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**North East
Derbyshire**
District Council

Our Ref:

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Date: Monday, 20 July 2020

To: **Members of the Planning Committee**

Please attend a Special meeting of the Planning Committee to be held on **Tuesday, 28 July 2020 at 10.00 am using virtual meeting software**. Access credentials to the meeting will be sent to you separately. The public parts of the meeting will be streamed from the Council's website.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V9
- Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

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

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

| Conservative Group | Labour Group |
|---|--|
| Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell | Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse |
| Liberal Democrat Group | Independent Group |
| Councillor Ross Shipman | Councillor Andrew Cooper |

Please make any substitutions required for this meeting to Alan Maher by 12 Noon on Monday 27 July.

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 Reports of the Planning Manager - Development Management

- (a) NED/20-00095 - 21 Hogarth Rise, Dronfield (Pages 4 - 9)
- (b) NED/20-00371 - Carberry Wood, Kelstedge (Pages 10 - 20)
- (c) NED/20-00285 - Town End, Shirland (Pages 21 - 35)
- (d) Late Representations and Summary Report

To Follow

4 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
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District Council

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your language**

Polish

Mówimy Twoim językiem

French

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Spanish

**Hablamos su
idioma**

Slovak

**Rozprávame Vaším
jazykom**

Chinese

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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 – 28th JULY 2020

REFERENCE NUMBER: 20/00095/FLH Application Expiry Date: 31/07/2020
Application Type: Householder Planning Permission

Proposal Description: **Erection of a detached summerhouse in rear garden**
At: **21 Hogarth Rise, Dronfield S18 1QG.**

For: **Mr. Russ Thorpe**

Third Party Reps: 5 **Parish:** Dronfield
Ward Name: Gosforth Valley

Author of Report: Case Officer: Kevin Figg **Date of Report:** 2020

MAIN RECOMMENDATION: Grant permission



1.0 Reason for Report

- 1.1 There have been 5 letters of objection received from local residents raising concerns regarding the proposed development. A Ward Member has requested that the application be decided by Planning Committee to give an opportunity to residents to express their concerns and to allow more time to assess the potential impact on local residents and their amenity.

2.0 Proposal and Background

- 2.1 The application property comprises a detached bungalow located in a row of similar properties on a residential cul-de-sac with open countryside opposite; the land sloping up from north to south.
- 2.2 The application property lies within the settlement development limits for Dronfield where domestic development is considered to be acceptable in principle.
- 2.3 The property is currently undergoing a scheme of refurbishment and extension to the bungalow previously approved under delegated powers.
- 2.4 The current proposal is for the erection of a detached summerhouse in the rear garden of the property for the use of the applicant and his family.
- 2.5 Construction works have already started on site as the applicant believed that the proposed building would constitute permitted development. However, although the building's dimensions would otherwise accord with the rules relating to permitted development, consent is required in this instance since more than 50% of the site would be developed, contrary to those rules.

3.0 Relevant Planning History

- 3.1 The construction of single-storey extensions to the front and side of the bungalow were approved in 2019 (19/00435/FLH).

4.0 Consultation Responses

- 4.1 Ward Members – initially raised no comments. Following receipt of objections from neighbouring residents, the Ward Members were notified and one Member requested that the application be presented to Planning Committee.

Parish Council – raised no comments.

5.0 Representations

- 5.1 Comments have been received from neighbouring residents with the following concerns raised:
- The description of the proposed building as a 'summerhouse' is misleading;
 - The size of the building is too large;
 - The proposed use of the building is unclear;
 - The overall size of the outbuilding now proposed and the previously approved extensions would have an adverse impact on surface water drainage;
 - Building works have already started on site (Officer note: this is not a material planning matter);
 - The building is being partly constructed on land outside the ownership of the applicant (see para 7.4 below).
- 5.2 Comments have also been received relating to the previously approved scheme of extension (19/00435/FLH) but these are not considered relevant to the assessment of the current application.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the North East Derbyshire Local Plan and the Dronfield Neighborhood Plan.

The most relevant policies contained in the North East Derbyshire District Local Plan pertaining to this application are:

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

The most relevant policy contained in the Dronfield Neighbourhood Plan (DNP) pertaining to this application is:

D3 Good Design

- 6.2 Emerging North East Derbyshire District Local Plan

The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around

housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in Autumn, with Plan adoption by the end of 2020. The emerging Local Plan is therefore at an advanced stage and the following policies from it are relevant and should be attributed appropriate weight in decision making:

SS7 (Development within Settlements)
LC5 (Residential Extensions)

6.3 National Planning Policy Framework

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

7.0 **Planning Issues**

- 7.1 Policy BE1 of the Adopted Local Plan requires that new development should respect the character and appearance of the surrounding area. Policy GS5 requires that development should not be detrimental to the character and appearance of the site and should not have a detrimental effect on the amenities of neighbouring occupiers and uses. Policy H5 requires that domestic development should be in keeping with the property and streetscene in terms of their style, proportion and materials and should avoid significant loss of amenity for the neighbouring properties. Policy D3 of the DNP requires new development to respond positively to the character of existing development.
- 7.2 Comments have been received from neighbouring residents with concerns over the size and proposed use of the outbuilding now proposed. The current application is for a summerhouse within the curtilage of a dwelling with a proposed use ancillary to the enjoyment of that dwelling. The outbuilding is assessed on that basis and, if approval is granted, would be conditioned to that purpose only. Any other proposed use of the outbuilding would require a further grant of planning permission. It is considered that the proposed summerhouse is of a size, appearance and style appropriate to its location within a residential environment and is in accordance with the relevant policies above.
- 7.3 Concerns have also been raised over the potential impact of the proposed outbuilding on surface water drainage in the area, particularly when the previously approved extensions at the property are also taken into account. However, it is not considered that this would represent a material planning consideration in this instance and the immediate surface water run off for the summerhouse would be contained locally and controlled through other legislation.

