on the last available update (April 2019) to Appendix 2 of the council's Supplementary Planning Document.
- 8.8 The nearest existing facilities to the proposed development are at Campion Drive, Killamarsh and Quarry Road, Killamarsh. Campion Drive Play Area – which is a small play area and nearest – and Quarry Road Play Area are both owned and maintained by North East Derbyshire District Council and may benefit from additional / replacement equipment to increase the play value to local residents and it would be more appropriate to allocate any s106 monies to facilities in the locality, as with the previous development at this location, rather than specific to a particular play area.
- 8.9 In this instance the land owner has already paid £5,600 under a unilateral undertaking (UU) for application NED/07/00865/FL; therefore taking off the UU the s106 monies due would be £5285.42 and the 10 year maintenance fee of £3,196.76.

Highways

- 8.10 The site is designed to accommodate 13 new bungalows and would deliver improvements to this section of Station Road. The scheme will deliver 2 off street parking spaces per dwelling which would be in accordance with the Councils Successful Places Design Guidance.
- 8.11 The Highway Authority have commented with regards to the revised plans that these do not materially alter previous highway comments made with regard to the proposal. Whilst the hardstanding areas fronting Station Road have been reduced in width, sufficient width has been retained, however in line with previous comments it is advised that such parking spaces be provided with a minimum depth of 5.5m.
- 8.12 Bin storage areas that were previously located along the frontage of the development have now been relocated to the rear of the properties. On new developments HA would seek to avoid bins on the pavement where possible as these can create an obstruction. Accordingly HA would ask that bin dwell areas for use on refuse collection days be provided adjacent Station Road, within the site curtilage clear of all parking areas and retained thereafter free from impediment to designated use.
- 8.13 In conclusion therefore there are no highway objections to the proposals subject to conditions. Officers consider that matters such as the bin dwell area and car parking dimensions can be addressed by conditions. Some of the parking spaces are of sufficient depth however there is space within the site curtilage to increase the depth of the other spaces.
- 8.14 The Councils Refuse Team has commented that Station Road is a narrow road with very little off road parking and would need to know what the developer plans to do with regards the bin presentation issue. If the road will be adopted, access would be required for an RCV which has a GVW of 32t with a 22.8m turning circle and will not access or cross any block paved, gravelled or any other un-adopted areas, therefore any properties located beyond these areas will have to present their bins at a nominated collection point adjacent to the public highway. If the development stays un-adopted, and the developer wishes Refuse Vehicles to access the development, the developer may propose an alternative solution to ensure that the private/un-adopted road in question is of a suitable construction.
- 8.15 On this issue, the agent has confirmed that the road will be constructed to adoptable standards and will be offered to for adoption to the Highway Authority.
- 8.16 The Highways Authority has commented that the fronting section of Station Road is not adopted; however officers consider that the issue of bin collection could be satisfactorily addressed by condition requiring the developer to either nominate a bin presentation area or provide a road of an adoptable standard to take the Refuse Vehicle.

- 8.17 Concern has been raised by representations regarding increased traffic and displacement of cars parking currently parking on Station Road; however officers place considerable weight on the advice of the Highway Authority as a statutory consultee and who have raised no objection.
- 8.18 The NPPF is clear 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 on the road network would be severe. Officers therefore do not consider that the 13 dwellings would result in demonstrable harm to highway safety and that the highway issues can be satisfactorily addressed by appropriate conditions.

Design and Layout

- 8.19 The proposal is for a mix of 8 semi-detached bungalows and 5 detached bungalows located on the west side of Station Road. The street scene in the vicinity is a mix of terraced houses, semi-detached and detached houses and some bungalows at the northern end of Station Road. There is also a mix of materials.
- 8.20 The proposed development of 13 bungalows would each have its own parking to the frontage and private rear garden area. The design of the dwellings and red brick materials are considered to be of a good quality and would enhance a currently derelict site.
- 8.21 The layout has been amended following discussions with officers, the frontage parking has been softened by the introduction of some additional landscaping. Officers consider that the design, materials and layout of the development would be appropriate in this location and would offer a visual improvement over the existing derelict site.
- 8.22 To the rear of the site runs the Trans-Pennine Trail(TPT) and the revised plans propose a hooped railing 1.8m in height set back by 1m from the existing hedgerows along the western site boundary. The trail is set at a lower level than the application site, and whilst some concerns were initially raised by DCC Countryside Services and also the TPT, officers consider that the railings offer a suitable solution that would not appear as a solid barrier but would provide necessary security for the rear gardens of dwellings. DCC and TPT Officer have requested that an old chain link fence with concrete posts that divides the site and the Trans Pennine Trail be removed as this would also assist future management of the hedgerow and development buffer strip. This is requested as part of any conditional hedgerow enhancement. Officers consider that this can be addressed by planning conditions.
- 8.23 The proposed garden areas generally exceed with the guidance set out in Successful Places and are considered to be acceptable, and do not in officers view represent an overdevelopment of the site.
- 8.24 The councils Environmental Health Officer (EHO) has commented that as the proposed development site lies in relatively close proximity to a large industrial area with units which would appear to have extraction systems on the façade facing the proposed development site, EHO would have some concerns regarding the potential for an adverse impact on the amenity of any

future occupants. Therefore EHO would recommend a condition is attached to any permission granted.

- 8.25 Overall the design of the scheme is considered to accord with Successful Places and officers consider that the scheme is acceptable in design terms.

Impact on Neighbours

- 8.26 To the east of the application site and located at higher level and on the opposite side of the road are semi-detached houses. The front of the proposed bungalows would face the front of the existing properties at around 18m separation which is in excess of the 12m recommended by Successful Places.
- 8.27 To the north the application site abuts the side garden of no.10 which has a single 1st floor window which overlooks the application site. The proposed dwellings are bungalows with no windows in the northern side elevation. Officers consider that the proposals would not have an impact on the privacy or amenity of this adjacent property.
- 8.28 In summary it is considered that the proposed development would be acceptable in terms of privacy and amenity of neighbours. It is also considered that the proposed development will provide adequate standards of privacy and amenity for future occupiers of the new dwellings.

Ground stability, noise archaeology and drainage

- 8.29 DCC Archaeology have commented that the site retains no archaeological significance and there is no need for archaeological/heritage work under the current planning application.
- 8.30 With regards to drainage, the DCC Flood Team (LLFA) have been consulted and initially raised a holding objection. The agent has subsequently submitted a Flooding and Drainage Assessment and the LLFA have been re-consulted and have confirmed that they have no objections subject to conditions relating to surface water and dealing with additional surface water during construction.
- 8.31 Yorkshire Water has raised no objection subject to conditions.
- 8.32 With regards to land contamination the applicant has submitted a Phase 1 and 2 Engineering and Environmental Assessment which the councils Environmental Health officer has been consulted. No objections have been raised, however the EHO considers that there is a requirement for further characterisation of the site to inform a more robust assessment of the potential risks to human health and the environment. Therefore the EHO would request pre-commencement conditions are attached to any permission granted.
- 8.33 In summary, officers consider that subject to conditions the development would be acceptable from a drainage, environmental health and ground stability perspective.

Impacts on Ecology

- 8.34 The agent has submitted a Preliminary Ecological Appraisal and the Derbyshire Wildlife Trust (DWT) have commented that the ecology report and survey have been undertaken using current best practice measures and provide suitable biodiversity enhancements for the application. The report provides an assessment as well as some reptile survey effort which is considered sufficient for the habitats and overall size of the development proposal. In line with the recommendations within the report, if the council is of a mind to grant permission then DWT recommend conditions to protect biodiversity.
- 8.35 Officers therefore consider that subject to conditions the ecology and nature conservation impacts of the proposed development have been addressed.

