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**North East
Derbyshire**
District Council

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Date: Monday, 10 October 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 18 October 2022 at 1.00 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



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

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

AGENDA

1 Apologies for Absence and Substitutions

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

2 Declarations of Interest

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

3 Minutes of the Last Meeting (Pages 4 - 7)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 20 September 2022.

4 NED/22/00380/FL - KILLAMARSH (Pages 8 - 24)

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/22/00057/FL - NORTH WINGFIELD (Pages 25 - 53)

Demolition of 16 dwellings and erection of 72 new residential dwellings (Major Development) (Amended Plans) at Whiteleas Avenue, North Wingfield.

(Planning Manager – Development Management)

6 NED/22/00423/FL - RIDGEWAY (Pages 54 - 62)

Construction of single storey side extension and single storey rear extension to outbuilding (Conservation Area) (Amended Plan) at 1 Sloade Lane, Ridgeway

(Planning Manager – Development Management)

7 Late Representations - Summary Update Report - NOW PUBLISHED

(Pages 63 - 67)

(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, 20 SEPTEMBER 2022

Present:

Councillor Diana Ruff (Chair) (in the Chair)

Councillor Alan Powell (Vice-Chair)

Councillor William Armitage
Councillor Mark Foster
Councillor Lee Hartshorne
Councillor Maggie Jones
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Roger Hall
Councillor David Hancock
Councillor Heather Liggett

Also Present:

G Cooper	Principal Planning Officer
A Lockett	Senior Planning Officer
J Owen	Chartered Legal Executive
A Bond	Governance Officer
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions

34/2

2-23 Councillor P Elliot and Councillor J Ridgway.

PLA/ Declarations of Interest

35/2

2-23 None.

PLA/ Minutes of Last Meeting

36/2

2-23 The Minutes of the meeting held on Tuesday 23 August 2022 were approved as a true record.

PLA/ NED/22/00380/FL - KILLAMARSH

37/2

2-23 The report to Committee explained that an Application had been submitted for the change of use from a shop and house to a nine bed Home of Multiple Occupation (HMO) at 205-207 Sheffield Road, Killamarsh. The Application involved Amended Plans and Amended Title. It had been referred to Committee by local ward Councillor, S Clough, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to conditions. The report to Committee explained the reasons for this.

Members were informed of the building's current role as a convenience store. The change of use, it was explained, would not have an adverse impact on Killamarsh Town Centre. This was because the shop was located at the edge of the town centre, rather than in its core, and there were nearby business offering similar services to it. Officers recognised that the HMO would not have its own

designated parking, but they did not believe that this would exacerbate on street or other parking problems. Most of its residents, they contended, were not expected to have cars; but would rely instead on the nearby good public transport links. The proposal had been assessed against the relevant standards, which had indicated that it would provide an acceptable level of amenity to its residents and not have an adverse impact on neighbouring businesses or households. The proposed conversion, officers concluded, would be in line with Council's Development Plan policies and so should be approved.

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

Planning Committee considered the Application. It took into account the relevant Planning Issues. In particular, the Principle of Development and its status as an Unallocated Site within the Settlement Development Limits (SDL) for Killamarsh. It considered National and Local Planning Policy, including Local Plan Policy SS7, which permits development on those sites within Settlement Development Limits which have not been allocated within the Local Plan or Neighbourhood Plan.

Committee took into account other relevant policies. These included Policy WC4, requiring that proposals for retail and other town centre uses in the District's Centres contribute to their vitality and viability and Policy ID5, requiring that development proposals which would result in the loss of social infrastructure facilities, such as local shops not be permitted, unless the service was no longer needed or could be provided in an alternative way.

Members discussed the Application. They reflected on the scale of the development and the number of people to be accommodated in the HMO. Some Members questioned whether the proposed facilities would, in practice, be adequate for the residents. They sought and received clarification that the proposed conversion would be in line with the proposed standards. Some Members also sought clarification on what emergency safety measures would be put in place as part of the conversion and especially the fire escape arrangements to be used by residents.

Members discussed the potential impact of the conversion on the local area. Some Members sought clarification on what the likely travel requirements of the HMO residents would be. They asked for clarification on whether these requirements had been adequately assessed. Concern was also raised about the lack of on-site parking for the conversion. Members queried whether the Highways Authority had produced a draft Parking Standard for Housing in Multiple Occupation, which officers were asked to clarify. Some Members felt that, if appropriate, this Standard should be taken into account when the Committee considered and determined on the Application.

At the conclusion of the discussion Councillor D Ruff and Councillor D Hancock moved and seconded a motion to defer further consideration of the Application, until additional information could be provided to the Committee about the fire safety arrangements, the likely travel requirements of residents and how these would be met and the possible additional parking requirements that would be created as a result of the development.

The motion was put the vote and was approved.

RESOLVED -

That Application NED/22/00380/FL is deferred, so that an appropriate clarification of the information about fire safety, how the travel requirements of the HMO and possible additional parking as a result of the development be reported to and taken into account be the Committee, when considering and determining on the Application.

PLA/ NED/22/00507/FL - BRACKENFIELD

38/2

2-23

The report to Committee explained that an Application, with amended drawings, had been submitted for the erection of a detached double garage with a gym above, at Moor Grange, Doehole Lane, Brackenfield.

The Application had been called in by Local Ward Councillor, W Armitage, who had raised concerns about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this. Officers contended that the proposed garage and gym would not respect the scale, proportion and overall design character of the existing nineteenth century property. In particular, the construction would not meet the design criteria set by the relevant Local Plan and Ashover Neighbourhood Plan policies. As the construction would be clearly visible, it would harm the character of both the host building and the wider countryside and landscape and, they concluded, would not constitute an acceptable development.