- 7.4 Comments have also been received that suggest that the outbuilding now proposed would be partly constructed on land outside of the control or ownership of the applicant. However, the applicant has confirmed that the outbuilding would be sited completely on land within his ownership and any dispute over such ownership would be a private legal matter between the parties concerned.
- 7.5 Concerns were also raised that construction work on the outbuilding had already taken place prior to the submission of a planning application. Construction works have already started on site since the applicant believed that the proposed out building would constitute permitted development. However, although the outbuilding's dimensions would accord with the rules relating to permitted development, consent is required in this instance since more than 50% of the site would be developed, contrary to those rules.
- 7.6 The outbuilding would be located at the bottom of the rear garden of the property and any openings would face back towards the applicant's bungalow. Any potential views towards neighbouring properties would be severely restricted by the 1.8m fencing along the property boundaries. It is Officer's opinion, therefore, that the proposed outbuilding would result in no significant detrimental overlooking or loss of privacy for neighbouring residents.
- 7.7 The proposed outbuilding would be flat roofed with a maximum height of 2.5m and would be located to the north of the existing dwelling. It is Officer's opinion that the proposed building would not appear overly prominent when viewed for neighbouring properties and would not result in any significant overshadowing or loss of light.
- 7.8 The proposed outbuilding would not be visible from public viewpoints and would therefore have no impact on the character or appearance of the surrounding streetscene.

8.0 Summary and Conclusion

- 8.1 The current application is for the construction of a summerhouse within the rear garden of the applicant's property for the use of the applicant and his family. It is considered that a summerhouse is an appropriate use in this instance and would be ancillary to the enjoyment of applicant's dwelling.
- 8.2 It is considered that the proposed outbuilding would be of appropriate size, appearance and materials for its residential setting and would have no significant impact on the amenity of the neighbouring residents, in accordance with policies BE1, GS5 and H5 of the Adopted Local Plan.

9.0 Recommendation

Grant Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 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 revised plans and elevations drawing received 23/03/2020; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
3. The outbuilding hereby approved shall be for ancillary domestic use only and not for any business use.

PLANNING COMMITTEE – 28 July 2020

REFERENCE NUMBER: 20/00371 Application Expiry Date: 18 June 2020 PPA
31 July 2020

Application Type: Full Householder Planning Permission

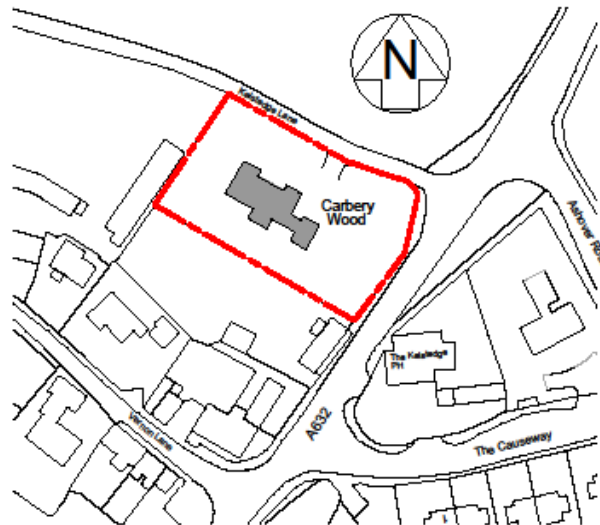
Proposal Description: Application for side extension at (Amended Plans)
At: Carbery Wood, Kelstedge Lane, Brockhurst, Ashover S45
OHP

For: **Mr Simon Oxspring**

Third Party Reps: 1 Parish: Ashover Parish Council
Ward Name: Ashover Ward

Author of Report: Case Officer Alice Lockett Date of Report: 8 July 2020

MAIN RECOMMENDATION: GRANT subject to conditions



1.0 Reason for Report

- 1.1 This application has been called into committee by the ward member. There has been one objection.

2.0 Proposal and Background

- 2.1 This proposal is for a single storey extension to the west elevation of the existing property.
- 2.2 During the course of determining the application the plans have been amended from those originally submitted. Initially the application was for an extension into the loft with associated raised roof height and dormers, in addition a double garage building with habitable space above was proposed. A new access point was also proposed. This has now been amended to relate solely to a single storey extension of the existing bungalow with no separate garage building or new access point.

3.0 Relevant Planning History

- 3.1 Permission for a two storey detached dwelling with detached garage/ancillary accommodation (revised scheme of previously withdrawn 18/01277/FL) (Amended Title/Amended Plans) on the garden area to the east of the property was refused and subsequently dismissed on appeal in May 2020

4.0 Consultation Responses

- 4.1 Ashover Parish Council: expresses concern at the restricted nature of the access onto the main road from Kelstedge Lane. Additionally, Members expressed concern at the size of the proposal and its impact on surrounding countryside, together with the loss of privacy to the neighbouring property and the lack of clarification on any proposed treatment of boundaries to the property.

These aspects of the scheme are dealt with in section 7

- 4.2 DCC Highways had concerns about the original proposals but responded as follows on the amended plans:
“The amended proposals show the existing dwelling being re-configured and extended, whilst retaining the existing access arrangements.

On this basis, providing the extended accommodation forms private, domestic, ancillary living accommodation for the existing dwelling and the existing on-site parking arrangements for residents vehicles are maintained, there are no objections in principle to the application proposals on highway safety grounds”.

5.0 Representations

5.1 2 letters have been received:

- The Ward Member commented that the application is out of character and is contrary to the Ashover Neighbourhood Plan, the massing is also in question- this issue is dealt with in section 7
- The neighbour at The Cottage, Matlock Road states:
 - The boundary hedges have not been shown on the plan (Officer comment: a plan showing the hedge affected by the proposal has now been submitted. Boundary treatments are discussed in section 7)
 - A bat survey should be completed before remodelling of the bungalow (Officer comment: this planning application is now for a new build extension of the bungalow no remodelling of the existing roof space is proposed)
 - Vehicle access and exiting would be vastly increased on what is a very sight restricted road and junction with A632 (Officer comment; DCC Highways have no raised no concerns)

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises the North East Derbyshire Local Plan and the Ashover Neighbourhood Plan.

The most relevant policies in determining this application are as follows:

North East Derbyshire District Local Plan

BE1 General Design Principles
GS5 Settlement Development Limits
H5 Domestic Extensions
T9 Car Parking Provision

Ashover Neighbourhood Plan

AP1 Development within Limits to Development
AP2 Development Proposals outside the Limits to Development
AP11 Design

North East Derbyshire District Council Local Plan (2014-2034) Publication Draft (PD)

The PD was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. This consultation has now taken place and it is anticipated the PD will be adopted by the end of 2020

The most relevant policies from the PD in respect of determining this application are as follows:

LC5 Residential Extensions

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

SCD12 High Quality Design and Place Making

7.0 Planning Issues

Principal of Development



Figure 1 Carbery Wood as viewed from Kelstedge Lane

- 7.1 Carbery Wood is a detached single storey property located within the settlement development limits for Kelstedge where policy GS5 accepts development in principle providing that it is not detrimental to the character and appearance of the site and its surrounding environment and would not have a detrimental effect on the amenities of neighbouring occupiers.