Conclusion

- 8.36 The application site is a previously developed site within the defined Settlement Development Limit of Killamarsh which is a level 1 town with good levels of sustainability. The site has previously been granted permission for residential development and is proposed as an allocated housing site within the emerging Local Plan. The principle of residential development has therefore been established.
- 8.37 The development is considered to provide a safe access to the public highway, ecological, drainage, ground stability and contamination issues can all be addressed through appropriate conditions on any permission granted. In addition the design of the scheme is broadly consistent with the principles set out in the successful places design guide. Furthermore the proposal would not result in a detrimental impact upon the privacy or amenity of neighbouring residents.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to Conditions
<u>Environmental Health:</u>	No objections subject to Conditions
<u>Drainage:</u>	No objections subject to Conditions
<u>DCC Countryside:</u>	No objections
<u>DWT</u>	No objections subject to Conditions
<u>Neighbour:</u>	Objections and support
<u>Ward Member:</u>	call-in and request for site visit
<u>Parish Council:</u>	no comments

10.0 RECOMMENDATION

That Planning Permission is APPROVED subject to the prior completion of a section 106 (legal) agreement in accordance with the Heads of Terms set out below and conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Section 106 Heads of Terms

Open space contributions: £5285.42 + £3196.79 ten year maintenance fee.

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - 2801:0111-D Site Plan Layout
 - 2801:0112 Site Boundary Sections
 - 2801:0110 Site Location Plan
 - 2801:0108 revision C Levels Site Plan
 - 2801:0107 Site Sections and 3D View
 - 2801:0104 Proposed House Type A
 - 2801:0105 Proposed House Type B
 - 2801:0107 Proposed House Type C
 - 2801:0109 Proposed House Type D
 - Flooding and Drainage assessment
 - Phase 1 and 2 Engineering and Environmental Report
 - Preliminary Ecological Appraisal Report

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.

Employment and Training

3. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

Sustainable Design and Character

4. Before any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - details of the removal of the existing chain link fence and concrete pots on the boundary with the Trans-Pennine Trail (TPT)
 - a schedule of proposed plant species, size and density and planting locations including hedgerow enhancement details adjacent to the TPT
 - an implementation programme
5. 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.

6. Prior to the first occupation of the dwellings the boundary treatments shown on the approved drawings shall be erected and retained as approved thereafter.
7. The development shall be carried out in accordance with the finished floor levels and finished ground levels shown on drawing 2801-0108 revision C.
8. Before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) 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.

Amenity

9. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
10. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs – 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall been implemented in full and retained thereafter.

Ecology

11. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

12. Prior to the commencement of work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include reasonable avoidance measures and a watching brief. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.
13. Prior any above ground works commencing, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. This management plan should provide details, but not limited to: wildlife friendly fencing, bat and bird boxes and their locations, native planting including hedgerow planting.
14. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to and approved in writing by the Local Planning Authority for approval. Such approved measures must be implemented in full.
15. No removal of hedgerows, trees, shrubs other vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Drainage

16. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to :-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

17. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Coda Structures (04/02/2020), Flooding & Drainage Assessment for the Proposed Re-Development of the Old Station, Station Road, Killamarsh, Revision A, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
- have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing
18. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Highways

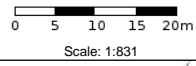
19. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
20. 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.
21. The carriageway of Station Road and the proposed footway fronting the site shall be constructed in accordance with details first to be submitted and agreed, in writing, by the Local Planning Authority up to and including at least base level, prior to any above ground works commencing. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
22. Highway' surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse).

23. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked (spaced being of minimum dimensions 2.4m x 5.5m). Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
24. The proposed driveways to Station Road shall be no steeper than 1:14.
25. Prior to first occupation of any dwelling, details of the proposed arrangements for future management and maintenance of the proposed street i.e. the un-adopted section of Station Road and new footway fronting the development shall be submitted to and approved in writing by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details.
26. Prior to first occupation of the dwellings a scheme for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and retained as such thereafter.

Land Contamination

27. Prior to commencement of development hereby approved an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) 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,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
28. Prior to commencement of development hereby approved:
- Where the findings of the site investigation and risk assessment indicate there is an unacceptable risk to human health and/or the environment a detailed remediation scheme to bring the site to a condition suitable for the intended use must be submitted, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

29. The dwellings hereby approved shall not be occupied until the approved remediation works required by 27 above have been carried out in full in compliance with the approved methodology. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
30. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with good practice guidance, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.



Author: K. Spelman

Date: 24/02/2020



PARISH

Holmesfield Parish

SITE VISIT

APPLICATION Demolition of a range of existing buildings (formerly used in association with the livery business and riding school); conversion of existing buildings (formerly used in association with the livery business and riding school) to form a single dwelling; restoration and retention of ancillary buildings; and erection of four new dwellings with associated landscaping, parking and access (conservation area/affecting a public right of way)

LOCATION Cartledge Hall Farm, Cartledge Lane, Holmesfield, Dronfield

APPLICANT Mr Matthew Jacques C/O Crowley Associates Ltd

APPLICATION NO. 19/00786/FL **FILE NO.** PP-08044834

CASE OFFICER Mr Colin Wilson

DATE RECEIVED 5th August 2019

REFERRED TO COMMITTEE BY: Cllr Huckerby

REASON: Concerns regarding highway safety.

The Site Inspection Group is to visit the site to view the impact of the development on the character of the site, the openness of the Green Belt, the impact on heritage assets and the access arrangements.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises Cartledge Hall Farm, a complex of buildings situated off Cartledge Lane, Holmesfield. The site is a range of buildings including traditional stone built buildings that would have comprised the original farm complex. These buildings include a threshing barn, granary/cart shed, stables and pigsties believed to date from the 17th and 18th Century. A further cartshed positioned to the north of the threshing barn is considered to date back to the late 19th century.
- 1.2 Comparatively modern buildings, and additions to the above mentioned historic buildings, more utilitarian in their appearance also occupy the site. These buildings include a Dutch Barn, a substantial blockwork addition to the threshing barn and a bungalow at the south-western corner of the site. The last stated use of the complex was as a commercial equestrian facility. At the time of Officers visit, it was apparent that the site was vacant.
- 1.3 The majority of the application site is situated within a countryside location, designated as North East Derbyshire Green Belt, with an aspect of the site (at its north-western corner) being positioned within the defined Settlement Development Limits for Holmesfield. Roughly, the northern half of the application site falls within the Cartledge Conservation Area – with land to the south of the existing Dutch Barn and threshing barn being situated outside the Conservation Area.
- 1.4 To the south of the application site is open countryside designated as Green Belt. North-west of the site are a collection of dwellings fronting Cartledge Lane, including Cartledge Hall Farm House. To the north-east of the site, on

the opposite side of the bridleway, is a farm complex comprising a range of substantial buildings of an agricultural appearance. Approximately 50m to the north of the access to the application site lies a range of Grade II Listed buildings identified as Cartledge Grange. Further to the north, beyond the buildings at Cartledge Grange, is Cartledge Hall, a Grade II* Listed building with associated Grade II Listed barns.

