

Public Document Pack



**North East
Derbyshire**
District Council

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Date: Friday, 9 September 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 20 September 2022 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

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

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Mark Foster
Councillor Roger Hall
Councillor David Hancock
Councillor Lee Hartshorne

Councillor Maggie Jones
Councillor Heather Liggett
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Diana Ruff - Chair

Please notify the Interim Governance Manager, Alan Maher by 4.00 pm on Friday 16 September 2022 of any substitutions made for the meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

A G E N D A

1 Apologies for Absence and Substitutions

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

2 Declarations of Interest

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

3 Minutes of Last Meeting (Pages 4 - 8)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 23 August 2022.

4 NED/22/00380/FL - KILLAMARSH (Pages 9 - 20)

Proposed change of use from shop and house to a nine-bed home of multiple occupation (HMO) (Amended Title) (Amended Plans) at 205-207 Sheffield Road, Killamarsh.

(Planning Manager – Development Management)

5 NED/22/00507/FL - BRACKENFIELD (Pages 21 - 29)

Application for the erection of a detached double garage with gym above (Amended Drawings) at Moor Grange, Doe-hole Lane, Brackenfield.

(Planning Manager – Development Management)

6 Late Representations - Summary Update Report - NOW PUBLISHED (Pages 30 - 33)

(Planning Manager – Development Management)

7 Planning Appeals - Lodged and Determined (Pages 34 - 37)

(Planning Manager – Development Management)

8 Matters of Urgency

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

We speak your language



North East
Derbyshire
District Council

Polish

Mówimy Twoim językiem

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

Vorbim limba dumneavoastră

Chinese

我们会说你的语言



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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 23 AUGUST 2022

Present:

Councillor Diana Ruff (Chair) (in the Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Heather Liggett
Councillor Kathy Rouse
Councillor Lilian Deighton

Councillor Andrew Cooper
Councillor Maggie Jones
Councillor Jacqueline Ridgway
Councillor Stephen Clough
Councillor Tony Lacey

Also Present:

A Kirkham	Planning Manager - Development Management
S Wraith	Consultant Planner
C Wilson	Senior Planning Officer
L Ingram	Legal Team Manager - Contentious Team
J Owen	Chartered Legal Executive
A Bond	Governance Officer
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions

27/2

2-23 Apologies for absence were received from Councillor R Hall, who was substituted by Councillor S Clough. Apologies were received from Councillor L Hartshorne, who was substituted by Councillor T Lacey and from Councillor M Foster who was substituted by Councillor L Deighton. Apologies for absence were also received from Councillor A Powell and D Hancock.

PLA/ Declarations of Interest

28/2

2-23 There were no Declarations of Interest.

PLA/ Minutes of Last Meeting

29/2

2-23 The minutes of the meeting held on Tuesday 26 July 2022 were approved as a true record.

PLA/ NED/21/00214/FL - BARLOW

30/2

2-23 The report to Committee explained that an Application had been submitted for the retention of a café for general café use and the retention of the existing café building as currently built at Lakeside Café, Fishing Ponds, Keepers Lane, Barlow. The Application involved Amended Plans and Amended Title. It had been referred to Committee by the Planning Manager (Development Management) because of the complex planning issues which the Application had raised.

Planning Committee was recommended to approve the Application, subject to

conditions. The report to Committee explained the reasons for this.

Members heard about the complicated and long-running planning history of the development, which was now in place. In particular, they heard how it had been subject to a Planning Enforcement Enquiry, that there had subsequently an application for a Lawful Development Certificate, and how planning officers had refused this application, using their delegated powers.

The report explained how the original application had been modified. This meant that permission for two additional buildings was no longer requested. Rather, the Application only now sought to retain the existing structure so that it could continue to be used as a café. Officers felt that because of their scale and construction the existing development was appropriate for the countryside and that planning permission should be granted.

Before the Committee discussed the Application, it heard from D Hann, the Agent for the Application. No one had registered to speak against it.

Planning Committee considered the Application. It took into account the relevant Planning Issues, including the Principle of Development and the site's location within the Green Belt. Committee considered National and Local Green Belt policy, including Local Plan Policy 2b, allowing appropriate facilities for outdoor sports, which do not impact on the visual aspect of Green Belt openness, for outdoor sports. It took into account the implications for highways safety, and in this context Local Plan Policy ID3 and National Planning Policy Paragraph 11 on the specific grounds when development should be prevented or refused – if there would be an unacceptable impact on highway safety or if there would be a severe impact on the road network.

Committee also took into account Local Plan Policy SDC6 on developments affecting listed buildings. It considered and what impact the development would have on the nearby Grade II listed Lee Bridge. Committee

Members discussed the Application. They discussed the scale of the structure, the use made of the café and potential for greater use in the future. In this context, Members discussed extensively how traffic to and from the café was managed and if this could be improved. They heard about the specific proposals to access part of the access path, so that visitors to the site would not have to reverse on to main highway. Some Members felt that a traffic management scheme for traffic visiting and leaving should be drawn-up.

Members discussed what impact had on the Grade II listed Lee Bridge and whether might increase if the development received retrospective planning permission They reflected on the rules relating to Enforcement Notices and the circumstance where the usual 4 year time limit for taking action against developments that do not have planning permission would not apply

At the conclusion of the discussion, Councillor P Elliot and D Ruff moved and seconded a recommendation to approve the Officer recommendations, subject to two additional conditions. These would requiring a scheme of works for the vegetation that would have to be removed as part of the partial path widening along with an overall scheme of traffic management to and from the development.

The motion was put to the vote and was approved.

RESOLVED -

- (1) That the Application be approved conditionally in line with officer recommendations
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Management).

PLA/ NED/22/00618/FL - DRONFIELD

31/2

2-23

The report to Committee explained that an Application had been submitted for retrospective planning permission to erect a new agricultural building for storage at land opposite 5 to 44 Bowshaw, Dronfield. The Application had been referred to the Committee by Councillor P Wright, who had raised concerns about it.

Planning Committee was recommended to approve the Application. The report to Committee explained the reasons for this. Officers had concluded that the building, in association with agriculture, was an acceptable land use in the Green Belt and countryside areas. The scale, design and siting of what had been constructed was in keeping with the character and appearance of the surrounding countryside. The development had not had an adverse impact on nearby residents. It accorded with the relevant policies in the Development Plan and there were no other factors to outweigh that conclusion.

Members were informed that no one had registered to speak on the Application.

Committee considered the Application. It took into account its location outside of the Settlement Development Limits for Dronfield, within the Green Belt and an area of Primary Environmental Sensitivity. It considered Local Plan Policy SS1, which supports sustainable development which protects and enhances the character, quality and diversity of the District's local landscapes and the wider countryside. Committee also took into account Local Plan Policy SS10, which allows appropriate development within the Green Belt, such as agricultural building and Local Plan Policy SDC3 on protecting the landscape and the relevant policies of the Dronfield Neighbourhood Plan.