Therefore, subject to the consideration of those issues the construction of an extension in this case is acceptable.

Design and Impact on the Street Scene

7.2 Carbery Wood is a relatively modern detached bungalow set within a large curtilage. The garden is bounded by a stone wall to Kelstedge Lane (north) and a large well established hedge on the boundary with the A623 Matlock Road (east). The rear boundary (south) is formed of a mixture of large deep hedgerow and sparser areas which are fenced. The western boundary is fenced and borders onto a wooded area. The bungalow sits down into the site and although it has a large footprint it does not appear dominant and therefore Officers consider it makes a positive contribution to the character and appearance of the area.

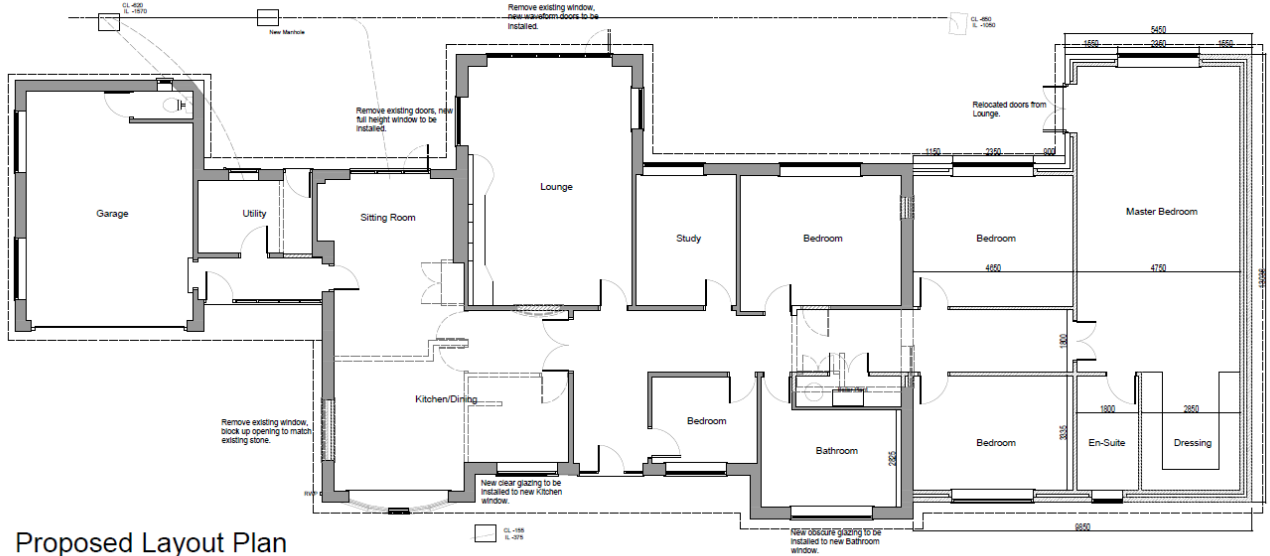


Figure 2 the application is for an additional wing to the existing bungalow

7.3 The proposal is for an extension to the western elevation of the existing bungalow. The proposal would add a 9.85m wide extension to the property, this will be just over 13m deep at the deepest part and the roof height will be the same as existing. The proposal would create three new bedrooms, one en suite, and dressing room areas. At the rear the extension would seek to mirror the existing property with an additional extended gable at the back. The proposal would be constructed of materials to match the existing.

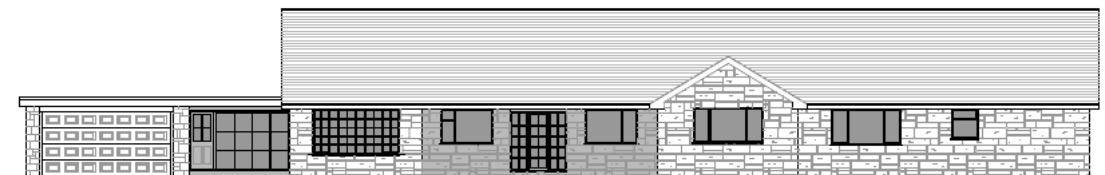
7.4 Originally the proposal sought an increase in roof height, an extension into the loft and a two storey garage building. However, the garage was considered similar to the structure which was deemed to be dominant and

out of keeping by the inspector of the new dwelling dismissed on appeal and so, after discussion between the Officers and agent the proposal has been changed to seek simply a single storey extension of the bungalow.

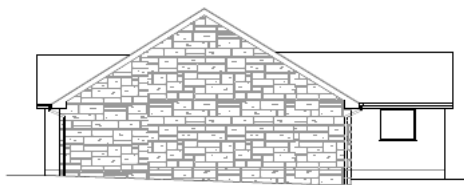
- 7.5 The proposal will be visible from surrounding roads including Kelstedge Lane and the A623, Chesterfield to Matlock Road.
- 7.6 Policies GS5(a), BE1(a) and H5 of the Local Plan and policy AP11(a) &(b) of the Ashover Neighbourhood Plan seek to ensure new development is sympathetic to its surroundings.



Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation (West)



Proposed Side Elevation (East)

Figure 3 proposed elevations

- 7.7 The proposal would extend the bungalow laterally and result in an elongated roof line. However, the bungalow already presents such an appearance and as the bungalow is set down into the site, backed by a variety of agricultural buildings and bounded to the west by trees Officers consider that the extension will be sympathetic to the prevailing character of

the site (see Fig 4 below). Further, by maintaining gardens to the front, rear and east of the bungalow any sense of over development of the site will be reduced.



Figure 4 Carberry Wood from the A623 Matlock Road

- 7.8 This conclusion is re-enforced by the design and materials proposed which mirror the existing property.

Impact on Neighbours

- 7.9 The most affected property is The Cottage, located close to the Matlock Road itself. Concern has been expressed that the proposal will have views over the garden most closely associated with the house, including the decking area.
- 7.10 However, the amended proposal is for an addition to the building at the western end of the property, approximately 40m away from The Cottage. Unlike the plans first submitted there are now no extensions proposed into the loft area and no dormer windows. The extension at the western end of the property does have a limited potential to view the furthest end of the

garden to The Cottage, (the part least associated with the house) but in this case the boundary is formed by a 3m tall, thick hedge (Fig 6 below). Whilst Officers believe the relationship between properties without the hedge is likely to prove acceptable, Officers recommend that in granting permission the hedge shown coloured yellow in Fig 5, i.e. that relating to the extension, is conditioned to remain in perpetuity, thereby removing any impact from the extension on the garden to the Cottage.