Before the Committee discussed the Application it heard from J Imber, the Agent for the Application and A Eales, who spoke on behalf of the Applicant. No one had registered to speak against the Application.

Committee considered the Application. It took into account the Principle of Development and the site's location within the Enclosed Moors and Heaths Landscape type of Peak Fringe and Lower Derwent Landscape Character Area. Committee considered the relevant Planning Policies. These included Local Plan Policy LC5, requiring outbuildings ancillary to the main residential use to respect the character of the existing property and not to harm the street scene or land area. Committee also took into account Ashover Neighbourhood Plan Policy AP11, requiring proposals to respect the local character and enhance the local distinctiveness of an area and Local Plan Policy SDC12, requiring that new developments be of a high quality design.

Members discussed the Application. They reflected on the design of the proposed garage and its size and the impact it would have on the host nineteenth century stone farm house building and on the wider landscape. As part of the discussion, some Members expressed concern about the steepness of the proposed Pitch roof for the garage and gym and queried whether it would be appropriate in this setting. Other Members felt that the proposal would not have a damaging impact on either the neighbouring building or the landscape.

At the conclusion of the discussion Councillor R Hall and K Rouse moved and seconded a motion to approve officer recommendations and refuse the Application. The motion was put to the vote and was approved.

RESOLVED -

(1) That the Application be refused, in line with officer recommendations.

Reasons

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.

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.

PLA/ Planning Appeals - Lodged and Determined

39/2

2-23

The report to Committee explained that two appeals had been lodged, none had been allowed and two had been dismissed.

PLA/ Matters of Urgency

40/2

2-23

None.

PLANNING COMMITTEE – 18th October 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: 4 October 2022

MAIN RECOMMENDATION: GRANT

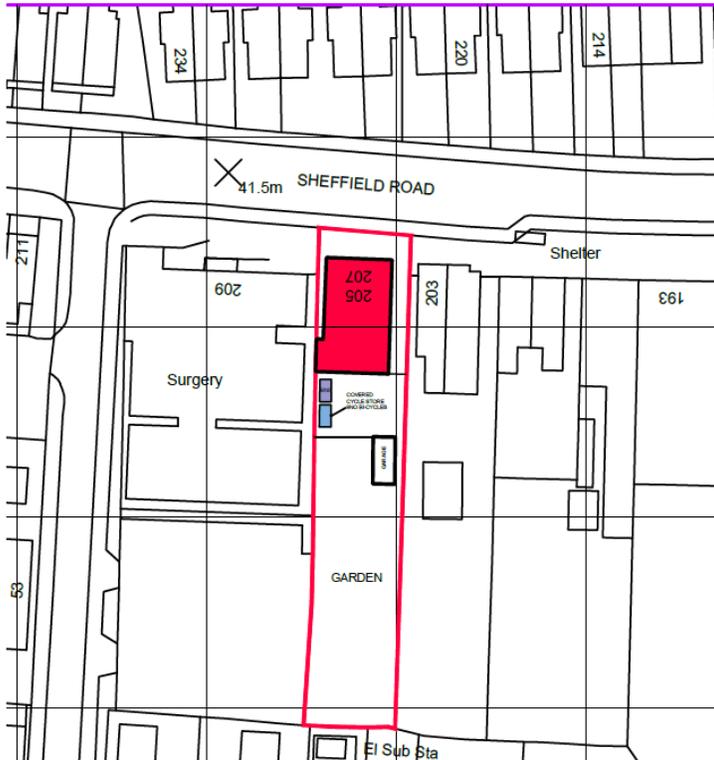


Figure 1 Location Plan 1:1250

1.0 Introduction

Members will recall that this application was originally considered at September Planning Committee when it was deferred to enable additional information to be submitted regarding a travel plan, parking guidance and fire escapes. The following paragraphs (1.1 to 1.3) identify what additional information that has been submitted by the applicant and Officer comment on it follows.

The original Officer report prepared for September Committee is then reproduced in full at paragraph 2 onwards and it remains unchanged.

1.1 Travel Plan

The applicant has submitted a Travel Plan prepared by Aimee Thompson Transport Planning (attp). The plan assesses the sustainability of the application site and among other things lists the number of locations within walking (2km) and cycling (5km) distance as well as the number and destination of buses. The Travel Plan shows that the application site is well served by shops, food outlets, chemists, a post office, primary schools and other services within walking distance and larger supermarkets, secondary schools, shopping centres and hospitals within cycling distance. Further to this public transport provides good connections to local towns and to tram and train services within 10km. The Travel Plan then outlines how the applicant will ensure that residents of the development will be encouraged to avoid car use by walking, cycling and using public transport. This will be laid out in a travel pack provided to prospective residents. The contents of the travel plan and subsequent documents available to residents can be controlled by condition.

[Any further comments received from DCC Highways prior to Committee will be included in the Late Representations pack.]

1.2 DCC Parking guidance document

Officers have questioned DCC Highways colleagues about the draft Derbyshire Street Design Guidance (mentioned in paragraph 1.4.1 below) and have been told that the document is at a very high level discussion stage and is therefore not close to adoption.

As such Officers place no weight on the document despite it being raised in representation.

1.3 Fire Escapes

The applicant has submitted a plan showing the fire escapes, the paths of escape, smoke alarms, fire doors and fire safety signage, emergency lighting and fire extinguishers etc. These are all details which are controlled by Building Regulations.