Members discussed the Application. They reflected on what impact it might have on the landscape. Some Members felt that appropriate vegetation screening should be put in place. Some Members asked and received assurance that no external lighting on the structure would be permitted. It was also reiterated that, if approved, the building could only be used for agricultural purposes and not for other activities.

At the conclusion of the discussion Councillor W Armitage and P Elliot moved and seconded a motion that the Application be approved. The motion was put to the vote and was agreed

RESOLVED -

- (1) That the Application be approved conditionally, in line with officer recommendations.
- (1) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

- 1 The building hereby approved shall be used solely for agriculture and for no other use or purpose.
- 2 Within 56 days of the date of this permission, the following shall be submitted to and be 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 and their ongoing maintainance,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme, including a timetable for delivery.
- 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 approval of the scheme. Any trees or plants which within a period of 5 years from the date of approval of this permission die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4 No external lighting shall be installed on/placed/or affixed to the building or placed on the site and the building shall not be artificially illuminated in any way.

Reasons for Conditions

- 1 For clarity, the avoidance of doubt, as the application was made in this form and as other uses would be inappropriate in the Green Belt.
- 2 In the interest of the appearance of the area, to soften the building and ensure the retention of the roadside hedgerow.
- 3 To ensure implementation of the landscaping scheme in the interest of the appearance of the area.
- 4 As the site lies in a countryside location where lighting would adversely affect the amenity of the area.

PLA/ Planning Appeals - Lodged and Determined

32/2

2-23 The report to Committee explained that five appeals had been lodged and three Enforcement Appeals had been lodged. No Appeals had been allowed and one appeal had been dismissed.

PLA/ Matters of Urgency

33/2

2-23 None.

PLANNING COMMITTEE – 20th September 2022

REFERENCE NUMBER: 22/00380/FL Application Expiry Date: 20 June 2022
Application Type: Full Planning Permission

Proposal Description: Proposed change of use from shop & house to 9no bed home of multiple occupation (HMO)(amended title)(amended plans)
At: 205 - 207 Sheffield Road, Killamarsh

For: Mr Karmjit Singh

Third Party Reps: 1 **Parish:** Killamarsh Parish
Ward Name: Killamarsh East Ward

Case Officer Alice Lockett

Date of Report: 9th September 2022

MAIN RECOMMENDATION: GRANT

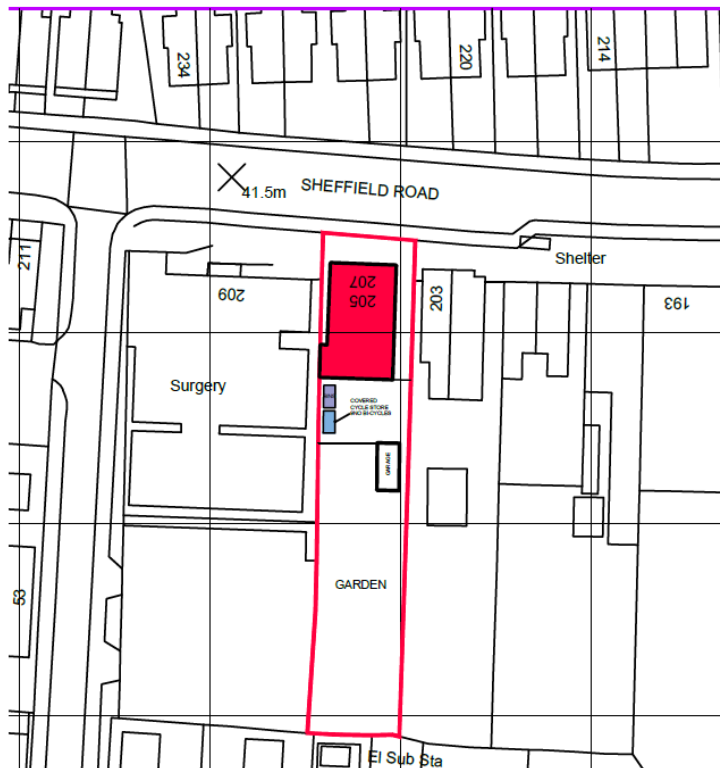


Figure 1 Location Plan 1:1250

1.0 Reason for Report

- 1.1 The application has been called into committee by Cllr Clough for the following reasons:
- 1) Concerns raised that this would reduce the availability of a varied shopping range and remove the main operating newsagent in a busy shopping area.
 - 2) Being a busy shopping area there are concerns that the main road/traffic would be affected by the need for extra vehicles to turn in and out of the site from/to a busy main road. There are already 2 junctions close by feeding the extending shopping area and an elderly residential area, with a crossing point very close to an already busy junction.
 - 3) The entrance to the site is situated next to a bus stop and therefore it is felt that visibility will be obscured causing both danger to the oncoming traffic and pedestrians.
 - 4) There is also a concern that as this is a busy area with the doctors surgery next door and chemist adjacent to doctors, making the risk to pedestrians much greater.
 - 5) The footpath in recent years was widened to make the area safer for pedestrians, to allow this change of use would put the very same pedestrians at greater risk with the potential for an accident waiting to happen.
 - 6) The proposed entrance to the parking area is very narrow and there is no clear sight of vision when driving on to a public footpath.
 - 7) It is felt that this is not an appropriate site for this kind of property and the area wasn't designed as such.
 - 8) There is only a small limited amount of parking to the front of the premises and a potential to cause obstruction, as the property is only considered for 3 parking spaces to the rear but an availability for up to 13 residents across 9 rooms, highlights that 3 is certainly not enough.

2.0 Proposal and Background

- 2.1 204-207 Sheffield Road is a detached building located to the south of Sheffield Road. The site is currently occupied by a convenience store with accommodation above. To the rear is a garden which can be accessed via a narrow drive to the east of the building. The neighbouring properties No. 203 Sheffield road to the east and a doctor's surgery to the west. To the rear the application site is bounded by an electricity substation and 125 The Bungalows although the dwelling is over 50m away as a consequence of the rear garden of the application premises.



Figure 2 205-207 Sheffield Road as existing showing narrow access rear on left of the building

- 2.2 This application seeks permission for the change of use of the shop and associated accommodation to a 9no. bed home of multiple occupation (HMO). The accommodation would be spread across 3 floors and include a kitchen and dining/sitting room on the ground floor. To the rear a cycle store is proposed in the northern end of the garden.