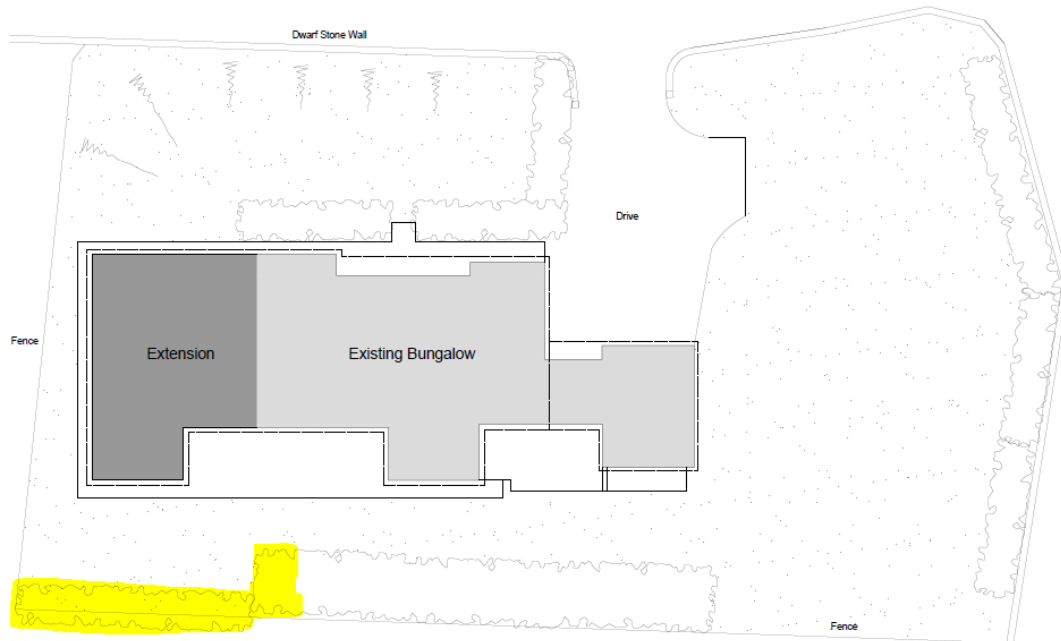


Figure 5 Site plan including boundary treatments

7.11 The neighbour at The Cottage has requested that all the hedges around the property be conditioned to remain as part of any planning permission granted. However since this application only proposes development on the west side of the building it is considered it would be inappropriate and unreasonable to condition the retention of boundary treatments beyond those immediately behind and associated with the proposed extension.



Figure 6 a large hedge separates Carbery Wood from its neighbour The Cottage

7.12 Officers conclude that the proposal does avoid any significant loss of privacy and amenity for residents of neighbouring properties in accord with policy H5 of the local Plan.

Highways

7.13 Policy T9 of the Local Plan requires that proposals have regard to the maximum parking standards which for a property of this size would be 2 spaces. The County Highways asked for space for 3 cars to park and space to turn allowing cars to exit onto Kelstedge Lane in a forward gear.

7.14 The neighbour and parish council have both expressed concern about the impact of a potential increase in cars as the property is changed from a 3 bedroom to 6 bedroom property.

7.15 County Highways were concerned that the original proposal had no space for 3 cars to park and turn and were also concerned about site lines from the potential new access point.

7.16 The submitted plans have removed these problems as space is available for cars to park and turn in the existing layout and the existing access

point has satisfactory site lines given the low speeds expected of cars travelling along Kelstedge Lane, from the east in particular. As such the proposal meets the requirements for County Council Parking and access to the highway and policy T9 of the Local Plan.