The Derbyshire Fire Service have been consulted and have responded with the following advice. [N.B. This is not an issue(s) enforceable by the council as Local Planning Authority and would be addressed by building regulations.]

Derbyshire Fire and Rescue Advice:

The following recommendations, whilst they may not be enforceable, are offered as general advice in the interests of greater fire safety.

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the above premises, however should [the applicant] choose not to install a Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that [the applicant] provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

1.4 Late representations reported to the September meeting (included here for reason of completeness)

DCC Highways

- 1.4.1 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 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

1.4.2 The Applicant

The Applicant agreed to the Highway Conditions outlined above.

1.4.3 Interested Parties

Two comments were received from members of the public, in summary (the full transcript is not set out here) the comments covered the following:

- Lack of parking and impact on accessing local businesses and the doctors surgery
- That a HMO is not in keeping with the rest of Killamarsh
- That Killamarsh does not have and does not want HMOs
- That Killamarsh is over developed

1.5 Officer Comments:

The issue of parking has been discussed in the [original] report below and additional (submitted) information is set out in respect of travel planning and parking above.

Officers are of the view that as a level 1 settlement, Killamarsh is a sustainable location where development is encouraged and that the services which contribute to that sustainability coupled with the submitted Travel Plan support the potential development being delivered as a “no car” project.

Officers conclude that the sustainability of the location particularly lends itself to this type of development at the centre of an otherwise sustainable settlement. The DCC guidance is given very little weight by Officers due to its early stage of development, it not forming any part of this Council’s own Development Plan and its lack of scrutiny.

Officers re-iterate that the issue of fire escapes and fire safety would be properly and best addressed by the Building Regulations.

1.6 Conclusion:

In noting the discussion that took place at the September Planning Committee and the additional information now submitted Officers retain

their view the development is acceptable subject to the conditions as set out below and recommend that planning consent is granted as set out in paragraph 10 below.

SEPTEMBER 2022 COMMITTEE REPORT [paragraph numbers only altered]

2.0 Reason for Report

- 2.1 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.

3.0 Proposal and Background

- 3.1 204-207 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

3.2 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

4.0 Relevant Planning History

- 4.1 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.

5.0 Consultation Responses

- 5.1 Environmental Health Officer- no objections to the proposal in principal

- 5.2 NEDDC Housing- no comments received

- 5.3 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."

6.0 Representations

6.1 Ward Member- see reasons for call in for comments

6.2 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.

7.0 Relevant Policy and Strategic Context

7.1 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

7.2 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

8.0 Planning Issues

8.1 Principal of Development

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

8.1.2 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.

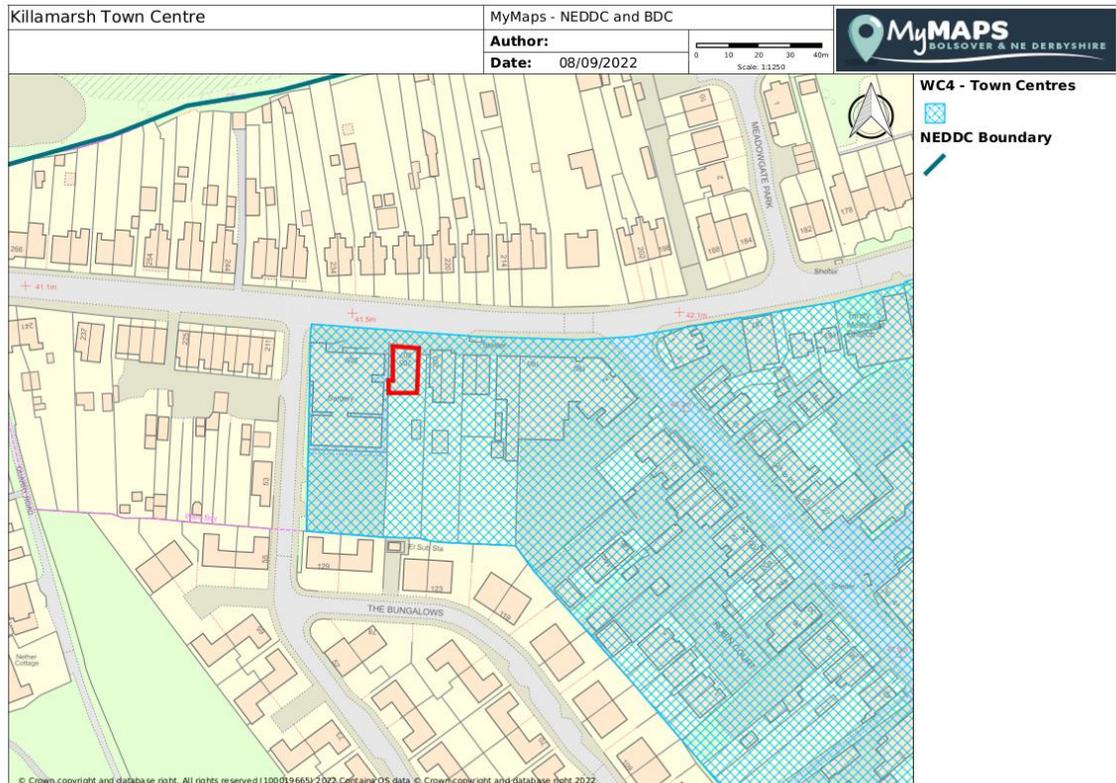


Figure 4 Plan to show application site in relation to Killamarsh Town Centre Boundary

8.1.3 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.

8.1.4 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.

8.1.5 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.

8.1.6 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.