- 1.5 The application site is accessed via an existing private track taken from Cartledge Lane. The existing track is bound by stone walling. Cartledge Lane continues beyond the development site, bordering its north-east edge. Beyond the access to application site Cartledge Lane turns into an unmade track. Cartledge Lane and the unmade track are a designated Right of Way (Holmesfield Bridleway 53). A further designated Public Right of Way (Footpath 26) crosses the application site. The definitive line of the footpath bisects the existing threshing barn. It appears that pedestrians actually travel through the site via the existing track forming access to application site.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for the demolition of a range of existing buildings (formerly used in association with the livery business and riding school); conversion of existing buildings (formerly used in association with the livery business and riding school) to form a single dwelling; restoration and retention of ancillary buildings; and erection of four new dwellings with associated landscaping, parking and access.
- 2.2 The proposals seek to remove the comparatively modern, utilitarian buildings from the site, whilst retaining the historic farm buildings. It is proposed that the existing threshing barn would be converted to form a 4 bedroom property with accommodation across the building's two floors. The remaining historic stone built buildings would be retained and converted to ancillary domestic purposes.
- 2.3 The proposals include the construction of 4 additional dwellings within the site, fronting a courtyard/turning space located to the west of the threshing barn. A pair of semi-detached dwellings would be positioned at the northern side of the central courtyard. To the south of the courtyard, two detached dwellings would be constructed. The dwellings would comprise stone walling materials with the upper floors faced in a standing seam, metal cladding system. The proposed fenestration would comprise timber framed windows set into deep reveals. Door openings would be timber. The pattern of fenestration is said to be randomised, with larger openings carved out of the stone plinth at ground floor levels.
- 2.4 Access arrangements to the site would comprise an upgrading of the existing private track, by way of resurfacing with a porous resin bonded gravel. A parking layout has been submitted with the application. In terms of parking allocation for the 5 residential units, each comprise allocated spaces. The two detached dwellings and converted threshing barn would each comprise 3 allocated spaces. Whereas, the semi-detached dwellings proposed would each comprise a single parking space located to the west of the central courtyard. An additional two parking spaces would be provided within the site area for the occupiers of the existing farmhouse (which is situated outside the defined site area).

3.0 AMENDMENTS

- 3.1 Amended plans have been submitted during the processing of the application and can be summarised as follows (drawing numbers are in brackets):

Received at this office on 24.10.2020

- Amended Location Plan (000-001)

Received at this office on 07.01.2020

- Amended Proposed Landscape Plan (000-010 PA2)
- Amended site plan (003 PA2)
- Amended proposed lighting strategy (000-011 PA1)
- Amended proposed car parking provision (000-012 PA1)
- Amended threshing barn - proposed elevations (300-100)

- 3.2 The amendments include alterations to the proposed window design for the threshing barn conversion, details of parking provision within the site, and details of an amended site area.

4.0 PLANNING HISTORY

- 4.1 The planning history for the site can be summarised as follows:

77/00698/FL – Alteration and extension and new building to form new Riding School, residential accommodation, stables and ancillary facilities – Refused.

77/00699/FL – Temporary/residential caravan – Refused.

77/00700/FL – Levelling of field to facilitate schooling of horses and riders. Provision of drive, car park – Conditionally Approved.

78/00753/FL – Change of use of existing indoor riding school to furniture depository – Refused.

78/00754/FL – Renovate existing dwelling and divide into two units and convert stable block into four units – Withdrawn (no decision)

81/00644/FL – Alterations to barn to form stables and store rooms in association with equestrian centre – Conditionally Approved.

82/00599/FL – Change of use to retail saddlery and equestrian supplies and repair shop – Conditionally Approved.

83/00586/FL – Retention of temporary portakabin for use as reception and office – Conditionally Approved.

87/00493/FL – Retention of change of use of farm building as livery stables – Conditionally Approved.

87/00494/RM – Use of agricultural dwelling as holiday accommodation – Conditionally Approved.

14/01269/FLH – Proposed front porch - new windows - rear dormer windows and removal of chimney stack (Conservation Area) – Conditionally Approved.

14/01295/FL – Application to increase size of outdoor riding arena to 60m x 30m – Conditionally Approved

15/00289/FL – Removal of condition relating to the occupation being by a full time worker on CHR1163/7 (Conservation Area) – Withdrawn (no decision)

16/00318/LDC – Application for Lawful Development Certificate to regularise the retention of the dwelling in its current location and void condition 2 regarding agricultural workers – Certificate Issued

17/00673/FLH – Retention of stone boundary wall to front of farmhouse (Conservation Area) – Withdrawn (no decision)

17/00390/FLH – Erection of a detached car port and retention of stone boundary wall (Conservation Area) (Amended Plans) (Amended Title) – Refused

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.

5.2 The Local Plan policies most relevant to the proposals are set out below:

- GS1 Sustainable Development
- GS2 Development in the Green Belt
- GS5 Settlement Development Limits
- GS6 New Development in the Countryside
- GS7 Change of Use and Conversions
- BE1 General Design Principles
- BE9 Development in the Vicinity of a Listed Building
- BE11 Development Within and Adjoining Conservation Areas
- H3 New Housing Outside Settlement Development Limits
- T2 Highway Access and the Impact of New Development
- T9 Car Parking Provision
- CSU4 Foul and Surface Water Drainage
- NE6 Development Affecting Nationally Rare Species

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

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

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SS10 North East Derbyshire Green Belt
- SDC1 Re-use of Building in the Green Belt and Countryside
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC5 Development with Conservation Areas
- SDC6 Development Affecting Listed Buildings
- SDC9 Non-designated Local Heritage Assets
- ID3 Sustainable Travel

National Planning Policy Framework

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

Successful Places

5.6 North East Derbyshire District Council's 'Successful Places' Interim Planning Guidance is applicable in the assessment of this application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was publicised by way of neighbour letters, site notice and in the Derbyshire Times. 9 Representation letters were received and can be summarised as follows:

- Increased ambient light. Street lights were previously voted against by local residents to preserve darkness.
- Biodiversity impacts.
- The style of the proposed metal clad housing would be at odds with the local stone buildings in the area. In this regard, the proposals would fail to preserve or enhance the character of the Cartledge Conservation Area.
- The proposed dwellings would not represent homes affordable for the residents of Holmesfield.
- Any encroachment into the Green Belt would represent an unwelcome precedent.
- Two years ago a carport was refused planning permission at this property.
- Insufficient parking. The development would not provide adequate off-street parking spaces for the cars of five households, as well as delivery lorries and visitors.
- A solution to the problem of the true route of Footpath 26 needs to be found; at present, it follows the track straight through the farm. The new road through the farm would be shared by the footpath, causing potential hazards to both walkers and drivers.
- Highway safety concerns. Concerns regarding the junction at which Cartledge Lane joins Millthorpe Lane. Increased vehicular movements

generated by the proposals would exacerbate an existing problem, with accidents having occurred within recent years.

- The proposals would result in an urbanisation of the site, including parking spaces that would reduce open space.
- Despite the revised details, there still seems to be inadequate provision in this cramped space for visitors' cars and delivery vans to park and manoeuvre.
- The proposals would result in a detrimental impact to the Conservation Area in visual terms, representing a further urbanisation of the countryside.

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

- The Ward Member raised concerns regarding the proposals from a highway safety perspective. The Ward member has called-in the application for a committee determination.
- The Parish Council raised objections to the proposed development on the basis that, whilst there is an appreciation that there is a need to renovate the existing agricultural buildings, there are concerns that the proposals represent an overdevelopment of the site, with the construction of a number of new buildings. It would be preferable if more use could be made of the existing buildings on site. Furthermore, there are concerns regarding the proposed access which comprises a narrow track with poor visibility on to Cartledge Lane.