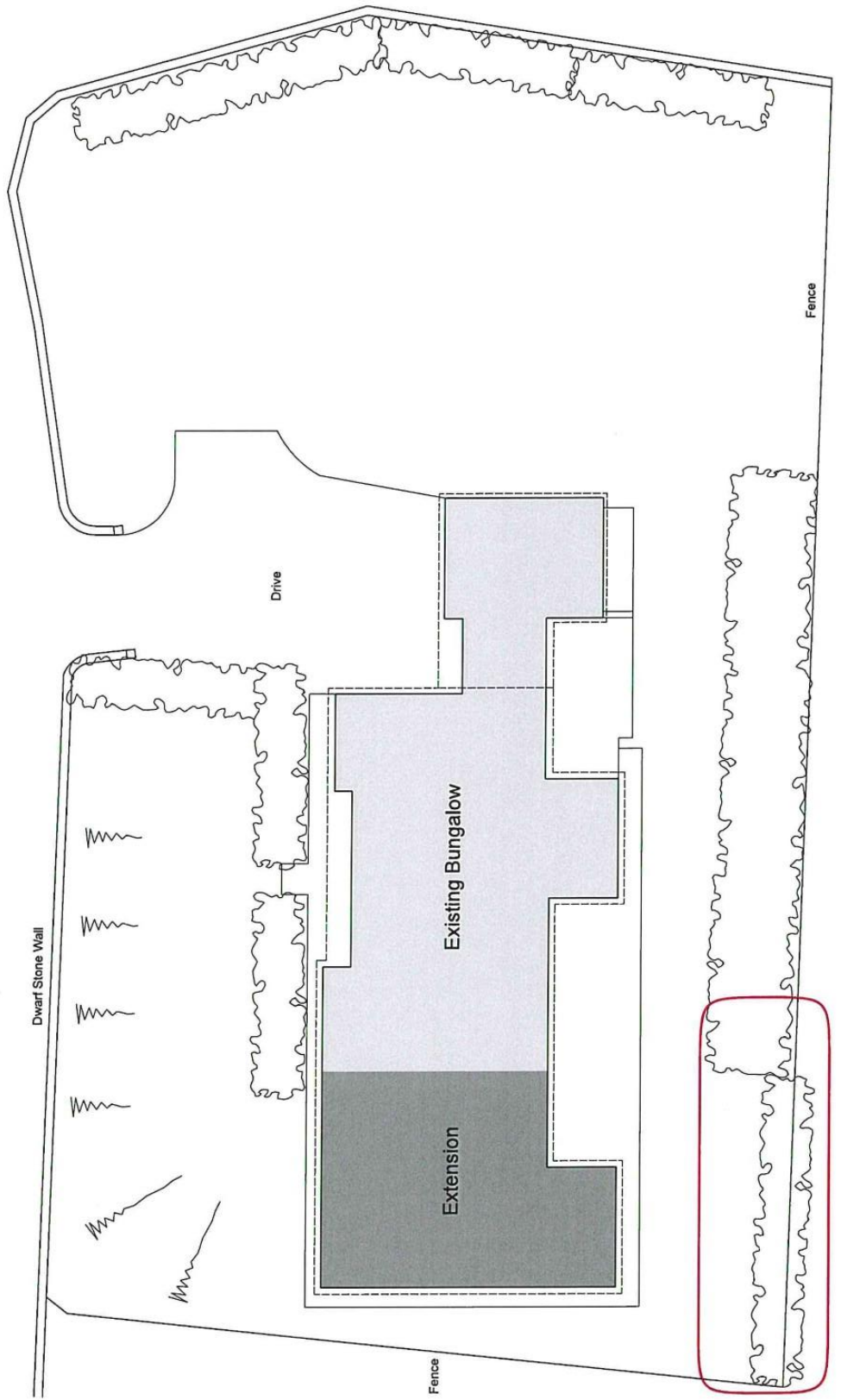
8.0 Summary and Conclusion

- 8.13 This proposal seeks consent for a single storey side extension to the west of the existing property. The plans considered have been amended from those originally submitted which proposed an increase in roof height and a separate garage building.
- 8.14 The amended proposal uses a design and materials which is considered in keeping with the existing building and not out of keeping with the existing building, the street scene or the surrounding area. Although the proposed extension could possibly overlook the end of the garden of The Cottage this can be prevented by the retention of the large hedge between the properties.
- 8.15 In conclusion local and national planning policy aims to encourage development within development settlement limits which is in keeping with the surrounding area and does not significantly infringe on the privacy and amenity of neighbours. It is Officers' opinion that this proposal is in keeping with the property, street scene and surrounding area, maintains the privacy of neighbours and does not significantly affect the amenity of any neighbour. As a result it is recommended that this proposal be approved.

9.0 Recommendation

9.1.1 GRANT Planning Permission subject to the following conditions

1. The development hereby permitted shall be started within three years from the date of this permission
2. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. The hedge between Carbery Wood and the rear garden of The Cottage (circled in red on the attached plan (appendix1) shall be maintained at a height of 3m in perpetuity.



PLANNING COMMITTEE – 28 July 2020

Reference Number: 20/00285/FL

Application expiry: 31 July 2020

Application Type: Full planning permission

Proposal Description: Change of use from manège to commercial sale of vehicles (Affecting Setting of a Listed Building/Amended Title/Amended Plans)

At: 2 Town End, Shirland

For: Mr Oughton - Rightvan Ltd

Third Party Reps: Reps from 1 local resident

Parish: Shirland & Higham

Ward: Shirland

Report Author: Graeme Cooper

Date of Report: 1 July 2020

MAIN RECOMMENDATION: Grant, subject to conditions

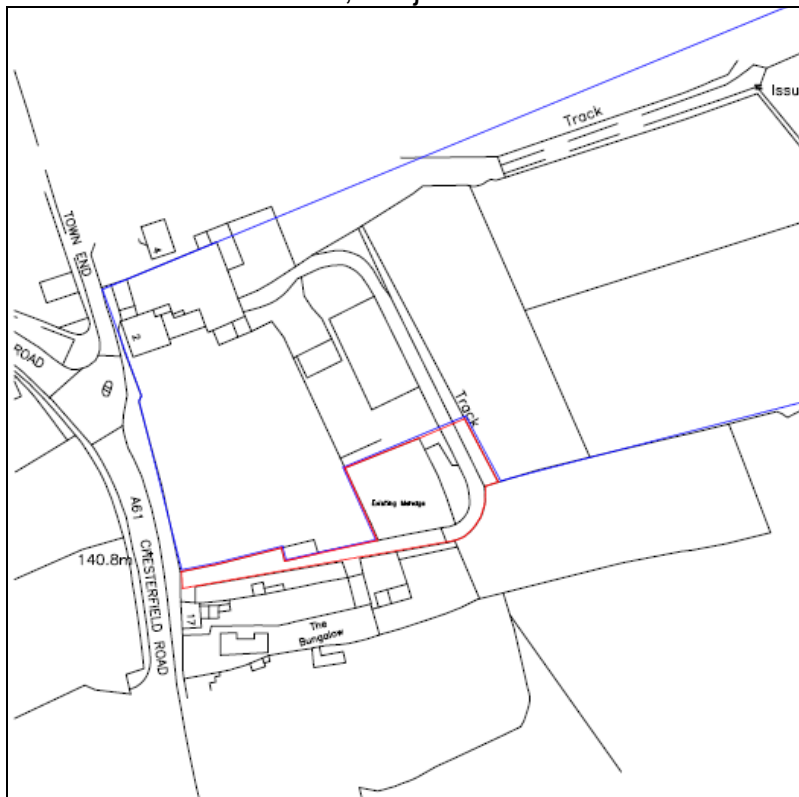


Figure 1: Location plan, with site edged in red and other land under the applicants ownership edged in blue

1.0 Reason for Report

- 1.1 The local ward member contacted Officers during the course of the application to formally request that it be considered by members of planning committee for reasons relating to the site access being dangerous and the use being inappropriate in the setting of a listed building. One local resident has raised a number of objections to the proposal. Members of planning committee are therefore required to determine the application in line with the Councils constitution.

2.0 Proposal and Background

Site Description

- 2.1 The application site forms the grounds of 2 Town End, Shirland, a Grade II Listed Building. The dwelling sits fronting the highway to the north west corner of the site, with a range of outbuildings extending from the building.
- 2.2 Large grounds, containing a number of protected trees are located to the south of the listed building. A track, with two timber gates, provides access to the dwelling from Main Road to the south and extends around the southern and eastern perimeter of the grounds, leading to a turning area close to the dwelling. A secondary access is located closer to the house on Town End.
- 2.3 In the south east corner of the grounds is a riding arena, which forms the application site. To the north of the riding arena are the grounds and orchard of the listed building. To the east of the main dwelling and north east of the application site are outbuildings and a former tennis court.
- 2.4 An attractive formal stone wall frames the site to the west, south and separates the site from Main Road, a busy arterial road connecting Chesterfield to Alfreton. Mature trees sit adjacent to the western and southern boundary of the site.
- 2.5 The application site sits partially within the Settlement Development Limit (access and dwelling) for Shirland and open countryside (riding arena only).