- 8.1.7 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.
- 8.1.8 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.
- 8.1.9 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.
- 8.1.10 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.

8.2 Loss of social infrastructure

- 8.2.1 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.

8.2.2 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.

8.2.3 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.

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

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

8.3.1 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.

8.3.2 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.

8.3.3 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.

8.3.4 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.

8.4 Room sizes/Amenity of Future Residents

8.4.1 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

8.4.2 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.

8.4.3 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 6no. 2 person rooms are at least 12m² in area.

8.4.4 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.

8.5 Other Considerations

8.5.1 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.

9.0 Summary and Conclusion

9.1 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.

9.2 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.

- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 Therefore, accordingly, it is recommended for approval.

10.0 Recommendation

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

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 – 18 October 2022

REFERENCE NUMBER: 22/00057/FL Application Expiry Date: 31 May 2022
Application Type: Full Planning Permission

Proposal Description: Demolition of 16 dwellings and erection of 72 new residential dwellings (Major Development) (Amended Plans)
At: Whiteleas Avenue North Wingfield

For: Rykneld Homes

Third Party Reps: 1 **Parish:** North Wingfield Parish Council
Ward Name: North Wingfield Central Ward

Author of Report: Case Officer Phil Slater **Date of Report:** 03.10.2022

MAIN RECOMMENDATION: GRANT (subject to section 106 Agreement)

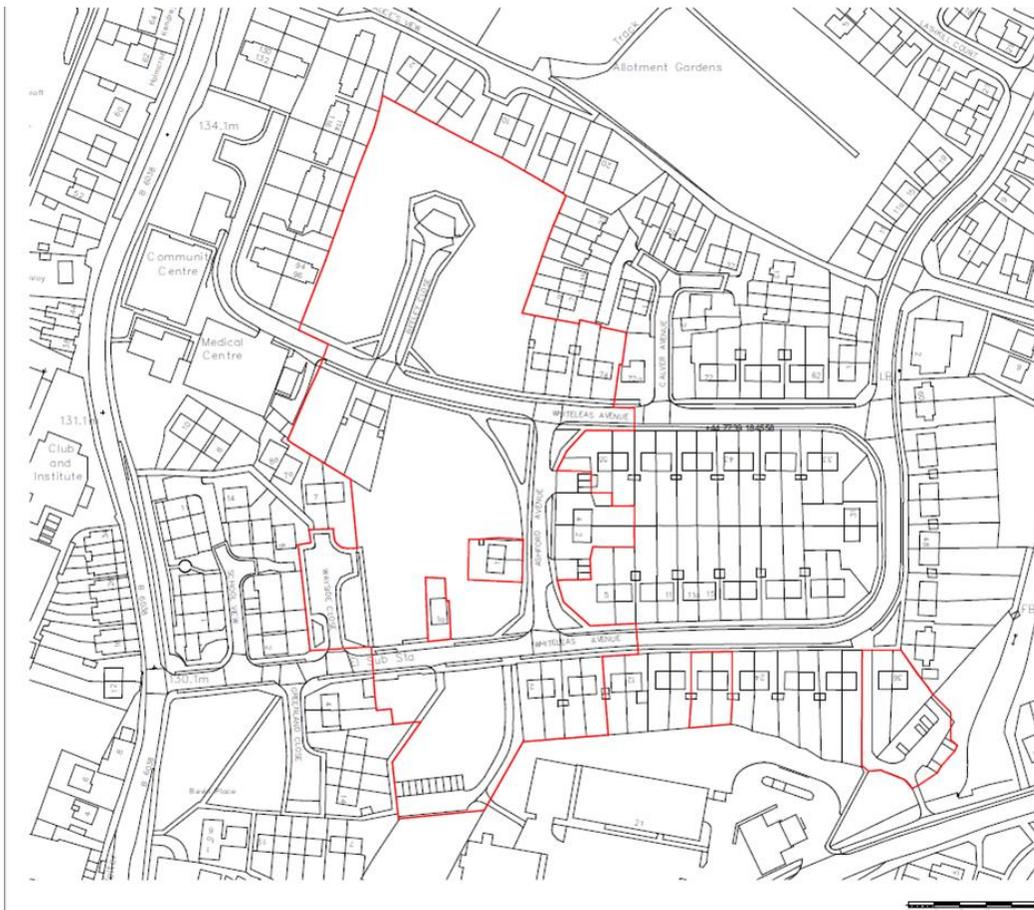


Figure 1; Site location plan

1.0 Reason for Report

- 1.1 The application is a major housing development submitted on behalf of Rykneld Homes and would provide a mix of affordable and open market housing. One objection has been received.

2.0 Proposal and Background

- 2.1 The application site is located within the North Wingfield Settlement Development Limits (SDL).
- 2.2 The proposed development site covers 1.7 hectares and is bounded on all sides by existing housing. The majority of the site has already been cleared.
- 2.3 The existing access into the site is located on Whiteleas Avenue which currently has two main access points. One is located to the north of the site and another to the south. The sites topography has an incline which is at its highest in the north of the site, on Beeley Close.
- 2.4 This application is for the demolition of 16 dwellings and erection of 72 new residential dwellings, including a mix of 27 affordable rent, 10 shared ownership and 35 open market units. The house types are a mix of 21 x 2 bed; 49 x 3 bed and 2 x 4 bed. This includes 8 bungalows.
- 2.5 The proposed mix and tenure is based on the requirements of the registered need in North Wingfield for a mix of affordable, shared ownership and open market dwellings. There is provision for 148 car parking spaces.