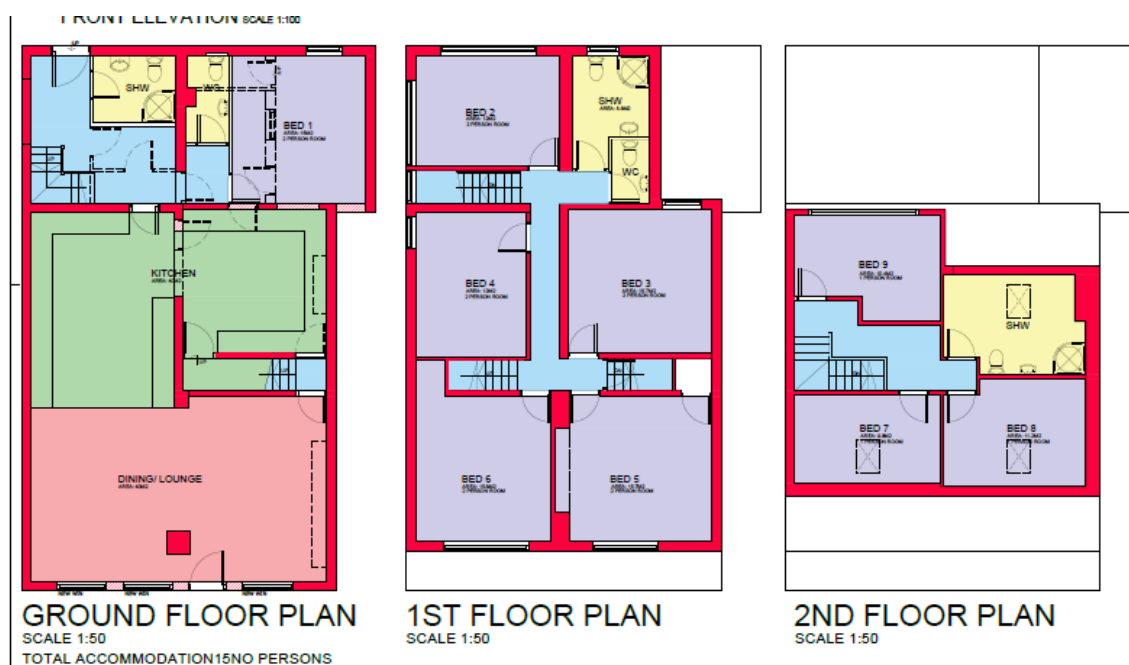


Figure 3 Floor Plans

3.0 Relevant Planning History

- 3.1** The planning history relates to the current use of the building as a shop and dwelling and has no bearing on the current application beyond an understanding of the current use.

4.0 Consultation Responses

- 4.1** Environmental Health Officer- no objections to the proposal in principal

- 4.2** NEDDC Housing- no comments received

- 4.3** DCC Highways (added verbatim):

“I have further consulted parking with our Traffic and Safety section, and it has been confirmed that there is no dedicated parking for any of the shop frontages, so the allocated parking reference on the most recent plan is not correct. The frontage parking is not associated with the site; it is parking for anyone and cannot be allocated to the proposal. There is a 24/7 40min limited waiting bay in operation, and this parking cannot be dedicated to this building or any other of the properties. However, the 40min limited parking can be used by visitors associated with the HMO proposal if they wish.

The above means that the proposal of HMO is for the ‘No Car Parking’ proposal. In terms of parking, as previously stated that whilst no parking standard currently exists for HMO, the parking assessment is usually carried out on merit. However, our draft Derbyshire Street Design Guidance has advised on the HMO parking standard, and a similar parking standard has been used for this proposal. The proposed site exists in a sustainable inner city type area; therefore, ideally, 3 car parking spaces could be provided for this 9bedroom HMO proposal.

The Highway Authority didn’t accept the parking proposed at the rear of the property due to the substandard access width, limited emerging visibility due to the parked cars on the adjacent parking bays, and the non-existent pedestrian intervisibility splays as these issues on busy Sheffield Road, having bus routes and pavement with high footfall demand, could result in possible road safety matters.

The Highway Authority does not wish to object/refuse this proposal on the lack of parking as the proposal is for the change of use from a shop & house to 9 bedroom home of multiple occupations (HMO). The Highway Authority does not consider that generated traffic due to the change of use proposal would result in such demonstrable material harm relative to existing conditions on the road network as such that refusal could be

sustained. Furthermore, the site is within close walking distance to a bus stop with shelter, which is approximately 25m from the site, and there would appear to be nearby amenities and facilities within walking distance. Additionally, the site is within close proximity to sustainable transport infrastructures/links such as footways, PROW and Greenway routes and nearby crossings, and there are existing parking restrictions (in the form of double yellow lines) in place in the surrounding area.

The Highway Authority recommends that a planning condition be appended to this proposal to provide 9 safe and secured cycle parking spaces. Furthermore, the travel plan statement be conditioned, which should include measures to promote sustainable travel choices in the area and measures to make future occupants aware of the car parking situation, all as agreed with the LPA in consultation with the Highway Authority. Additional wording could be inserted as a standalone informative, which would encourage the developer to make occupants aware of this proposal being proposed as a 'No Car Parking', proposal either by information added in the Tenancy Agreement/Housing Contract document."

5.0 Representations

5.1 Ward Member- see reasons for call in for comments

5.2 Parish Council- concerns about the reduction in availability of variety of shops, removal of main newsagent in busy shopping area, concerns about quantity and location of parking and cars turning over the pavement to get to the drive and any parking to the rear (*Officer comment- rear parking has now been removed from the scheme*). The area is not designated for this type of property.

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises the Local Plan. The most relevant applicable policies are:

The North East Derbyshire District Local Plan (2014-2034)

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

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

LC5 Type and Mix of Housing

WC4 Retail Hierarchy and Town Centre Uses

SP4 Killamarsh

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making

ID5 Loss of Existing Social Infrastructure

6.2 National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been taken into account

7.0 Planning Issues

7.1 Principal of Development

7.1.1 The application site is located within the Settlement Development Limits (SDLs) for Killamarsh. It is an unallocated site.

7.1.2 Policy SS7 of the Local Plan (LP) permits development proposals on sites within an SDL that are not allocated in the LP or Neighbourhood Plan, provided that the development is appropriate in scale, design and location to the character and function of the settlement; does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies in the Plan. Policy SP4 of the LP seeks to maintain Killamarsh role as a service centre and a sustainable town with a healthy vibrant centre whilst policy WC4 looks to maintain the vibrancy and economic health of the District's centres retaining their vitality and viability.