Proposal

- 2.6 Permission is sought for the change of use of a riding arena to vehicle storage area. The storage of vehicles would be linked to an established business which buys and sells high-end camper vans. The business is linked to the occupier of the dwelling.
- 2.7 The applicant has confirmed the following:

- Land to be used for the storage of vehicles. The applicant would primarily store high-end camper vans at the site which would then be sold online.
- Vehicles would be delivered on an individual basis on a highly sporadic basis. It is estimated that, as a maximum, five vehicles a week would be delivered.
- All sales and initial negotiations would take place online or over the telephone. The applicant would operate from a home office within Shirland House.
- There would be occasional visits to the site by customers but, on average, it is estimated that the maximum number of these would be 1 per day. All visits would be strictly appointment only.
- The existing landscaping which surrounds the site would be retained in full.
- There would be no staff employed at the site.

Amendments

- 2.8 Updated plans have been submitted illustrating a passing place along the access track, which include the removal of a section of Laurel hedge.

3.0 Relevant Planning History

- 3.1 18/01082/OL - Outline Planning application with all matters reserved for two dwellings (resubmission of 18/00607/OL) (Amended Plans/Information) **(Conditionally Approved)**.

[OFFICER NOTE: this approval includes use of part of the access into the application site only]

- 3.2 91/00872/FL - Erection of a block of five stables, a block comprising single stable and tack room and a building for use as garden/hay store **(Conditionally Approved)**
- 3.3 88/01091/LB - Listed Building Consent for internal and external alterations to stables **(Conditionally Approved)**
- 3.4 88/01092/FL - Conversion of loft and stables into ancillary flat **(Conditionally Approved)**
- 3.5 80/01272/FL - Rebuild barn **(Conditionally Approved)**

4.0 Consultation Responses

- 4.1 The **Parish Council** raised the following comments:

“The Parish Council do not feel that this application is appropriate given the nature of the location (the setting of a listed building) and the intended use as a commercial business adjacent to a residential area.”

- 4.2 County **Highways Authority** initially raised concerns relating to the access width and details submitted. It was requested that the track be widened for the first 15m. Space within the site for parking and maneuvering was also requested.

Amended plans were submitted illustrating the removal of a section of hedge adjacent to the highway to increase the width of the access track. An informal passing place can also be provided 14m into the site. The Highways Authority considered these submitted amended plans and considered that the changes proposed would improve space for vehicles to pass should they meet within the site. No objections are raised subject to conditions relating to improvements to the access width by removing the section of hedge, the business being operated by the occupant of 2 Town End, the business operating on an appointment only basis and there being no gates located across the site frontage.

- 4.3 The **Councils Environmental Health Officer** raised comments regarding noise and odour matters, which are covered in more detail in the assessment below.

5.0 Representations

- 5.1 The Local Ward Member raised concerns at the access into the site being dangerous and the use inappropriate to the setting of the listed building. The application has been called into planning committee for these reasons.

- 5.2 The application was publicised by way of neighbour letters and the display of a site notice – A number of material objections have been received from one neighbour and can be summarised as follows:

- Loss of privacy from large vehicles being used along track, they can see over boundary fence
- Access track serving applicants property is also used by The Bungalow (they have a historic right of access along this track)
- Access into site is in close proximity to neighbouring property (17 Main Road)
- Visual and noise implications on objectors property and approved dwellings to east
- Access is unsafe for business use proposed
- Loss of hedgerow to front of site would be harmful to character of the area and on neighbouring properties
- Visual impact on neighbouring properties

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

6.1 The following policies of the Local Plan are material to the determination of this application:

- GS1 Sustainable Development
- GS5 Settlement Development Limit
- GS6 Open Countryside
- GS7 Change of Use
- NE1 Landscape Character
- NE7 Protection of Trees and Hedgerows
- BE9 Development in the Vicinity of a Listed Building
- E8 Employment Development in Other Areas OR
- E9 Employment Development in the Countryside
- T2 Highway Access and the Impact of New Development
- T9 Car Parking
- T5 Walking and Cycling

Emerging North East Derbyshire Local Plan (Under Examination)

6.2 The emerging Local Plan (eLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in Spring, with Plan adoption by the end of 2020.

6.3 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.

6.4 The following emerging policies of the eLP are material to the determination of this application:

- SS1 Sustainable Development
- SS7 Development on Unallocated Land within Settlements with defined Settlement Development Limits
- SS9 Development in the Countryside
- SDC2 Trees, Woodlands and Hedgerows
- SDC3 Landscape Character
- SDC6 Development Affecting Listed Buildings

SDC12 High Quality Design and Place Making
SDC13 Environmental Quality
SDC14 Land potentially affected by Contamination or Instability
ID3 Sustainable Travel
ID7 Greenways and Public Rights of Way

National Planning Policy Framework (NPPF)

- 6.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.6 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities have special regard to the desirability of preserving Listed Buildings including their setting.
- 6.7 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan Policy GS6 states that developments in the open countryside should be considered acceptable subject to the following criteria:
- a) the development is for the operation of a use appropriate to such a location;
 - b) it is in keeping with the character of the countryside;
 - c) it causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality;
 - d) it does not require major new or improved infrastructure provision;
 - e) it causes minimal problems of noise, disturbance and pollution and other environmental impact; and
 - f) it does not represent a prominent intrusion into the countryside.
- 7.2 Local Plan Policy GS7 states that planning permission for change of use will be permitted provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses.
- 7.3 Local Plan Policy E9 states that planning permission will be granted for employment development within the Use Classes B1, B2 and B8 which involve either proposals for the conversion of existing buildings or new build development provided that the use is appropriate to such a countryside location. The proposed development does not fall into any of

- these Use Classes and is closely linked to the SDL of Shirland, as such consider Policy E8 to be more relevant in this instance. Local Plan policy E8 supports changes of use providing it does not have an unacceptable effect on the character of the surrounding area through visual impact, noise or pollution resulting from the development or from traffic generated. Adequate parking and access provision will also be required.
- 7.4 The proposal sits in the grounds of a Grade II Listed Building, as such Local Plan Policy BE9 is relevant. It states that development affecting the setting of a Listed Building will only be permitted if it preserves or enhances its setting, and includes where appropriate the retention of trees and other landscaping features.
- 7.5 The National Planning Policy Framework (NPPF) states at paragraph 80 that *“decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”* Paragraph 83 goes on to state that *“decisions should enable the sustainable growth and expansion of all types of business in rural areas.”* However paragraph 84 of the NPPF is clear that *“development should be sensitive to its surroundings, not have an unacceptable impact on local roads.”* Furthermore in the same paragraph the NPPF supports *“the use of previously developed land and sites that are physically well-related to existing settlements.”*
- 7.6 The NPPF is clear at paragraph 109 where it 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.”*
- 7.7 In view of the above, the principle of development is considered to be acceptable.