Amendments

- 2.6 The layout has been amended slightly to reflect officer comments in respect of separation distances and garden sizes regarding plots 11 and 53; and to incorporate Highway Authority requirements in respect of footpath widths.
- 2.7 A garden sizes drawing and boundary treatment plan have been submitted.
- 2.8 The agent has also clarified that 41 homes have already been demolished as per planning application 18/00861/DEM decision (issued 28/9/2018).
- 2.9 The final 16 homes to be demolished is part of the current application, totalling 57 dwellings, which would result in an overall net gain of 15 homes across the site as per the proposed layout given in Fig 2 below.



Figure 2: Amended Site Plan 004R



Figure 3: example house type

3.0 Relevant Planning History

- 3.1 NED/18/00861/DEM - Application for prior notification of demolition of 41 dwellings on Beeley Close, Ashford Avenue, Greenland Close, Wayside Close and Whiteleas Avenue. Approved 28.09.2018

4.0 Consultation Responses

- 4.1 **Ward Members** have raised no comments.
- 4.2 **North Wingfield Parish Council** have commented that it is disappointed that there aren't more social houses and there are no green spaces within the scheme.

The Parish Council request that 106 monies are made available to provide leisure facilities elsewhere in the village. Also a better mix between the social housing and private sale would be appreciated.

- 4.3 **Highways Authority (HA)** have confirmed that for the additional dwellings (net gain) a Travel Plan would not be required.
- 4.4 Regarding traffic generation, the comparison has been made against the traffic generation of the demolished 49 units, the traffic for which was already on the network. Therefore, the additional traffic resulting from the further 23 units doesn't appear significant during the peak hours.

- 4.5 As part of the proposals, the existing footpath and Public Right of Way, which extends south from Whiteleas Avenue towards the A6175, would be diverted and improved. The applicant needs to take advice to divert PRow routes at this stage as this may require a diversion order from the DCC PRow section.
- 4.6 The HA requested a road dimensioned plan and swept path assessment in the context of works on Beeley Close to check if the proposed layout carriageway width and turning head provided are in accordance with DCC's current adoptable criteria. The agent has submitted a revised site layout, dimensioned plan and swept paths as requested by the HA.
- 4.7 The HA have confirmed that they have no objections subject to conditions and a requirement that the two bus stops on Whiteleas be relocated as part of the s278 highways agreement with Derbyshire County Council.
- 4.8 The **Environmental Health Officer** have raised no objections subject to conditions relating to hours of work, dust minimisation and land contamination.
- 4.9 **NEDDC Employment And Skills Officer** requests a condition in relation to employment and training.
- 4.10 **NEDDC Housing Officer** has commented that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district.
- 4.11 There is a demand for affordable housing in this area and the proposal of 37 x 2, 3 and 4 bedroom affordable homes will help to meet this demand. There is a very low number of affordable 4 bedroom homes (and an increasing demand) within the District and it is pleasing to see that there is some provision of this type of property on this development. The demolition of 16 dwellings will help to reduce the number of empty properties within the District as they have not been suitable for occupation for some time. It will also help to improve the local area and community.
- 4.12 The affordable dwellings should be managed by Rykneld Homes (or another suitable Registered Provider) and should be allocated through the Council's Choice Based Lettings system.
- 4.13 **Yorkshire Water Services** - No objection subject to conditions
- 4.14 **Lead Local Flood Authority (LLFA)** – The agent has submitted a Flood Risk Assessment and LLFA have commented that with the exception of plots 71 and 72 located adjacent to an existing culvert there are no objections subject to conditions.

- 4.15 In respect of plots 71 and 72 the LLFA have reviewed the additional information submitted by the agent and are not satisfied that it demonstrates that Plots 71 & 72 will not be at risk of future flooding and that the risk of flooding will not increase to existing properties. Therefore, further analysis is needed to quantify the required compensatory storage and that there is no risk to proposed properties and no increased risk to existing properties.
- 4.16 The agent is seeking to address the LLFA comments prior to committee and the final comments of the LLFA will be reported to members at the committee.
- 4.17 **NEDDC Parks Department** - Parks initially requested a contribution based on the twenty-one two bed dwellings, forty-nine three bed dwellings and two four bed dwellings. However as the development provides only a net gain of 15 units a revised s106 sum has been requested.
- 4.18 Parks have confirmed the s106 request as £17,216.25 with a maintenance contribution over 10 years: £6,048.38.
- 4.19 With regards to the layout the Parks team have commented that it is unclear as to whom would be adopting the street trees on Beeley Close. The agent has confirmed that all existing trees are to be removed. With regards to the public open space(s) the agent has confirmed that a full landscaping strategy will be provided at the detailed design stage at which time they will be presented to the Parks Team.
- 4.20 Regarding land ownership, the agent has confirmed everything within the red line is owned by NEDDC, and any areas not within individual plot ownership will be retained within council ownership for future maintenance. The agent has confirmed that this would be dealt with by way of a landscaping condition and the Parks team have agreed with this approach.
- 4.21 **Derbyshire Community Health Services NHS Trust** - Have confirmed that no s106 monies are requested.
- 4.22 **Chesterfield Royal Hospital NHS Foundation Trust** - Have requested £32,719 towards cost pressures at the Royal Hospital based on the net gain of 15 new dwellings.
- 4.23 **Derbyshire Wildlife Trust (DWT)** have reviewed the Ecological Appraisal (Baker Consultants, November 2021). The report recommends further bat assessment for Dwellings 1-5 and 7-8 on the site. No further survey is required of the garages and outbuildings. All bat surveys should be undertaken prior to determination. Any necessary mitigation/licensing will then be recommended by the consultant ecologists.
- 4.24 There is a high likelihood that house sparrows, starlings and swifts could nest in the onsite buildings and therefore seasonal constraints should apply to demolition, unless preceded by a thorough nesting bird check by an

ecologist. Bat and bird roosting/nesting features should be included within new properties.