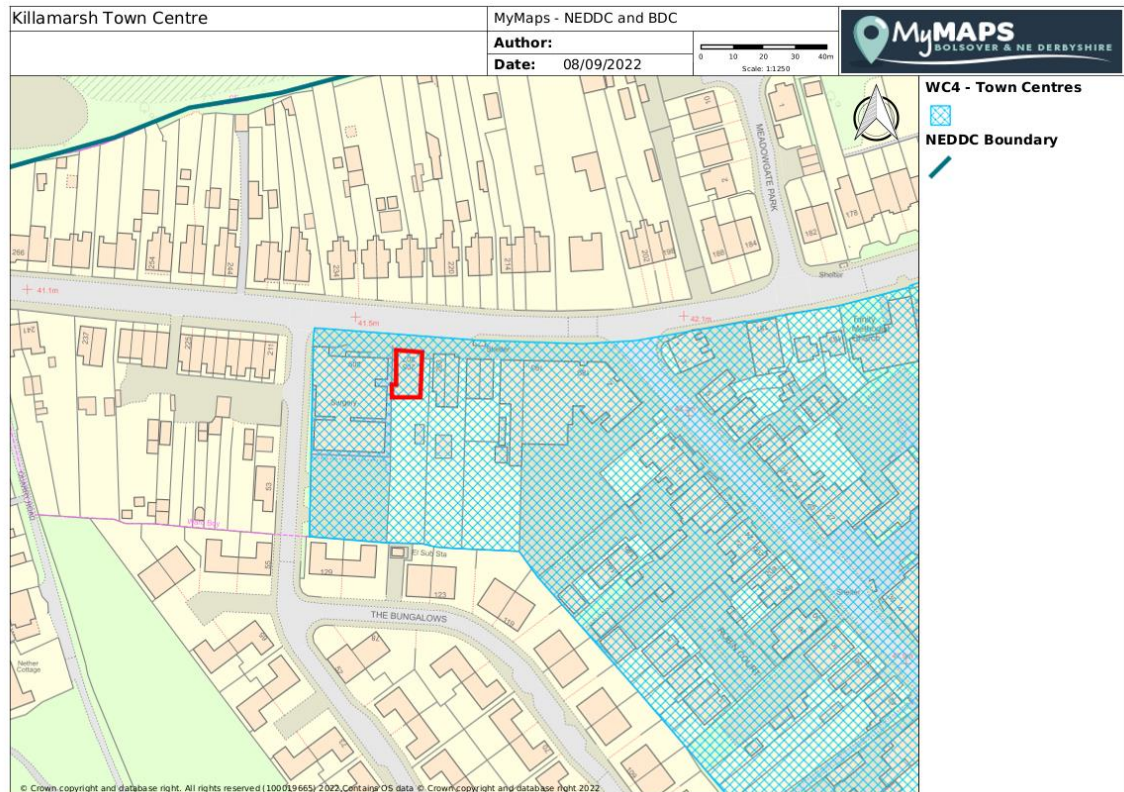


Figure 4 Plan to show application site in relation to Killamarsh Town Centre Boundary

7.1.3 In principle, it is considered that the proposal does not impact upon the character and function of the settlement of Killamarsh. The property itself is not proposed to be changed substantially and the new use would not change the overall function of the settlement of Killamarsh. Furthermore, the proposal is compatible with and unlikely to prejudice any neighbouring land uses which include an area of residential accommodation.

7.1.4 Although no parking spaces are specifically allocated to the development the Highway Authority has no objection to the proposal on highway and parking grounds as the site is fundamentally located in a sustainable position with close proximity to amenities and public transport opportunities. Officers concur with that assessment.

7.1.5 On road parking close to the site is restricted to 40 minutes waiting which would prevent future residents of the site (should they have a car) from parking for long periods of time immediately outside. This would help in protecting other existing businesses and the adjoining medical centre (which also has a car park to the rear) from any perceived loss of trade.

7.1.6 The application site is located within the Killamarsh Town Centre boundary. To ensure the vibrancy and economic health of Killamarsh

Town Centre, Policy WC4 permits development within the town centre boundaries where the development would contribute to the diversity of leisure and cultural attractions; help to create an active, well-used and safe evening environment; help to address vacant, under-used or derelict buildings; and contribute to an appropriate mix of licensed premises.

- 7.1.7 In particular policy WC4 requires that proposals for retail and other town centre uses in the District's Centres should contribute to their vitality and viability and be consistent in scale with the size and function of the centre; and safeguard the retail character and function of the centre.
- 7.1.8 The proposal does not seek to offer leisure, cultural, evening or other licensed activities, and the current building is not vacant, under-used or derelict. However, the proposal would, in the view of Officers, assist in creating an active environment at different times of the day, including the evening, which can provide further footfall and natural surveillance to the town centre. In this respect Officers are of the view the proposal would not have a negative impact on the centre whilst adding vitality to this area of the centre by introducing additional all day activity.
- 7.1.9 The Retail and Centres Study of 2018, which underpinned the town centre policies in the Local Plan, and assessed the vitality and viability of Killamarsh centre found that Killamarsh is anchored around the Aldi and Cooperative foodstores, though these are shown to serve primarily as top-up shopping destinations, used by a large proportion of residents to support their main food shopping from the nearby Morrisons foodstore at Halfway. Killamarsh did however demonstrate a higher than average proportion of retail services such as hairdressers and beauty salons. This concentration of services in Killamarsh, alongside the medical facilities (adjacent to the application site), library and leisure centre provide the centre's niche, complementing the more comprehensive convenience and comparison goods offer of the surrounding centres and out-of-centre facilities.
- 7.1.10 It is considered that the loss of an existing shop and its replacement by an HMO on the periphery of the centre will not undermine the vibrancy or compromise the retail and services function of Killamarsh town centre. Whilst it would interrupt the frontage, arguably isolating the adjacent medical centre and pharmacy, this is not considered detrimental bearing in mind the specialist nature of the pharmacy.

7.2 Loss of social infrastructure

- 7.2.1 The proposal would result in the loss of a single convenience store on the periphery of the town centre. Policy SS7, as referred to above, would permit development proposals as long as these do not result in the loss of a valued facility or service which is still viable. Furthermore, Policy ID5 will

not permit development proposals which result in the loss of social infrastructure facilities such as local shops, unless it can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking or cycling; or it can be demonstrated through a viability assessment that the current use is not economically viable and all reasonable efforts have been made to let or sell the facility for the current use over a 12 month period.

7.2.2 The applicant has stated that the current business (news agent/off license) has seen a significant decline in sales and footfall over the past 18 months, he puts this down to the Covid19 pandemic and the opening of supermarkets close by. However, no other evidence in the form of accounts etc have been submitted and no evidence has been submitted to show that the site has been marketed for other retail uses.

7.2.3 However, the services provided by the shop including off license services and retail of newspapers are provided in other shops in the centre in particular at the local supermarkets which are easily accessible from the site by public transport and on foot. There are a number of other convenience stores in the wider Killamarsh area which also sell these products.