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, raising concerns relating to the proposed access and parking arrangements. See Assessment below for details.

6.4 **NEDDC Environmental Health Officers** were consulted on the application, raising no objections to the proposed development, subject to conditions relating to land contamination mitigation measures.

6.5 **Historic England** were consulted on the application, advising that they have no specific comments to make in regards to the application.

6.6 The relevant **Footpaths Societies** were consulted on the application:

6.7 **Holmesfield Footpaths and Bridleways Society** raised comments stating that the definitive route of footpath 26 is unclear at the moment, and until the matter is resolved, full comments on the implications for members of the public cannot be made. That being said, it was stated in the comments that the increased traffic would adversely affect the safety of walkers and their enjoyment of the countryside. Moreover, the proposed development detract from the character and appearance of the area.

6.8 **Peak and Northern Footpaths Society** were notified of the application advising that footpath 26 is blocked by the threshing barn. Therefore, in order for the application to proceed, there is a need for the Public Right of Way to be diverted. Currently, there is an unofficial diversion which basically aligns with the service road. The Peak & Northern Footpaths Society would support an Official Diversion that follows such a route. However the PNFS emphasises the need for the Definitive Map Modification Order to be completed before Planning Permission is granted.

- 6.9 **Chesterfield, North East Derbyshire, and Bolsover Group of Ramblers** raised objections to the proposed development requesting that consideration is given to restoring the original line of the path or applying separately for a formal diversion.
- 6.10 **Derbyshire County Council Rights of Way Officers** advised that Officers should be aware that Holmesfield Public Footpath 26 passes through one of the buildings on the site and requires a public path diversion order to make the path available to the public. See Assessment below for details.
- 6.11 The **Water Authority (Yorkshire Water)** were consulted on the application, recommending that conditions relating to drainage of the site be included in any granted planning permission.
- 6.12 **Derbyshire County Council Archaeology** were consulted on the application, initially requesting the submission of an archaeological evaluation of the area. On receipt of the requested evaluation, DCC advised that, as the work did not reveal any archaeological remains, no further archaeological works in this part of the site would be necessary, though monitoring of other works will be necessary. Conditions were recommended.
- 6.13 DCC advised that with regard to the wider development, particularly the conversions and restoration of the traditional buildings on this site, this is largely welcomed. That being said, DCC raised objections to the proposals in terms of their impact in visual/ heritage terms. Officer Note: A subsequent rebuttal letter from the applicant's heritage consultant was submitted contesting the points raised by DCC. Both documents can be viewed in full via the Council's website.
- 6.14 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, initially advising that that application is not accompanied by sufficient information in order to demonstrate the extent that bats may be affected by the proposed development. Subsequently, a further bat activity report was submitted to be read in conjunction with the application. DWT sought further clarification on the number surveyors and their credentials. Upon receipt of the requested information relating to surveyors, DWT advised that sufficient information has been submitted to determine the application, recommending that a number of conditions be imposed relating to mitigation/ enhancement measures.

7.0 PLANNING CONSIDERATIONS

- 7.1 The main considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding area, impact on the Green Belt, impact on heritage assets, the privacy and amenity of neighbours, and highway safety issues.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 North East Derbyshire Local Plan Policy GS2 relates to new development in the Green Belt. The Policy states that the reuse of buildings in the Green Belt does not represent an inappropriate form of development, on the basis that

such development does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it, and satisfies the relevant criteria of Policy GS7 (change of use and conversions). In this respect, Policy GS2 is generally consistent with paragraph 146 of the National Planning Policy Framework (NPPF), which allows for the re-use of buildings provided that such proposals preserve the openness of the Green Belt and do not conflict with including land in Green Belt.

- 8.2 Policy GS7 relates to the change and of use of buildings. The Policy states that planning permission for the conversion or change of use of an existing building will be granted provided that: (a) the building is of a permanent and substantial construction; (b) where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension; (c) the form, scale, massing, materials, general design and appearance of the development respects the character and appearance of the original building, the site and its surroundings with particular regard to local distinctiveness in design; and (d) the proposed use of the curtilage of the building does not have an adverse effect upon the character of the area or neighbouring land uses.
- 8.3 In some other regards relevant to the assessment of this application, North East Derbyshire Local Plan Policy GS2 is inconsistent with up-to-date Green Belt Policy contained within the NPPF. Paragraphs 145 and 146 of the NPPF set out that the certain forms of development that are not inappropriate in the Green Belt. Once such identified exception, not included in Policy GS2 of the Local Plan, comprises limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 8.4 Annex 2 of the NPPF provides a Glossary, which includes a description of previously developed land. The Glossary describes previously development land 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 of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 8.5 Officers consider that the principle of the re-development of the site would be acceptable provided that the development does not have a greater impact on the openness of the Green Belt than the existing use; otherwise the development would comprise inappropriate development which would be by definition harmful unless justified by very special circumstances.

Green Belt Considerations

- 8.6 On the basis of the above Policy context, Officers are of the view the conversions of existing buildings within the application site would be in compliance with the applicable Green Belt Policies. The historic buildings in question are considered to be of a permanent and substantial construction and capable of conversion in a manner that would respect the character and appearance of the original building, and their local distinctiveness. Officers are of the view that precise details of the repairs and alterations involved in the conversion of the historic buildings could be controlled by a pre-commencement planning condition.
- 8.7 Officers are satisfied that the application site complies with the definition of previously developed land, as set out above. The site currently lies vacant but its last known use was a commercial equestrian facility. Such a use is not included in the exclusions set out in the definition of previously development land.
- 8.8 The applicant asserts that the proposed development would not result in any increase in built development within the application site in volumetric terms. This is as a consequence of a number of existing buildings being removed from the site to facilitate the delivery of the proposed dwellings. Whilst Officers consider that, by offsetting the proposed development against the existing built volume, the proposals would not result in any significantly greater impact in spatial terms, openness is not measured in simple volumetric terms, with visual impact also being a fundamental consideration:
- 8.9 Officers are of the view that the buildings earmarked for demolition and removal from the site comprise a relatively low profile when compared to the dwellings proposed, particularly the two storey detached dwellings at the southern elements of the site. On this basis, Officers consider that the proposed development as a whole would fail to preserve the openness of the Green Belt in visual terms, introducing sizeable buildings towards the southern edge of the site, which is relatively conspicuous from wider views from the open countryside to the south. Consequently, the proposed development is considered to represent an inappropriate form of development in the Green Belt.
- 8.10 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Matters of Very Special Circumstances are considered later in this report (starting at Paragraph 8.18).