Street Scene and Landscape Considerations

- 7.8 The proposed development would involve the change of use of a riding arena into storage and sale of vehicles in association with a business use. Initially no changes were proposed to the boundary or landscaping on site, however to form a more appropriate access into the site a 21m section of Laurel hedgerow would be removed. The applicant has confirmed that the surfacing of the riding arena would be changed to crushed limestone and no amendments are required to the boundary treatments framing the site. No gates would be required.
- 7.9 The site is residential in character, with large grounds associated with the Grade II Listed Building located to the north. A number of outbuildings are

located close to the property and a tennis court sits to the north. The property falls within a residential setting, flanked to the north and south by residential properties within the SDL of Shirland. Main Road sits to the west of the site and open countryside to the east. Access into the site is taken from the south along a narrow track which also serves the main dwelling. This track abuts up to the access associated with 17 Main Road, which has outline planning permission for two dwellings to the rear.

- 7.10 In addition to the aforementioned Local Plan policies which consider the change of use and countryside policies, Local Plan policy NE1 states that the varied and distinctive landscape character of the District should be conserved and/or enhanced. Development proposals that would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted.
- 7.11 The site contains a number of protected trees, with Local Plan Policy NE7 stating that development will not be granted where it would have a direct or indirect effect on established trees. The proposal would not impact upon any protected trees within the application site. However the scheme would result in the removal of a 21m section of hedgerow. Removal of this section of hedge would reveal a section of wall which forms the boundary of the orchard associated with the applicant's property.
- 7.12 The proposed changes are limited to the removal of a non-native Laurel hedgerow, this would result in a traditional stone wall being revealed. Changes to the use of the riding arena would not be visible from public viewpoints. Officers consider that the proposed alterations and change of use, by virtue of its scale and type of operation would not have an adverse effect upon the character and appearance of the surrounding street scene and character of the area. Furthermore, the proposed works would not have an adverse effect upon the surrounding landscape character in this location.

Impact on Setting of Listed Building

- 7.13 The property is a Grade II Listed Building, with the listing mentioning the house itself and attached stable building as being of particular importance. As such, there is a requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities have special regard to the desirability of preserving Listed Buildings including their setting.
- 7.14 Local Plan Policy BE9 states that development affecting the setting of a Listed Building will only be permitted if it preserves or enhances its setting, and includes where appropriate the retention of trees and other landscaping features.

- 7.15 The proposal involves the change of use of a riding arena which is well screened from public views from the A61 to the west and from wider viewpoints in the countryside to the east. Furthermore, views of the listed building from the riding arena are impossible due to the level of planting within the orchard to the south of the building. No trees would be removed as part of the development, but a 21m stretch of hedgerow would be removed at the site entrance to accommodate a wider access into the site and provide for a passing place.
- 7.16 A hedge removed would be mostly Laurel, a non-native species. Its removal would reveal the original stone wall which frames the orchard to the south of the listed building. No new, modern boundary treatments are required.
- 7.17 Officers consider that the retention of the majority of hedgerow along the access track and stone wall framing the listed building would preserve the setting of the listed building. Furthermore, views of the storage/sales area would be impossible from public viewpoints and well screened from the listed building, as such Officers are satisfied that the proposed change of use and alterations to the access would preserve the setting of the listed building.

Privacy and Amenity Considerations

- 7.18 The applicant seeks to store vehicles on the site of a riding arena to be sold online via their established business. The business would be linked to the adjacent dwelling and run solely by the occupier, details of which are:
- Land to be used for the storage of vehicles. The applicant would primarily store high-end camper vans at the site which would then be sold online.
 - Vehicles would be delivered on an individual basis on a highly sporadic basis. It is estimated that, as a maximum, five vehicles a week would be delivered. There would be occasional visits to the site by customers but, on average, it is estimated that the maximum number of these would be 1 per day. All visits would be strictly appointment only.
 - The existing landscaping which surrounds the site would be retained in full.
 - There would be no staff employed at the site.
- 7.19 The Councils Environmental Health Officer (EHO) was consulted on potential noise and odour matters. The EHO considers that the scale of the proposed use would have a limited impact on neighbouring residents from noise or fumes. The EHO accepts the proposed restrictions put forward by the applicant. The EHO also requests that the use is limited to the storage/sales only and there shall be no mechanical use or use of

- power tools. Cleaning and polishing of vehicles should only be allowed. The hours of operation should also be restricted to the usual working day to restrict noise impacts at unsociable hours. These requests can be restricted by way of condition.
- 7.20 Concern has been raised by a local resident as to the comings and goings associated with such development. Officers note that any user of tall vehicles entering the site would be able to look over a short section of low fence back towards 17 Main Road. Officers also note the proximity of the access to the neighbouring property.
- 7.21 Officers have noted this relationship with the neighbour and the applicant has confirmed that there will only be 5 deliveries per week and occasional customer visits. There will be no additional staff on site. Any vehicles using this access may be able to see over this short section of low fence between the neighbouring property and the driveway. However it is highly unlikely that vehicles will be stationary for any length of time and will be concentrating on either entering or exiting the site, as such Officers do not consider that this relationship would be harmful to neighbouring resident's privacy and amenity. Furthermore it is noted that planning permission has been granted for two dwellings to the east, with access taken immediately to the north of the neighbour's property. However it is appreciated that this approval is in outline only.
- 7.22 In view of the above, Officers consider that the small scale of the operation on site, restricted by conditions limiting the deliveries and customers visiting the site, along with conditions limiting the use of power tools and the hours of operation will ensure that the proposed development would not be detrimental to the neighbouring residents privacy and amenity.

Highway Safety Considerations

- 7.23 The proposal involves the change of use of a riding arena into the storage of high end camper vans for retail sale. It is envisaged that there will be up to 5 deliveries per week, occasional (appointment only) customer visits and there would be no additional members of staff.
- 7.24 The County Highways Authority (HA) was consulted and note that the site is accessed from Main Road, a classified road subject to a 30mph limit. Due to the wide footway at the access point, visibility in both directions is acceptable. The HA note that deliveries would be sporadic, however how vehicles would be delivered is unclear. The application site is located along a narrow track which also serves the main dwelling, should 2 vehicles meet then they may be required to reverse onto the public highway. The HA requested that the access road be widened and appropriately bound with any gates set back from the highway. The HA question whether a condition can be included on any decision restricting

the number of customers into the site. The HA request that this is considered to minimise the potential vehicle conflict. The HA note that 20 spaces would be provided on site, however the plan provided only illustrates 7 cars parked within the site. A revised plan is requested demonstrating sufficient space within the site for the storage of vehicles, together with customer parking along with manoeuvring within the site.