7.2.4 As such it is considered that the proposal accords with policy ID5 as a whole.

7.3 Impact on the uses of adjacent sites including highway safety and parking

7.3.1 Although there is space to park up to 3 cars in the rear garden of the property, the access to it is tight and requires the crossing of the busy pavement with reduced visibility in either direction. As such it is considered that off road parking to the rear of the building is not an appropriate or acceptable solution in this case. As such, this element of the proposal has been removed from the scheme.

7.3.2 Neither the Highway Authority nor this Council has a parking standard for HMOs. Discussions with the Highways Officer has resulted in an agreement that space to house 9 bicycles is appropriate provision in this case and that no other specific vehicle parking is required given how close the site is to the town centre, the location of the bus stop outside the property (and the regular bus services to other nearby centres from Killamarsh as a whole) and the general sustainability of the site.

- 7.3.3 On road parking is restricted to 40 minutes waiting on the road to the front of the property and this would as necessary allow residents to park to drop off shopping etc. before parking elsewhere if required.
- 7.3.4 It is concluded therefore that the site's sustainable location does not necessitate on-site parking and in this respect there would be no adverse impact on highway safety.

7.4 Room sizes/Amenity of Future Residents

- 7.4.1 Licenses for houses in multiple occupation will not be issued to landlords unless the room sizes meet the following requirements:
- 6.51 square metres for a person aged 10 or over
10.22 square metres for 2 people aged 10 or over
- 7.4.2 Whilst the licensing of a property is not a planning consideration this does identify a standard that provides a benchmark as to what should, ordinarily be an acceptable size for this form of accommodation.
- 7.4.3 In this case there are 3 rooms proposed to be 1 person rooms and they are all at least 9.8m² in area whilst the 6 no. 2 person rooms are at least 12m² in area.
- 7.4.4 There is also a shared bathroom on each floor and separate WCs on the ground and first floors, the kitchen and dining/lounge is located on the ground floor.

As such it is considered that the proposal provides an acceptable level of accommodation and the amenity of future occupants would be safeguarded.

7.5 Other Considerations

- 7.5.1 The proposal does not seek to alter the property and the site is currently used for both a retail and a residential function. The impact therefore on surrounding users and uses will not fundamentally alter and it is concluded any impact would be acceptable particularly bearing in mind the distance to the residential properties to the south.

8.0 Summary and Conclusion

- 8.1 Local and national planning policy aim to encourage development within sustainable settlements although they also aim to protect valued services, including shops, where appropriate from loss to other uses.

- 8.2 In this case, the services the current facility offers are delivered by other businesses close by and as such it is considered that the loss of the shop, on the periphery of the centre, would not adversely impact on the overall viability or vitality of the town centre. Indeed, it would introduce all day activity that may prove beneficial.
- 8.3 The site otherwise occupies a sustainable location where on-site parking is not considered essential as future occupants would not be reliant on a motor vehicle and it is concluded, based on the advice of the statutory consultee, that there is no overriding and harmful impact on highway safety.
- 8.4 The proposal has been assessed against space standards for this form of accommodation and it has been demonstrated that there would be an acceptable level of amenity afforded future residents and there would be no adverse impact on adjoin uses or residents.
- 8.5 As such, the proposal is considered to be in accord with the policies of the Development Plan and there is not considered any other matters that outweigh the conclusion that the application is acceptable.
- 8.6 Therefore, accordingly, it is recommended for approval.

9.0 Recommendation

- 9.1 GRANT permission subject to the following conditions, with the final wording of the conditions delegated to the Planning Manager (Development Management):

9.2

T1 (Full Condition)

The development hereby permitted shall be started within three 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.

T5 (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawing number 103-50-02 REV H uploaded 26th August 2022; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

Reason- For clarity and the avoidance of doubt.

Highways

Before development starts, details of the 9 cycle parking spaces as shown on drawing 103-50-02 REV H shall be submitted to and be approved in writing by the Local Planning Authority.

Before the first occupation of the HMO, hereby permitted, the approved cycle storage shall be implemented in full and shall be retained as such thereafter.

Reason: To ensure that residents are able to safely store a bicycle as a means of transport and in accordance with policy ID3 of the North East Derbyshire Local Plan

Before the first occupation of the HMO, hereby approved, a travel plan including measures to promote sustainable travel choices in the area and measures to make future occupants aware of the lack of on-site car parking should be submitted to and approved in writing by the Local Planning Authority. The contents of the agreed travel plan shall then be implemented and retained as such thereafter.

Reason: To promote sustainable travel options.

PLANNING COMMITTEE – 20 SEPTEMBER 2022

REFERENCE NUMBER: 22/00507/FLH **Application Expiry Date:** 26 September 2022
Application Type: Full Planning Permission

Proposal Description: Application for the erection of a detached double garage with gym above.
(Amended Drawings)

At: Moor Grange, Doehole Lane, Brackenfield

For: Mr and Mrs Medforth
Third Party Reps: 1 **Parish:** Ashover
Ward Name: Ashover