Heritage Considerations

- 8.11 Cartledge Hall Farm is located within the Cartledge Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

- 8.12 Local Plan Policy BE11 relates to development within and adjacent to Conservation Areas and is therefore relevant in the assessment of this application. The Policy sets out a requirement for development proposals to preserve or enhance the Character of the Conservation Area.
- 8.13 Local Plan Policy BE11 is not considered to be entirely consistent with the NPPF. Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.14 The Heritage Statement that supports this planning application is considered by Officers to be both detailed and well researched. It provides clear and convincing justification for the heritage led approach chosen for the proposed development. The statement also makes it clear that the existing historic buildings on the site have significant historic value both individually and as a farm group. The statement also sets out that this proposal provides a solution for the retention of the historic farm group.
- 8.15 Officers are of the view that the proposed semi-detached properties, by virtue of their siting within the farm complex and their scale and design, sit comfortably within the farm group in visual terms.
- 8.16 Having considered the Heritage Statement submitted by the applicant, Officers are broadly supportive of the assessment in its assertion that the existing bungalow and the livery stables (both earmarked for removal) are out-of-place and detrimental to the setting of the Conservation Area. Officers consider that the existing bungalow and livery stables detract from the setting of the historic farm group, in terms of their design and appearance. In this regard their removal from the site would be welcomed. That being said, in terms of scale, the bungalow and stables are considered to be subordinate to the wider farm group. By virtue of their scale and massing, the proposed detached properties at the southern element of the site are considered to represent a more substantial form of development that would detract from the character and appearance of the Conservation Area. However, this harm identified is considered to be 'less than substantial'.
- 8.17 Whilst the harm arising as a consequence of the visual impact of the proposed detached dwellings is recognised, the proposals are considered to represent a comprehensive redevelopment scheme that repairs and retains all the historic farm buildings and the dry-stone boundary walls within the application site, all of which contribute positively to the character and appearance of the Conservation Area. The historic buildings on the site are in a very poor state of repair where the cost of repair and refurbishment is likely to be substantial. The possibility of new uses for these buildings other than residential conversion is also considered to be unlikely. Therefore, given the importance of the historic farm group, in line with paragraph 196 of the NPPF, the less than substantial harm caused by the massing and scale of the new buildings, would, in the view of Officers, be outweighed by the public benefit of saving this important historic farm group and securing an optimum viable use.

Very Special Circumstances

- 8.18 As set out above, as a consequence of its impact in visual terms, the proposed development is considered to represent an inappropriate development in the Green Belt and would therefore be unacceptable unless very special circumstances exist.
- 8.19 In this instance, Officers are of the view that the harm to the Green Belt by way of inappropriateness would be outweighed by the identified public benefits brought about by saving this important historic farm group and securing an optimum viable use. Officers therefore consider that the public benefits identified would, on balance, amount to very special circumstances in favour of the proposed development.
- 8.20 On the basis of the above, the proposed development is considered to comply with the requirements of Policy GS2 of the North East Derbyshire Local Plan and the NPPF when read as a whole.

Residential Amenity

- 8.21 It is considered that the proposed scheme would not give rise to any significant adverse impacts on the amenity levels currently enjoyed by the occupiers of adjacent sites, the nearest of which being the farmhouse to the north.
- 8.22 Moreover, the relationship between the proposed residential units is considered to result in a scheme that would provide a satisfactory level of amenity for its occupiers. Separation distances between properties and private amenity spaces for the proposed residential units would generally be in accord with guidance set out in the Council's Interim Planning Guidance, Successful Places.

Highway Safety and Public Rights of Way

- 8.23 Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.24 Derbyshire County Council Highways Officers were consulted on the application, advising that the proposed layout be amended to address concerns regarding access and parking and manoeuvring space within the site. Highways Officers advised that the width of the site access should be maximised and it would be preferable for the initial 5m in length to be 5m in width, to allow two vehicles travelling in opposite directions to pass.
- 8.25 In response to a submitted plan detailing parking layout, Highways Officers went on to raise concerns regarding the apparent under provision of off-street parking, especially given the lack of other opportunities to park within the site. Highways Officers advised that they would not wish to see turning provision negated leading to long reversing manoeuvres back to the publicly maintainable highway.

- 8.26 The concerns raised by DCC Highways Engineers are noted, however Officers consider that the proposed access and parking arrangements would not give rise to any significant highway safety concerns, in part, as a consequence of the access to the site being taken from a lightly trafficked lane (Cartledge Lane). Officers are of the view that a widening of the existing access would represent an over engineering of the access that would unnecessarily detract from the character and appearance of the area. Moreover, given its position at a location that would see limited vehicular movements and low vehicle speeds, it is considered that the existing access would adequately serve a development comprising five residential units, without causing unacceptable impacts on highway safety, or harmful residual cumulative impacts on the road network.
- 8.27 In terms of the under provision of allocated parking spaces, specifically for the proposed semi-detached properties, each comprising a single parking space, Officers consider that whilst the under provision of allocated parking space (Local Plan standards indicate that 2 spaces should be provided for new dwellings) may lead to some inconvenience to residents, this is not considered to amount to unacceptable harm from a highway safety perspective, in view of the site's location and the access arrangements referred to above.
- 8.28 Officers consider that the proposals would have no material impact on the definitive line of the footpath (Footpath 26), which bisects the existing threshing barn earmarked for conversion. As such, Officers consider that this matter could be covered by way of an informative note advising the applicant of their duties in regards to the Public Right of Way (should planning permission be granted). During the processing of this application, the applicant has indicated their intention to seek a formal diversion of the footpath to regularise the existing unofficial route of the footpath, which follows the private access track serving the proposed residential development.

Ecology

- 8.29 Derbyshire Wildlife Trust (DWT) were consulted on the application, initially advising that that application is not accompanied by sufficient information in order to demonstrate the extent that bats may be affected by the proposed development. Subsequently, a further bat activity report was submitted to be read in conjunction with the application. DWT sought further clarification on the number surveyors and their credentials. Upon receipt of the requested information relating to surveyors, DWT advised that sufficient information has been submitted to determine the application, recommending that a number of conditions be imposed relating to mitigation/ enhancement measures.

Archaeological Considerations

- 8.30 Derbyshire County Council Archaeology Development Control were consulted on the application, initially requesting the submission of an archaeological evaluation of the area. On receipt of the requested evaluation, DCC advised that, as the work did not reveal any archaeological remains, no further archaeological works in this part of the site would be necessary, though monitoring of other works will be necessary. Conditions were recommended to be included in any granted permission.

- 8.31 Derbyshire County Council Archaeology Development Control made additional comments with regard to the wider heritage considerations. These comments can be summarised as follows: The Archaeology Development Control Officer stated that the conversions and restoration of the traditional buildings on this site are largely welcomed. That being said, DCC Archaeology Development Control raised objections to the proposed the style of the new build houses and the proposed landscaping of the site in terms of their impact in visual/ heritage terms.
- 8.32 In response to the Derbyshire County Council Archaeology Development Control comments on wider heritage matters, the applicant submitted additional information in the form of a rebuttal letter, countering the concerns raised. The DCC comments and the applicant's response are available to view in full via the Council's website.
- 8.33 Having considered the comments raised by Derbyshire County Council Archaeology Development Control, the issues raised do not alter the view of Officers as set out above in the Heritage Considerations section of this report.

Conclusions

- 8.34 In summary, whilst the development site comprises previously developed land, Officers consider that the proposals would have a greater impact on the openness of the Green Belt than the existing situation. In this regard, the proposed development is not considered to comply with the defined Policy exceptions to inappropriate development in the Green Belt. Moreover, Officers are of the view that the proposed detached dwellings at the southern element of the site would result in some (less than substantial) harm to character and appearance of the Conservation Area, by virtue of their scale and massing. That being said, the proposals would represent a comprehensive redevelopment of the entire site, refurbishing and retaining all the historic farm buildings and the dry-stone boundary walls within the application site.
- 8.35 Given the importance of the historic farm group, the less than substantial harm caused by the massing and scale of the new buildings is considered to be outweighed by the public benefits arising by way of saving this important historic farm group and securing an optimum viable use, in accord with Paragraph 196 of the NPPF. Moreover, the identified public benefits are considered to amount to very special circumstance that would outweigh the harm identified in Green Belt terms.
- 8.36 Officers are of the view that, subject to conditions, there are no technical reasons that would warrant refusal of the application.
- 8.37 On balance, the proposals are therefore considered to represent an acceptable form of development in accord with the applicable Policies contained within the North East Derbyshire Local Plan and National Planning Policy Framework (NPPF).