- 7.25 Amended plans were submitted illustrating a widened access track and passing place. This widened access arrangement would be provided by removing a 21m section of hedgerow adjacent to the highway.
- 7.26 The applicant has also confirmed that deliveries will be driven into site or brought in on a low loader under his ownership. Customers will come to site by appointment only and sufficient parking and turning is available within the site. Furthermore he points out that the existing dwelling has another point of access to the north, so residents do not have to use this point of access.
- 7.27 The HA considered the amended plans and are of the opinion that they overcome their concerns, subject to conditions restricting the deliveries into the site, customers coming to site by appointment only and the business not employing anyone other than the occupants of 2 Town End. It was also requested that the applicant submit a parking and maneuvering plan before development commences. Officers also consider that there should be no gates within 10m of the highway boundary to avoid instances of a vehicle with trailer extending onto the public highway.

Land Contamination Considerations

- 7.28 The Councils EHO was consulted and noted that no ground works would be necessary as such no further land contamination action is required.

Other Considerations

- 7.29 Concern has been raised by a third party at the submitted plans not being an accurate depiction of land under the applicant's ownership. However the applicant has confirmed in writing that to the best of his knowledge he owns the land forming the application site. As such Officers are satisfied that they are able to determine the application and any boundary disputes are private matters that are not material to the determination of this application.

8.0 Summary and Conclusion

- 8.1 The riding arena lies in open countryside, with the access track falling within the Settlement Development Limit for Shirland. Local and National Planning Policy supports business growth in such a location.

- 8.2 The site is well screened from public viewpoints and the only proposed change to the site is the removal of a section of Laurel hedge to increase the width of the access track from Main Road and provide a passing place. This will reveal an attractive boundary wall to the listed buildings orchard. Officers are satisfied that these alterations to the site and change of use would not be detrimental to the character and appearance of the site and the surrounding street scene. Furthermore the proposed use, its scale and type of operation will not have an adverse effect upon the character of the area.
- 8.3 Officers are satisfied that the proposed change of use and alterations to the site entrance, including removal of a section of Laurel hedge would preserve the setting of the listed building.
- 8.4 Subject to restrictive conditions outlined in the assessment above, Officers are satisfied that the proposed use, by virtue of its scale and type of operation would not be detrimental to the privacy and amenity of existing neighbouring residents or land uses.
- 8.5 The HA consider that changes to the site entrance and the introduction of a wider section of driveway to allow vehicles to pass each other would overcome any highway safety concerns.
- 8.6 For the reasons above, it is considered that the proposed development would comply with the North East Derbyshire Local Plan, emerging Local Plan and guidance contained in the NPPF.

9.0 Recommendation

9.1 Grant permission subject to the following conditions:

- 1) The development hereby permitted shall be started within 3 years from the date of this permission.

[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]

- 2) The development hereby approved shall be carried out in accordance with the submitted plan drawing numbers:
 - 2204-2 (Site Layout Plan, date scanned 17th March 2020)
 - 2204-3 (Location Plan, date scanned 17th March 2020)
 - 2204-3 (Location Plan with Passing Place annotated, date scanned 24th June 2020)

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

[Reason: For clarity and the avoidance of doubt.]

- 3) The site subject of this application shall be used for the storage and sale of vehicles only.

[Reason: For clarity and the avoidance of doubt.]

- 4) The area for the storage and sales of vehicles shall be surfaced with crushed limestone, and retained as such thereafter.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside.]

- 5) Prior to the change of use the subject of the application, the existing access track onto Main Road shall be widened, generally in accordance with drawing 2204-3-3, with the additional removal of the first section of hedge (marked in green for the first 21m into the site and including the 'passing place') located between the highway and proposed passing place, so as to provide space within the site to vehicles to pass should they meet.

[Reason: In the interest of highway safety, all in accordance with Policy T2 of the North East Derbyshire Local Plan.]

- 6) Notwithstanding the submitted details, prior to the change of use taking place, a plan to show vehicle parking, customer parking, maneuvering areas and revised access track surfacing 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 use of the site. Thereafter the customer parking and turning areas shall be kept clear at all time and not used for any other purpose other than parking and maneuvering.

[Reason: In the interest of highway safety, all in accordance with Policy T2 of the North East Derbyshire Local Plan.]

- 7) There shall be no vehicular gates or other barriers located within 10m of the highway boundary and any gates shall be designed as to open inwards only.

[Reason: In the interest of highway safety to avoid instances of a vehicle and trailer projecting onto the public highway, all in accordance with Policy T2 of the North East Derbyshire Local Plan.]

- 8) The business hereby approved shall be operated by the owner of 2 Town End, Shirland only and there shall be no other persons employed at the site.

[Reason: In the interest of highway safety, all in accordance with Policy T2 of the North East Derbyshire Local Plan.]

- 9) There shall be no more than 5 vehicle deliveries per week.

[Reason: In the interest of highway safety, all in accordance with Policy T2 of the North East Derbyshire Local Plan.]

- 10) Customer appointments to the site shall be limited to 1 per day. These shall be made strictly by appointment only. A log shall be retained of appointments and submitted to the Local Planning Authority on an annual basis, on or within 28 days of the anniversary of the permission hereby approved being granted.

[Reason: In the interest of highway safety and ensure the proposed use does not have an adverse effect upon the character of the area or neighbouring land uses, all in accordance with Policies GS6, GS7 and T2 of the North East Derbyshire Local Plan.]

- 11) No power tools, equipment or machinery shall be used on site, other than the use of portable hand tools is permitted. Manual cleaning and polishing of vehicles is allowed.

[Reason: In the interest of protecting the amenity of neighbouring residential properties and land uses, all in accordance with Policies GS6 and GS7 of the North East Derbyshire Local Plan.]

- 12) Appointments and deliveries to site shall only take place between the hours of 08:00 and 18:00 Monday to Friday, and 08:00 and 13:00 on Saturdays. There shall be no appointments or deliveries on Sundays or Public Holidays.

[Reason: In the interest of protecting the amenity of neighbouring residential properties and land uses, all in accordance with Policies GS6 and GS7 of the North East Derbyshire Local Plan.]

Informatives:

- a) DISCON
- b) NMA
- c) The Highway Authority recommends that the first 5m of the modified track should not be surfaced with a loose material (i.e. unbound

chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.