Author of Report: Alice Lockett

Date of Report: 2nd September 2022

MAIN RECOMMENDATION: Refuse

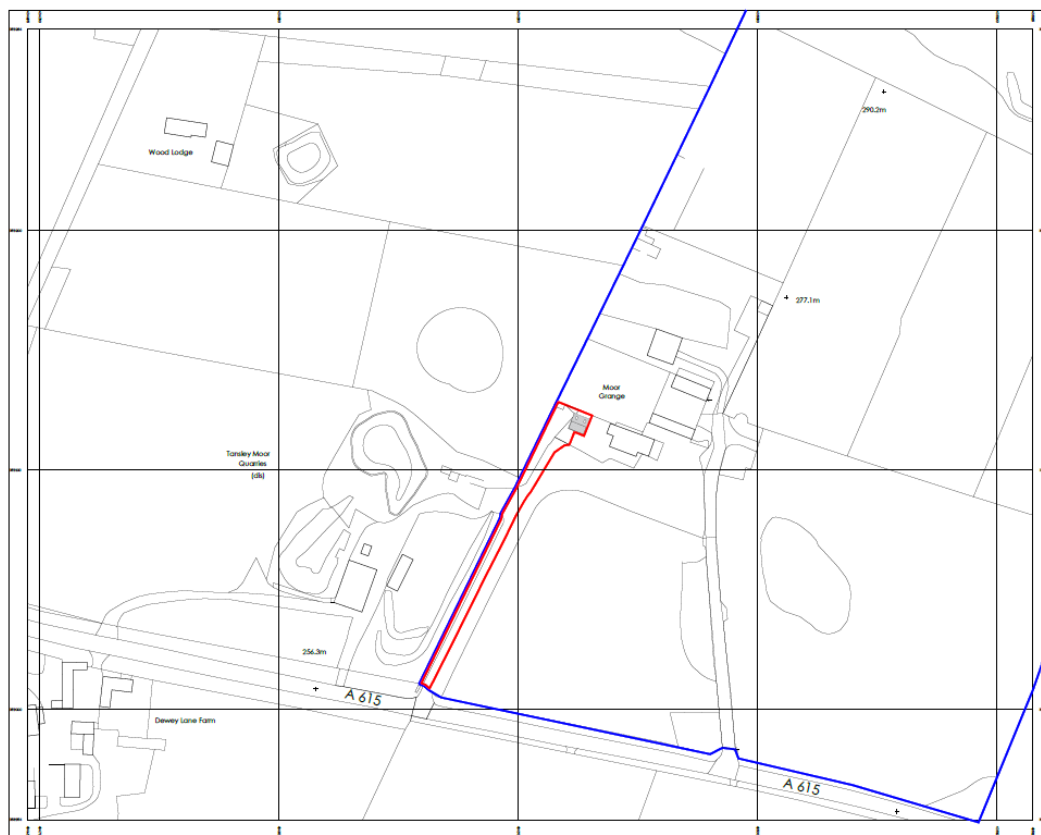


Figure 1 Location Plan

1.0 Reason for Report

- 1.1 The application has been called into planning committee by Councilor Armitage for the following reason: Over development of the site.

2.0 Proposal and Background

- 2.1 The application site consists of Moor Grange, a 19th Century “Gentlemen’s Residence” Farmhouse and its associated traditional and modern agricultural buildings.
- 2.2 The site is located to the north of the A615 Doebole Lane and is at an elevation position approximately 150m from the road.
- 2.3 This application relates to the construction of a detached double garage with gym above located to the west of the main house.
- 2.4 This application is one of 4 open applications on the site which include the conversion of a traditional barn to dwelling 22/00504/FL, the construction of a field barn 22/00394/FL and the demolition and replacement of an agricultural building 22/00506/FL.

3.0 Relevant Planning History

80/00064/FL	Refused	08.01.1981	Rehabilitation of derelict farmhouse.
96/00096/FL	Conditionally Approved	13.06.1996	Change of use of barn to two holiday cottages
22/00394/FL	Pending Consideration		Application for the erection of a field barn (amended title)(Amended drawings)
22/00504/FL	Pending Consideration		Application for conversion of barn to dwelling
22/00506/FL	Pending Consideration		Erection of a replacement general purpose agricultural building

4.0 Consultation Responses

- 4.1 Highways Comments:
No Highway Authority objections to make on the basis the proposed garage is for the applicant’s use in relation to the existing dwelling.

5.0 Representations

5.1 Parish Council Comments:

- 5.1.1 Application 22/00507/FL proposes a different drive access to application 22/00394/FL and therefore is not clear on the aims of the application as to whether this is to provide for a business at the kennels.

(Officer Comment: The application form states that the building is a double garage with Gym above. The applicant is not the same as the other applications on the wider site, so this application is not considered to be directly connected to the agricultural buildings and barn conversion also applied for)

- 5.1.2 Ashover Parish Council is not clear on the aims of the above applications and requests that the applicants provide full details of proposals and intentions.
- 5.1.3 If permission was to be granted on any or all of the above applications, Members request that conditions are imposed to tie any agricultural building to the main dwelling and that a registered holding number is required to ensure animal (sheep) welfare etc.
- 5.1.4 Ashover Parish Council considers the collation of the above applications to represent major development and over-development of the site and has asked the Ward Member to request consideration at Planning Committee.

5.2 One comment has been received from a neighbour:

- The plans show a brick construction, but I would think it would be built in stone same as the house as it can be seen from the road. *(Officer Comment- the materials have been changed and the building is now proposed to be constructed of stone)*
- The drive is narrow and if you go up the drive with a long wheel base van and the gate to the house is closed, the van cannot turn round, it has to reverse blind back onto the A615, maybe this should have been addressed *(Officer Comment- the access is the existing access to Moor Grange it is not expected that the garage will intensify the use of the access or change the existing issue with gates etc.)*

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:

6.2 Ashover Neighbourhood Plan (ANP)

AP2 Development Proposals outside the Limits to Development
AP11 Design
AP13 Landscape Character

AP15 Important Trees and Hedgerows
AP16 Dry Stone Walls
AP20 Traffic

6.3 North East Derbyshire District Local Plan

SS9 Development in the Countryside
LC5 Residential Extensions
SDC2 Trees, Woodlands and Hedgerows
SDC3 Landscape Character
SDC12 High Quality Design and Place Making

6.4 The National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been taken into account

7.0 Planning Issues

Principle of Development

- 7.1 Moor Grange is located within the countryside for planning purposes. The site is located within the Enclosed Moors and Heaths Landscape type of the Peak Fringe and Lower Derwent Landscape Character Area.
- 7.2 Policy LC5 of the Local Plan (LP) permits outbuildings which are ancillary to the main residential use provided they respect the scale, proportions, material and overall design and character of the existing property and do not harm the streetscene or land area or have an impact on highway safety or amenity of neighbours.
- 7.3 Ashover Neighbourhood Plan (ANP) Policy AP11 requires that proposals should respect local character having regard to scale, density, massing, layout and access as appropriate and should enhance local distinctiveness of an area, should follow a consistent design approach in the use of materials, design and roofline.

Landscape and Design Considerations



Figure 2 Moor Grange

- 7.4 Policy SDC12 requires that all new development should be of a high quality design and make a positive contribution to the quality of the local environment by responding positively to local character and context, creating good design which is well-related to this site and surrounding in terms of its layout, form, height, massing, scale, elevational treatment, materials and rooflines which effectively integrate buildings into their local setting. This is in line with the NPPF emphasis on design contained in paragraphs 126-130.
- 7.5 As can be seen in Fig 2 above, Moor Grange is a well-proportioned 19th century house with a hipped roof and sash windows. The building sits prominently on the hillside and, although it is screened from view from Doebole lane (A615), is clearly visible from Dewey Lane to the south east.



Figure 3 Proposed garage elevations

- 7.6 This proposal is for a double garage with loft room above proposed for use as a home gym. The building will measure approximately 6.6m x 6.6m, with a height of 2.95m to the eaves and 5.98m to the ridge. The roof is single pitch with skylights in the rear elevation (see Fig 3 above).
- 7.7 As can be seen above at Fig 3, the proposed garage would be finished in stone and slate (which has been agreed with the agent) to match the existing dwelling and will have two windows in the west gable end elevation and a window and first floor access door in the east gable end.
- 7.8 The proposed building is large and unlike the other buildings on the site will be set separate from the built form of the house and its existing agricultural outbuildings. Although it would be read from within the site (at the top of the drive) with the agricultural buildings behind, when viewed from Dewey Lane to the south the building would be read detached from the built form unlike the other extensions and agricultural buildings which are clustered together to the east of the main dwelling.
- 7.9 The use of stone and slate is in keeping with the host dwelling and although a slate roof is not shown on the drawing this has been agreed in correspondence with the agent and can be secured by way of condition if members are minded to grant permission.
- 7.10 It is considered by Officers that the pitch roof is discordant with the host dwelling and surrounding buildings as Moor Grange itself has a hipped roof

whilst the agricultural buildings to the rear have lower more shallow pitched roofs and narrower gables. It is not usual for local agricultural buildings to have openings in the gable ends, although in this case there are small openings in the agricultural building (proposed for conversion) to the north east. As such its design influences are unclear and it is considered by Officers that the building does not respect the scale and proportions of either the host dwelling or the traditional agricultural buildings to the north east.