9.0 SUMMARY OF CONSULTATIONS

- 9.1 Ward Member: Called in for Committee determination.
Parish Council: Objections
County Highways: Objections
Environmental Health: No Objections subject to conditions
English Heritage: No comments
County Archaeology: Objections
Drainage: No comments
Derbyshire Wildlife Trust: No objections
Footpath: Objections
Neighbour: 9 Representations

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:-

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

Received at this office on 05.08.2020

- Topographical Survey Showing Demolition (000-005)
- Demolition Layouts - Sheet 1 (100-002)
- Threshing Barn - Proposed Ground Floor Plan (100-100)
- Threshing Barn - Proposed First Floor Plan (100-101)
- House Type A & B - Proposed Plans (100-200)
- House Type C - Proposed Plans (100-201)
- House Type D - Proposed Plans (100-202)
- Proposed Site Sections - Sheet 1 (200-101)
- Proposed Site Sections - Sheet 2 (200-102)
- Demolition Elevations - Sheet 1 (300-005)
- Demolition Elevations - Sheet 2 (300-006)
- Demolition Elevations - Sheet 3 (300-007)
- Demolition Elevations - Sheet 4 (300-008)
- Threshing Barn - Proposed Elevations (300-101)
- House Type A & B - Proposed Elevations (300-200)
- House Type C - Proposed Elevations (300-201)
- House Type D - Proposed Elevations (300-202)
- Boundary Treatment (400-001)
- Photomontage - View A (400-001)
- Photomontage - View B (800-002)

Received at this office on 24.10.2020

- Amended Location Plan (000-001)

Received at this office on 07.01.2020

- Amended Proposed Landscape Plan (000-010 PA2)
- Amended site plan (drawing number 003 PA2)
- Amended proposed lighting strategy (000-011 PA1)
- Amended proposed car parking provision (000-012 PA1)
- Amended threshing barn - proposed elevations (300-100)

- 3 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), curtilage buildings (Part 1 Class E), means of enclosure (Part 1 Class E), hard surfaces (Part 1 Class F), means of enclosure (Part 2 Class A) shall be erected/constructed without first obtaining planning permission.
- 4 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 before the occupation of the dwelling hereby approved and shall be retained as approved thereafter.
- 5 Before above ground works start, details of the existing ground levels, proposed finished floor levels of the proposed 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.
- 6 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.
- 7 Prior to the commencement of development, precise details of the proposed works to convert the historic buildings to be retained within the site, including detailed drawings, shall be submitted to and agreed in writing by the Local Planning Authority. The proposed conversions of the retained buildings shall then take place strictly in accordance with the approved details.
- 8 The new build properties hereby approved shall not be occupied until the conversion of the existing historic buildings within the farm group have been substantively completed.
- 9 Before above ground works commence, 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
- 10 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.
 - 11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 - 12 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
 - 13 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
 - 14 Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the 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.

- 15 Before the commencement of the development hereby approved:

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

- 16 The development hereby approved shall not be occupied until:

a) The approved remediation works required by 14 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 14b to 15 above and satisfy 16a above.

c) Upon completion of the remediation works required by 15 and 16a 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.

- 17 No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

Thereafter, development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.

- 18 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 17 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 19 No development, including demolition, shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme and provision for post-investigation analysis and reporting
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 4. Provision to be made for archive deposition of the analysis and records of the site investigation
 5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".

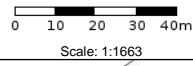
Thereafter, the development shall take place in accordance with the approved Written Scheme of Investigation for historic building recording.

- 20 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for historic building recording approved under condition 19 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 21 No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest

on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

- 22 Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
- 23 All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm should be blanked off at the end of the day and chemicals should be stored securely
- 24 Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):
 - a. Details of four habitat bat boxes, as per the recommendations within the reports by Estrada Ecology will be clearly shown on a plan (positions/specification/numbers).
 - b. Details of four bird boxes (including swift boxes) to be positioned on the dwellings will be clearly shown on a plan (positions/specification/numbers).
 - c. Details of at least 3 insect bricks / boxes will be clearly shown on a plan (positions/specification/numbers).
 - d. Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
 - e. Summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).



Author: K. Spelman

Date: 24/02/2020



PARISH

Ashover Parish

APPLICATION NO. 19/01179/FL

APPLICATION Regularisation of Engineering Works consisting of the re-levelling of an agricultural field (Retrospective Application)

LOCATION Field to the North of Grange Barn, Milken Lane, Far Hill, Ashover

APPLICANT Mr Hollingworth C/O The Agent

CASE OFFICER Mrs Emily Cartwright

DATE RECEIVED 14th March 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Armitage
REASON: Concern relating to toxicity.

1.0 SITE DESCRIPTION

- 1.1 The application site forms an agricultural field on the edge of the village of Ashover, beyond the defined Settlement Development Limit within open countryside that is designated as a Special Landscape Area.
- 1.2 Accessed from Milken Lane to the south, the agricultural land is open in character and slopes up gently towards Grange Farm and Grange Barn. Beyond these properties the land rises steeply towards Hillside and the ridge beyond.
- 1.3 The application site is screened to the north and east by mature trees, with public viewpoints from the south and south east only. To the east is an outdoor sports facility and hardstanding associated with Eastwood Grange.
- 1.4 A public right of way (PRoW42) is situated to the south east of the application site, running from Milken Lane the footpath diagonally crosses the open agricultural land towards Farhill.

2.0 PROPOSAL

- 2.1 The retrospective application seeks approval for the regularisation of engineering works to re-level an agricultural field to the north of Grange Barn, Ashover.
- 2.2 The excavated topsoil has been moved from one agricultural field to the south west of Grange Barn to an agricultural field to the north of Grange Barn. The maximum increase in levels indicate a depth of 70mm.
- 2.3 It is acknowledge that the moving of topsoil from one area of farm land to another on the same agricultural holding can be done without requiring planning permission, under Part 6 of the General Permitted Development Order (GPDO). This is subject to the prior notification of the Local Planning Authority. In this case, prior notification was not undertaken, as such planning permission is required.

3.0 AMENDMENTS

- 3.1 No amendments have been made.