- 4.25 Two native hedgerows, plus ornamental gardens hedgerows, are proposed for removal. Development should not result in a net loss of native hedgerow and therefore proposals should a) firstly be reviewed to retain the two native hedges where possible and b) where retention is not possible, replace native hedgerow of greater length within proposed landscaping.
- 4.26 The agent has undertaken the bat surveys and submitted a Preliminary Bat Roost Assessment and Further Bat Surveys Report (24.08.2022). The report includes proposed mitigation measure. DWT have been consulted on the report and have confirmed that they have no objections subject to conditions.
- 4.27 **The Coal Authority** have commented that **the** application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

The Coal Authority's Standing Advice should be included with any approval as an informative note to the applicant in the interests of public health and safety.

- 4.28 **Derbyshire Constabulary** supports the application and raises the following comments:-

There are two small areas to the south of the site where existing public pathways cut across the edge of the red lined site which need some tweaking from a community safety perspective.

1. The area where a public footpath runs from Greenland Close to the Co-Operative store, connecting to an existing rear garden access route for 8-14 Greenland Close, and also the realigned connection to Whiteleas Avenue between plots 55-58 and 59-61.
2. The vicinity of plots 69-72, where the alignment of an existing footpath is proposed to be routed between new plots 70 and 71.

There are a number of signs of nuisance in this area (damaged fencing, graffiti on exposed walls, litter and drink cans), so to run a public route enclosed between and very close to private curtilage would be a mistake in context in my view.

- 4.29 **DCC Infrastructure** - Have provided comments based on the net increase of 15 dwellings. As such the revised education contributions are as follows:

- £72,662.20 for the provision of additional educational facilities for 4 primary places at North Wingfield Primary and Nursery School.
- £112,132.28 for the provision of additional educational facilities for 4 secondary phase (with post 16) places at Tupton Hall School.

5.0 Representations

5.1 **1 objection** has been received which has raised the following points (in summary)

- Parking for 14 Greenland Close now going to the side of their house, will there be additional parking made for the current residents on Greenland Close. (Officer note the turning head is proposed to extended and no additional off street parking is proposed on Greenland Close)
- With the parking for No. 14 going to the side of the house this will mean others will no longer be able to park running alongside where the bollards are (we will be losing 4-5 parking spaces) as this will now be the access for the drive way!.
- we were told that the new accommodation would also be bungalows, I'm not happy that this has not been stuck to and now there will be houses overlooking our garden.
- will our fencing to the rear be renewed with it being on a public path. (officer note - This path is retained as existing and proposals do not include new boundary fences to properties outside the application site)

6.0 Relevant Policy and Strategic Context

6.1 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 Settlement with defined Settlement Development Limits

LC 2 Affordable Housing
LC4 Type and Mix of Housing

SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place Making
SDC13 Environmental Quality
SDC14 Land potentially affected by Contamination or Instability

ID3 Sustainable Travel

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

Other

Successful Places: A guide to Sustainable Housing Layout and Design.

7.0 Planning Issues

Principle of Development

- 7.1 The application site lies within the defined SDL for North Wingfield and proposes the demolition of 16 dwellings and the erection of 72 new residential dwellings.
- 7.2 LP Policy SS7 states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development:
a. Is appropriate in scale, design and location to the character and function of the settlement;
b. 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;
c. Is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and
d. Accords with other policies of the Plan.
- 7.3 The development is residential development within a residential area and proposes largely the replacement of dwellings granted demolition in 2018, and, as such, is broadly compatible with policy SS7.
- 7.4 LP Policy LC2 (Affordable Housing) states that in the remaining areas of the District all new housing proposals for 10 or more dwellings, or with a site area of 0.5 hectares or more, will be required to provide 20% affordable housing. The proposals would provide a mix of affordable and market housing that exceeds the 20% required by policy.

- 7.5 In view of the above it is considered that the principle of the development is acceptable, subject to various other considerations.

Infrastructure and Affordable Housing

- 7.6 The application proposes a mix of 48.6% open market housing with the remainder, 37 units, being affordable units comprising 37.5% at affordable rent and 13.9% at shared ownership. This level of affordable housing exceeds the requirements of the adopted Local Plan, which is set at 20%.
- 7.7 The Council's Housing Officer has commented that the Strategic Housing Market Assessment OAN Update 2017 estimates that 236 additional units of affordable housing are required each year to fully meet affordable housing need in the district.
- 7.8 He also states that there is a demand for affordable housing in this area and the proposal of 37 x 2, 3 and 4 bedroom affordable homes will help to meet this demand and that there is a very low number of affordable 4 bedroom homes (and an increasing demand) within the District and it is pleasing to see that there is some provision of this type of property on this development.
- 7.9 He concludes by saying that the demolition of 16 dwellings will help to reduce the number of empty properties within the District as they have not been suitable for occupation for some time. It will also help to improve the local area and community. The affordable dwellings should be managed by Rykneld Homes (or another suitable Registered Provider) and should be allocated through the Council's Choice Based Lettings system.
- 7.10 Officers consider that in line with the Housing Officer's comments that the proposed affordable housing provision is acceptable and is a factor of significant weight in this case and that it can and should be secured via a S106 agreement. In addition, the mix of units also adds positively to the scheme and accords with the general aspirations of the Development Plan.
- 7.11 The application proposes the re-development of the entire site following the 2018 application for demolition, and proposes a net gain of 15 units. There would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council has requested financial contributions of £72,662.20 for the provision of additional educational facilities for 4 primary places at North Wingfield Primary and Nursery School and £112,132.28 for the provision of additional educational facilities for 4 secondary phase (with post 16) places at Tupton Hall School.
- 7.12 The Royal Hospital NHS Foundation Trust have requested £32,719 towards cost pressures at Royal Hospital based on the net gain of 15 new dwellings.