- 7.11 Due to it providing first floor accommodation the building is unusually high for a garage and the additional courses of stone above the doorways make it appear out of proportion with itself and at odds with the built vernacular of the site.
- 7.12 As a consequence of the above points, it is considered by Officers that the proposed development does not represent good design and does not meet the requirements of LP policies LC5 and SDC12, and ANP policy AP11.
- 7.13 The other extensions and outbuildings on site respect the host dwelling due to their low height, shallow roof pitches and location, nestled close to the host dwelling and to the east where they are screened by trees. However the proposed garage will have a ridge height which will be close to the eaves height of the host dwelling and this, along with the location, separate from the host dwelling and prominently visible from Dewey Lane means it will look out of proportion and unsympathetic to the host dwelling.



Figure 4 View of site from Dewey Lane, the building would be clearly visibly to the west (left) of the host dwelling

- 7.14 As seen in Fig 4 above, the building would be clearly visible from Dewey Lane and due to the out of proportion nature of its design, it is considered by Officers that the building would introduce an incongruous landscape element and therefore cause harm to the wider landscape and would therefore fail to meet the requirements of LP policies SS9 and SDC3 and ANP policies AP2 and AP13.
- 7.15 Officers have discussed these issues with the applicant's agent and invited revised drawings but with the exception of changes in the roofing material no amendments have been forthcoming.

Fallback Consideration

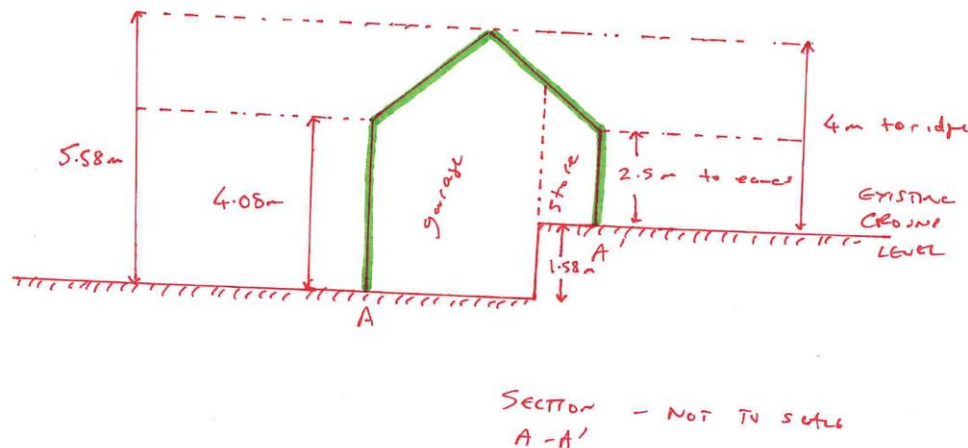


Figure 5 North to south cross section of Permitted Development fall back built onto the hill to the north

- 7.16 The applicant's agent has suggested that due to land levels a similar size building could be constructed on the site under permitted development rights (see Fig 5 above). This building would be set back into the raised ground behind the retaining wall to the north and would have a split level. However it is considered by Officers that the design is a contrivance to create the height required and crucially as permitted development under Part 1 Class E of the General Permitted Development Order would only allow a single storey building, as such it seems unlikely that the proposal is more than a theoretical fall back as it would not provide the accommodation the applicant requires. Furthermore it is unclear as to whether the proposed outbuilding would be entirely located in the domestic curtilage of the dwellinghouse. As such Officers consider that the fallback position in this instance carries limited weight in the determination of this application

Privacy and Amenity Considerations

- 7.17 Due to its location the building will not harm the privacy or amenity of neighbours and due to its size and location where there is plenty of space to park will not have an impact on the safety of the highway as such it meets criteria c and d of policy LC5.

Other Material Considerations

- 7.18 Human Rights are considered to have been applied.

8.0 Summary and Conclusion

- 8.1 This application is for a detached double garage with first floor accommodation to accommodate a home gym.
- 8.2 The garage will be constructed of materials to match the existing host property.
- 8.3 By virtue of the design, scale, height and location the building does not respect the scale proportion and overall design and character of the existing property. As such it would fail to meet the design criteria of LP policies SS9, LC5, SDC12 and ANP policy AP11.
- 8.4 Although the building would not be visible from Doebole Lane (A615) directly forward of the dwelling, it would be clearly visible in wider views from Dewey Lane to the south and south east. As such, it would cause harm to the character of the host building and the wider countryside and landscape and would therefore fail to meet LP policies SS9 and SDC3 and ANP policies AP2 and AP13.
- 8.5 As a consequence of the above, it is concluded by Officers that there are no mitigating circumstances against the harm outlined above and as such it is recommended that the proposal be refused.

9.0 Recommendation

- 9.1 Refusal for the following reasons:
- 9.1.1 As a consequence of its pitch roof height of nearly 6m, out of proportion design and location separated from the host dwelling, the proposed detached garage does not respect scale, proportion or overall design and character of the host dwelling and therefore fails to meet the requirements of North East Derbyshire Local Plan policies LC5 and SDC12 and Ashover Neighbourhood Plan Design policy AP11.
- 9.1.2 The proposed building would be clearly visible from Dewey Lane to the south and south east, and due to the harm to the character of the host dwelling outlined above would have a detrimental impact on the character of the local countryside and wider landscape character in the area as such it would fail to meet the requirements of North East Derbyshire Local Plan policies SS9 and SDC3 and Ashover Neighbourhood Plan policies AP2 and AP13.

Planning Committee 20th September 2022

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Killamarsh

APPLICATION: 22/00380/FL

CASE OFFICER: Alice Lockett

1. SOURCE OF COMMENTS: DCC Highways Authority

DATE RECEIVED: 12 September 2022

SUMMARY:

The Case Officer wrote to DCC Highways Authority in order to clarify that the 9 bed HMO could house up to 15 occupants due to the 2 bed nature of some of the rooms. The Highways Officer responded to my questions as follows:

1)Does this change your view that the proposal would not have demonstrable material harm relative to existing conditions on the road network?