4.0 PLANNING HISTORY

- 4.1 17/00200/OL – Outline application (with all matters reserved) for the construction of 10 bungalows to wheelchair user standard M4 (3) with access taken from Milken Lane (Major Development/Departure from Development Plan/Affecting setting of a Listed Building) (Conditionally Approved)
- 4.2 19/00868/RM – Application for approval of reserved matters for access, appearance, landscaping, layout and scale pursuant to outline approval 17/00200/OL for construction of 10 bungalows to wheelchair user standard M4(3) (Major Development/Departure from Development Plan/Affecting setting of a Listed Building) (Amended Plan) (Conditionally Approved)

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The most relevant policies of the North East Derbyshire District Local Plan are:-

GS1 Sustainable Development
GS6 Open Countryside
NE1 Landscape Character
NE2 Special Landscape Area

- 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 limited 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
SDC3 Landscape Character

- 5.4 The Ashover Neighbourhood Plan 2016-2033 (Adopted November 2017) covers the application site and the following policies are a material consideration:

Policy AP2: Development Proposals outside the Limit of the Development
Policy AP13: Landscape Character

- 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 02.12.2019 and was due to expire on 26.01.2020, however an extension of time was agreed until 13.03.2020 to allow the application to be decided at committee. A site visit was undertaken by the case officer on 17.12.2020 and a site notice was placed on the telegraph pole adjacent to The Black Swan public house car park which expired on 07.01.2020.
- 6.2 The **Parish Council** raised no comments.
- 6.3 The **Local Ward Member** raised concerns regarding the toxicity and asked the application to be dealt with by members of planning committee.
- 6.4 The **Council's Environmental Health Officer (EHO)** reviewed the information submitted and note that they hold no specific evidence to indicate the concentrations of lead encountered on the source site will differ significantly from those encountered on the site subject of the current application, both of which are used for agricultural purposes. As such the EHO raised no objections to the regularisation of the engineering works consisting of the re-levelling of the agricultural field which comprises of an area of 0.4hecatres.
- 6.5 The **Environmental Agency (EA)** was consulted on the development and notes that the site lies fully within Flood Zone 1 and therefore have no fluvial flood risk concerns relating to main river flooding. There are no other environmental constraints associated with the site and therefore have no further comments to make.
- 6.6 The **Lead Local Flood Authority (LLFA)** was consulted on the application and due to the nature of the application they confirmed that they had no comments to make.
- 6.7 **Derbyshire Wildlife Trust (DWT)** was consulted on the application, however no comments have been received.
- 6.8 A number of objections have been received from two neighbouring residents which can be summarised as follows:
- The submitted document site plan A4 is hand drawn, which should be discounted as it is clearly not accurate. The before levels are not a true representation, and the amount of spoil used in the engineering works exceeds the area and depth shown on the diagram. (*Officer Note: The information submitted is considered sufficient to allow members to assess the proposal and determine the application.*)
 - Section 3.1 states "This application seeks to regularise the engineering works consisting of re-levelling part of the agricultural field with topsoil removed from the same site", this statement is factually incorrect as the top soil has been imported from a neighbouring field and not the same site. (*Officer Note: The description reads "Regularisation of engineering works consisting of the re-levelling of an agricultural field." It is considered that this is an accurate description of the proposed development.*)

- Contamination of the imported top soil as the site where the spoil originated is a well-documented and proven site of lead veins and historical mining, with a requirement to have a contamination survey conducted. There is no mention to how this possible contamination may now be washed to lower levels of land towards Grange Barn, Grange Farm and towards the village of Ashover and into the water table. There has been no submitted mitigation to such risks. *(Officer Note: The Councils EHO and the EA have raised no objection to the proposed development.)*
- There is no evidence of any engineering reports showing the stability of the newly laid topsoil, how it was undertaken and if best practice was undertaken. *(Officer Note: The application site is in excess of 100m from the nearest property and the depth of soil re-levelled out on site does not exceed 70cm. Furthermore, no objections have been received from consultees.)*
- The area is prone to surface flooding and there is no submission of any drainage or flood alleviation, the area is location in a flood zone where the Environment Agency have noted concerns. *(Officer Note: The application site falls in a Flood Zone 1, with a low risk of flooding. No objection has been raised by the LLFA or EA.)*
- Part 10 – The applicant has stated that there are no trees or hedges on the proposed development, when there are hedges and trees on site as such a full tree survey may be required. *(Officer Note: A full tree survey was not deemed necessary in the determination of this application.)*
- Part 12 – Biodiversity and Geological Conservation, there is a very healthy badger community with several sets in the adjacent area to this site. I would be very surprised if badgers are not present here. *(Officer Note: No comments/objections have been received from the DWT. Badgers are protected by law and so are the setts (burrows) they live in.)*
- The document entitled “Land Profile Images” appears to be ruler traces over images taken from “Google Earth”. These pictures do not seem to provide any value whatsoever and any accuracy is obviously dubious. I have created a Google Earth comparison which shows the line between points on the application site, the image taken from 2019 and 2010, the elevation profile is exactly the same. This reinforces my observation that the document is wholly inaccurate. *(Officer Note: The documents provided by the applicant should be read as a whole and it is considered that sufficient information has been provided to determine this application.)*

6.9 It is noted that a number of other objections have been raised, however these were not considered to be material to the application. These objections are viewable on the planning portal.

7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for this application are the visual impacts on the surrounding countryside, ecological impact and residential amenity.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 Local Plan Policies GS6 and NE2 cover the countryside and Special Landscape Area, where development will be supported where it does not detract from the surrounding landscape and the siting, scale, design, landscape treatment and the use of materials would be in keeping with the special character of area. Furthermore development will be permitted providing it would not have a detrimental effect on the visual amenity, character and function of the Special Landscape Area.
- 8.2 The Ashover Neighbourhood Plan (ANP) is a material consideration when determining planning applications. The ANP identified the importance of the landscape character of the area, and that each development will be required to demonstrate that it respects the distinctive landscape character of the area.
- 8.3 In view of the above, it is considered that development may be acceptable, subject to assessing the visual impact of the engineering works on the surrounding countryside, ecological impact, as well as that on residential amenity.

Impact on Character of Countryside and Special Landscape Area

- 8.4 The application site is located in open countryside which is designated as a Special Landscape Area (SLA). The SLA was identified in 1988 as part of the core documentation associated with the creation of the then Local Plan process. The site is also covered by the National Character Area 50 'Derbyshire Peak Fringe and Lower Derwent' (NCA50). Whilst the site forms part of a locally designated landscape it is not subject to any national landscape designation.
- 8.5 Whilst it is noted that the engineering works have altered the contours of the landscape in parts, by reason of its nature and minimal physical change it is considered that the development has caused no visual or landscape harm. The distinctive features that contribute towards and add value to the landscape of the area have been retained and character of the open countryside and Special Landscape Area have been protected.

Impact on Neighbouring Residents and Land Uses

- 8.6 The nearest residential properties to the application site are Grange Barn and Grange Farm are located approximately 115m to the south. To the east of the site is an outdoor sports facility and hardstanding associated with Eastwood Grange, however it is screened from the application site by mature tree planting.
- 8.7 Due to the scale and nature of the engineering works, it is not considered that the development would be of any detriment to the amenity of neighbouring residents or neighbour land uses.

Land Contamination Considerations

- 8.8 Concerns have been raised relating to possible land contamination from the imported topsoil.
- 8.9 The Council's Environmental Health Team (EHO) was consulted on the application, and have confirmed that there is no specific evidence to indicate that the concentrations of lead encountered on the source site will differ significantly from the site subject to this application, both of which are used for agricultural purposes.
- 8.10 In view of EHO not raising objections to the application, it is Officers views that the re-levelling works are acceptable.

Ecology and Biodiversity Considerations

- 8.11 Further representations make reference to a healthy badger community adjacent to the site and lack of tree survey accompanying the application.
- 8.12 Derbyshire Wildlife Trust (DWT) was consulted on the proposal, no comments have been received. A Preliminary Ecological Appraisal was submitted during the course of the outline application (17/00200/OL) for 10 dwellings, where it was concluded that there were no badger setts within the site from where the soil was taken. There is no evidence before Officers to suggest that there are badger setts on the current application site. Nevertheless, badgers are protected and so are the setts (burrows) they live in under separate legislation.
- 8.13 With respect to trees and hedgerows, the area affected by the engineering works do not include any trees or hedge. It is therefore, not deemed reasonable to require a tree survey in this case.