- 7.13 NEDDC Parks have confirmed the s106 request as £17,216.25 with a Maintenance contribution over 10 years: £6,048.38 based on the 15 new units towards existing offsite open play provision within the vicinity of the site.
- 7.14 The agent has confirmed that the applicant will meet all the requested infrastructure requirements of the various consultees. This is considered to mitigate effectively the impact of the additional units.

Highways

- 7.15 The application is accompanied by a Transport Statement (January 2022) which has concluded that the site was previously subject to a planning application submitted by Rykneld Homes in 2018 for the demolition of 41 dwellings. This was submitted as part of the applicant's ongoing regeneration of the area and was approved in September 2018. The houses were demolished shortly after. The majority of the surrounding streets including Whiteleas Avenue, Ashford Avenue and Chesterfield Road provide footways on both edges of the carriageway and regular crossings opportunities.
- 7.16 The proposals would retain the existing road layout of Whiteleas Avenue and Ashford Avenue and each dwelling would provide 2 car parking spaces suitable for a mix of 2 and 3 bedroom properties. The Highway Authority confirmed for the additional dwellings (net gain) a Travel Plan would not be required.
- 7.17 Regarding traffic generation, the HA have commented that the comparison has been made with the traffic generation of the demolished 49 units, the traffic for which was already on the network. Therefore, the additional traffic resulting from the 23 units doesn't appear significant during the peak hours.
- 7.18 As part of the proposals, the existing footpath and Public Right of Way, which extends south from Whiteleas Avenue towards the A6175, would be diverted and improved. The applicant needs to take advice to divert PRoW routes at this stage as this may require a diversion order from the DCC PRoW section. Officers consider that this can be addressed by way of an informative on the permission.
- 7.18 The agent has submitted a road dimensioned plan and swept path assessment in the context of works on Beeley Close showing the layout carriageway width and turning head provided which were requested by the Highway Authority.
- 7.19 The HA have confirmed that they have no objections, subject to conditions and have further confirmed that the two bus stops, both on Whiteleas Avenue should be relocated as part of a s278 highways agreement, which will be included as an informative on the decision.

- 7.20 One resident has objected to the loss of on street parking by the extension to the turning head on Greenland Close and creation of 2 off street parking spaces. The HA has not raised an objection on highway safety grounds to the new off street parking and the extension of the turning head would not preclude some continued on street parking. The displacement of some of this parking is not considered to have a demonstrable harm to highway safety.
- 7.21 Therefore, in considering all the issues pertaining to Highway Safety the comments of the HA are clear in stating that the scheme is acceptable from a highway safety point of view and Officers concur with that assessment.

Design and Layout

- 7.22 The application site is located within the defined SDL and is an unallocated site which proposes the redevelopment of previously demolished housing. The proposed layout shows predominately 2 and 3 bedroom houses and includes a number of bungalows with 2 x 4 bed units all with on plot parking.
- 7.23 The layout proposes to re-instate the former building line to provide a fresh frontage along Whiteleas Avenue. In addition, it maintains the original pedestrian routes so to provide better pedestrian routes across the site. The proposed housing is to be contemporary in its appearance but still reflect the existing character of North Wingfield through materiality and colour palette. The proposed frontage along Whiteleas Avenue reflects the semi-detached homes adjacent to the site where it mirrors the general massing with semi-detached and terraced dwellings.



Figure 4: example streetscene

- 7.24 The proposed garden sizes are generally in excess of those required by Successful Places and are considered to be acceptable.
- 7.25 The existing highway access is located to the west and east of the site with Whiteleas Avenue acting as the key vehicular route. Access to the adjoining Co-op site is preserved to connect the existing dwellings with the local amenities.(see Fig.5)



Figure 5: connections to amenities

7.25 The existing road of Beeley Close is to be widened to provide full vehicular access along with a new turning head, with private drives connecting to it. A new proposed private drive is to serve 5 new dwellings on the south of the site, along with another on the west of the site which serves no. 6 bungalows connecting to Wayside Close. The existing public right of way will be retained and properties have additional overlooking windows. (see fig.6)

7.26 The existing grass verges located on the corners of Whiteleas Avenue are to be retained to maintain open spaces for pedestrian friendly movement across the proposed development. Trees are to be planted on key corners and along the main highways of the development. A swept path drawn detailing potential access for Refuse Vehicles has been submitted and this demonstrates that it can enter and exit without impacting on the grass verges.



Figure 6: Beeley Close layout

7.27 Officers consider that the layout demonstrates generally good design principles and reinstates the existing building lines and it is considered to be generally in accordance with the design guidance set out in Successful Places.

Effect on Neighbours

7.28 The proposed dwellings back onto the rear gardens of existing properties or are adjacent to existing housing. The impact on neighbours is assessed below.

7.29 The new housing on Beeley Close is 2 storey semi-detached houses whose rear gardens back onto existing rear gardens (see Fig 7 below). The separation distances are in excess of 21m and so fully comply with Successful Places.