As previously stated in Highway's response that in DCC guidance Part 4 of the DSP (Highway requirements for developments Part 4), no advice is available for HMO parking. However, DCC's draft Derbyshire Street Design Guidance has advised on the HMO parking standard but has not yet been adopted. In accordance with this Draft Guidance, the parking is based on the number of bedrooms and not on the number of occupants. So for 9 bedrooms HMO, 3 car parking spaces could be proposed.

The Highway Authority as you are aware didn't accept the parking proposed at the rear of the property due to the substandard access width, limited emerging visibility due to the parked cars on the adjacent parking bays, and the non-existent pedestrian intervisibility splays as these issues on busy Sheffield Road, having bus routes and pavement with high footfall demand, could result in possible road safety matters.

The Highway Authority does not consider that generated traffic due to the change of use proposal would result in such demonstrable material harm relative to existing conditions on the road network as such that refusal could be sustained. Furthermore, the site is within close walking distance to a bus stop with shelter, which is approximately 25m from the site, and there would appear to be nearby amenities and facilities within walking distance. Additionally, the site is within close proximity to sustainable transport infrastructures/links such as footways, PROW and Greenway routes and nearby crossings, and there are existing parking restrictions (in the form of double yellow lines) in place in the surrounding area.

2) Would you still be happy with a condition for storage for 9 bicycles?

In terms of conditions, as per our response of 26/08/2022. The Highway Authority recommends that a planning condition be appended to this proposal to provide 9 safe and secured cycle parking spaces. The Highway Authority also advised that the travel plan statement be conditioned, which should include measures to promote sustainable travel choices in the area and measures to make future occupants aware of the car parking situation, all as agreed with the LPA in consultation with the Highway Authority. I will further advise that a general Parking Management Plan Pre-commencement condition be attached, which should discuss how the parking for this development be managed so that the No Car Parking proposal should not have an impact on on-road parking. As part of this document, the applicant has to demonstrate how the future occupant will be encouraged not to use the car and encourage more sustainable transport measures in the area. Furthermore, the applicant needs to make occupants aware of this proposal being proposed as a 'No Car Parking', proposal either by information added in the Tenancy Agreement/Housing Contract document, and this information should form part of the Parking Management Plan.

I haven't dealt with many HMO applications; however, in the past, as part of my previous job for student accommodation advised Parking Management Plan, a similar condition which I am suggesting above. I am anticipating that the suggested condition would be helpful to control haphazard potential parking issues in the area resulting from this proposal.

OFFICER COMMENTS:

This is clarification from the Highway Officer that he understands the scale of the proposal and that it still would not negatively impact highway safety due to lack of parking. The Highways Officer has suggested a further pre-commencement condition requiring a parking management plan.

2. SOURCE OF COMMENTS: Scott Dunwell - agent

DATE RECEIVED: 12/9/2022

SUMMARY:

Yes we agree to the 3 conditions as below.

OFFICER COMMENTS:

The applicant's agent has agreed to the highway conditions outlined above.

3. SOURCE OF COMMENTS: Mrs Nyree Clark

DATE RECEIVED: 13/9/2022

SUMMARY:

Concerned over parking, where would everybody park at this HMO as there is no facilities available to allow anybody to park and allowing a cycle rack is just ridiculous, yes we all want to be green but how can you ensure that every resident does not own a car and only owns a bike? Can this be vetted with the tenancy agreement? Very doubtful.

Parking in and around the doctors and pharmacy is busy enough without adding more pressure to the residents of Killamarsh.

OFFICER COMMENTS:

The Highway Authority are of the view that the proposed development will not have a detrimental impact on parking or highway safety in the vicinity of the application site. Parking on the highway for the pharmacy and chemist is protected by a 40 minute waiting time.

4. SOURCE OF COMMENTS: Mrs Carol Lacey

DATE RECEIVED: 14/9/2022

SUMMARY:

As a Parish Councillor and life-long resident of Killamarsh, I am strongly objecting to the planning for this HMO. The proposals for a 9-bedroom property which could house up to 15 people is unacceptable as it is not in keeping with the rest of Killamarsh. We don't have and we don't want HMOs. The assumption that residents won't need parking spaces is ridiculous and could cause a lot of problems for patients at the Doctor's surgery next door. There is no logical reason to assume that the building residents won't need cars and will use bicycle racks provided, especially considering there is a serious lack of public transport in and out of Killamarsh. Whoever is proposing that this application be accepted does not know what potential problems this application will cause. Planning has been told several times we cannot take much more development in Killamarsh because our infrastructure cannot cope, it's disruption and chaos all the time. We don't see the benefit from all the recent development, and more housing is definitely not needed in Killamarsh. We should not be considered the go-to area of North East Derbyshire every time developers want to build more houses just for the sake of making more money for big developers. We lose out every single time, whether it is transport, patient care, facilities or green open space. I object wholeheartedly to this application, and I urge you to reject this ludicrous recommendation and any other of a similar nature.

OFFICER COMMENTS:

The Highway Authority are of the view that the proposal will not have a detrimental impact on parking or highway safety in the vicinity of the application site. Parking for the pharmacy and chemist is protected by a 40 minute waiting time. The building is close to a bus stop where there are regular services to other parts of Killamarsh, Halfway and beyond.

North East Derbyshire District Council

Planning Committee

20 September 2022

Planning Appeals Lodged and Determined

Report 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 Paul Harrison - Application for a certificate of lawfulness for a proposed ground floor extension, addition of dormer and outbuilding (Amended Title) at 144 Chesterfield Road, Dronfield (22/00117/LDC)

Planning Officer – Aspbury Planning Susan.Wraith@ne-derbyshire.gov.uk

Mr John Osbourne - Creation of auxiliary accommodation to existing storage building. Comprising three bedrooms, one with on suite, a bathroom, a kitchenette, a lounge and loft storage area at Elmwood House, Snowdon Lane, Troway (22/00153/FLH)

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

1.2 Enforcement Appeals Lodged

No Enforcement Appeals have been lodged.

1.3 Appeals Allowed

No appeals have been allowed.

1.4 **Appeals Dismissed**

The following appeals have been dismissed:-

Mr M Toth – Retrospective application for the construction of a balcony at 3 The Crescent, Clay Cross (21/00539/FLH)

Means of Determination – Delegated

Planning Officer's Recommendation – Refused

Planning Officer – Emily Cartwright Emily.Cartwright@ne-derbyshire.gov.uk

Mr P Pollard - W G Pollard Ltd – Proposed building for storage including; land maintenance equipment, office, reception, health and safety briefing area and picnic shelter in association with Freebirch Quarry Clay Pigeon Shoot, as well as the wider landholding at Land South Of Quarry Farm, Freebirch, Eastmoor (21/01100/FL)

Means of Determination – Delegated

Planning Officer's Recommendation – Refused

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

1.5 **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>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	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	01246 217172

AGIN5(b) PLANR (0701) Appeals/MD