Flooding and Drainage Considerations

- 8.14 Representations have raised concerns that the area is prone to surface flooding and lack of submission of any drainage or flood alleviation.
- 8.15 The site is within a Flood Zone 1, which has a low probability of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding).
- 8.16 The Environment Agency was consulted on the application, they have confirmed that due to site located within a Flood Zone it is not necessary or reasonable to require the above mentioned details and that there are no other environmental constraints associated with the site.
- 8.17 The Lead Local Flood Authority was also consulted; due to the nature of the application they raised no comments.
- 8.18 As no objections have been raised by statutory consultees, Officer do not consider that a condition requiring further drainage works would be necessary.

Conclusion

- 8.19 Overall, it is considered that the regularisation of the engineering works consisting of re-levelling the agricultural field represents acceptable development as the visual amenity and character of the open countryside and Special Landscape Area have been retained and protected. The proposal complies with the requirements of the relevant Policies of the North East Derbyshire Local Plan and the National Planning Policy Framework.
- 8.20 The retrospective development is therefore considered to be acceptable

9.0 SUMMARY OF CONSULTATIONS

Environmental Health: No objections

Environment Agency: No objections

Derbyshire Wildlife Trust: No comments

Lead Local Flood Authority: No comments

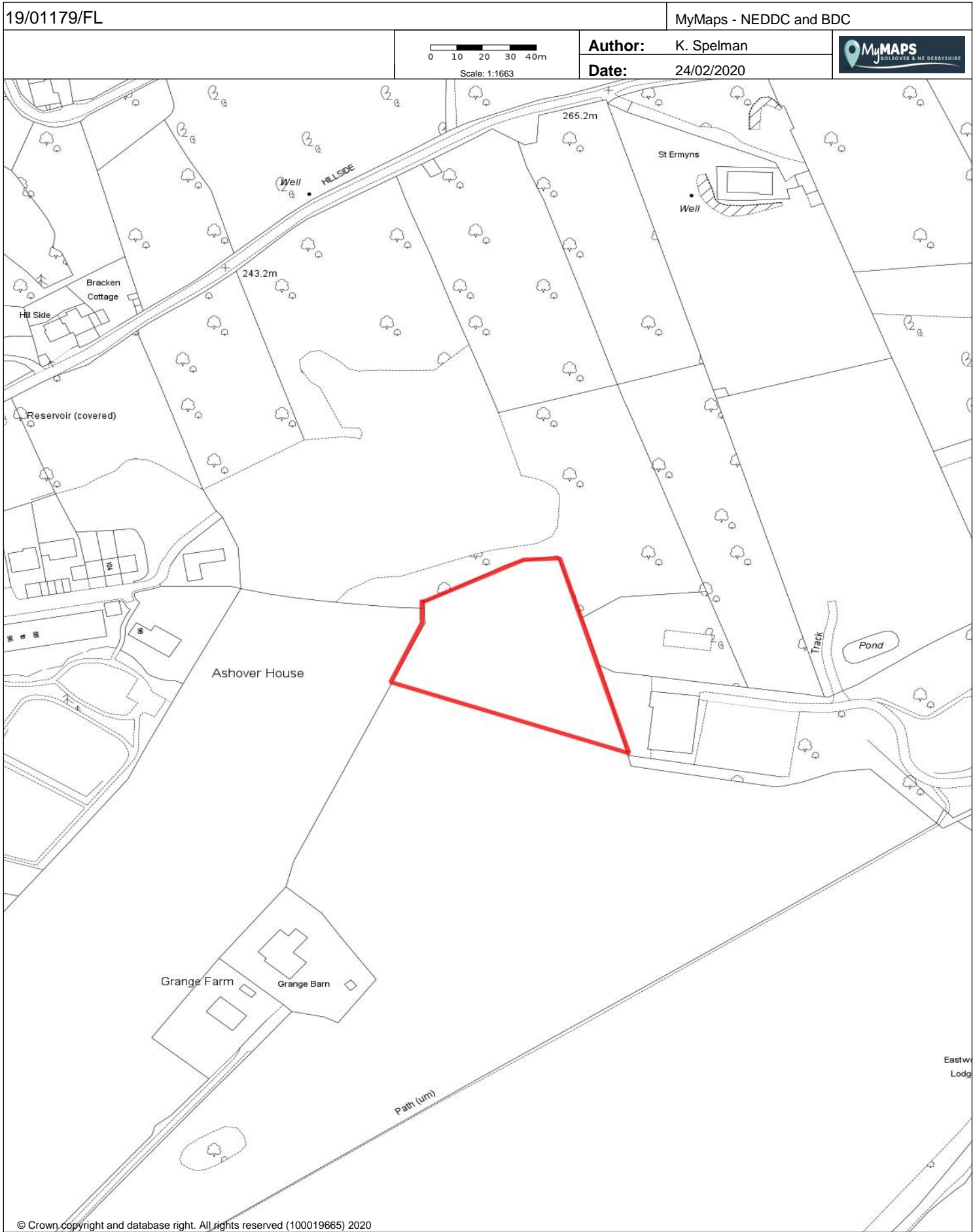
Neighbours: Objections received

Ward Member: Objections and called into committee

Parish Council: No comments

10.0 RECOMMENDATION

That planning permission is APPROVED with no conditions.



North East Derbyshire District Council

Planning Committee

10 March 2020

Planning Appeals Lodged and Determined

Report No PM/22/19-20/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 A Rowland - Erection of single detached dwelling on infill plot. (Conservation area) at Land North Of Main Road, Main Road, Troway (19/00525/FL)

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

Land Allocation Ltd - Outline planning application for residential development including means of access with all other matters reserved for subsequent approval (Major Development/Departure from Development Plan) at Land At Rear Of 263, Nethermoor Road, Wingerworth (19/00376/OL)

Planning Officer – (Nigel Bryan) Susan Wraith – Susan.Wraith@ne-derbyshire.gov.uk

Mr David Booth - Outline application with some matters reserved for proposed construction of two three bed one and a half storey detached dwellings (Affecting the Setting of a Listed Building) at Land North West Of Henmoor Cottage, Mill Lane, Holmgate, Clay Cross (19/00827/OL)

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

Mr and Mrs Cain - Retention of 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 (19/00680/FLH)

Planning Officer – Kevin Figg – Kevin.Figg@ne-derbyshire.gov.uk

Mrs Denise Greenhough – Application for the construction of a new dwelling (revised scheme of 18/00848/FL) at 24 Caldey Road, Dronfield (19/00764/FL)

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

1.2 **Appeals Allowed**

The following appeal has been allowed :-

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

Means of Determination – Committee

Planning Officer's Recommendation – Approve

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

1.3 **Appeals Dismissed**

The following appeals have been dismissed:-

Mr Bayliss – Demolition of existing garage and erection of detached dwellinghouse (Listed Building) (Revised scheme of 17/00448/FL) (Amended Plan) (Further Amended Plans) at 26 Hallows Lane, Dronfield (17/00914/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Aspbury Planning– office@aspburyplanning.co.uk

Mr Bayliss – Listed building consent application for the retention of partially demolished and relocated 2m high boundary wall at 26 Hallows Lane, Dronfield (18/00637/LB)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Aspbury Planning– office@aspburyplanning.co.uk

Mr 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 (18/01265/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Graeme Cooper– Graeme.Cooper@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

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: 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
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	Yes/No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Katie Spelman	217172