Figure 7: Beeley Close housing

7.30 Plots 69 and 70 are located between existing houses in the corner of the site and face onto an existing footpath that leads to Willamthorpe Road and the Coop. (see fig 8 below). No 32 is the most impacted existing property as this has the front elevation of plot 70 facing its side boundary; however plot 69 would generally be screened by an existing conservatory to the rear of number 32 and faces its side elevation (see fig 9).

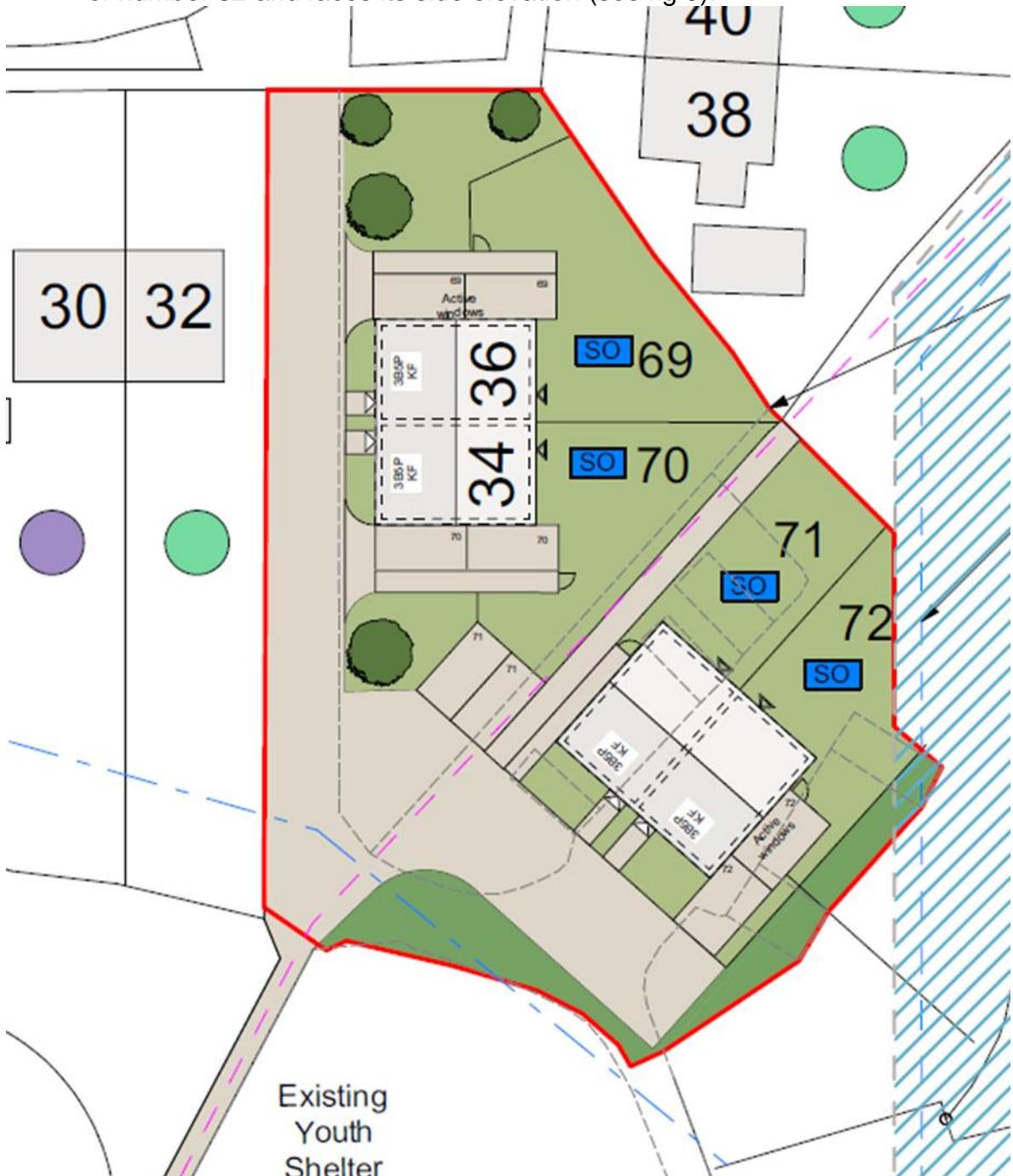


Figure 8: plots 69 to 72.



Figure 9: image of existing property and conservatory.

- 7.31 Officers are of the view that as there is an existing footpath running along the side of no. 32, then the orientation of plots 69 and 70 to face onto this to create a new vehicular access would in principle be acceptable and provide additional benefits of surveillance and activity. This would also address some of the concerns raised by the police in respect of the existing PROW between plots 70 and 71.
- 7.32 The layout does however result in some increased overlooking into the garden of no 32 albeit it from the front of the new properties at plots 69 and 70. However, Officers are satisfied that plot 69 would not cause an unacceptable level of overlooking on to no.32 as it mainly faces a blank side elevation and then a conservatory.

- 7.33 There would however be some overlooking from the first floor bedroom of plot 70 towards the rear garden of No.32 which officers consider an unacceptable relationship (see figure 8 and 10). However, this could be mitigated by way of requiring an obscure glazed window to bedroom 1 and the other front facing window which serves a bathroom and the provision of a larger clear glazed window to the southern gable in a similar position to that of plot 71. This would result in windows in the side gables of plots 70 and 71 facing each other but at an angle of 45 degrees and is considered acceptable. This would also provide additional surveillance over the existing PROW. It is therefore recommended that this is included in a condition on any permission granted.

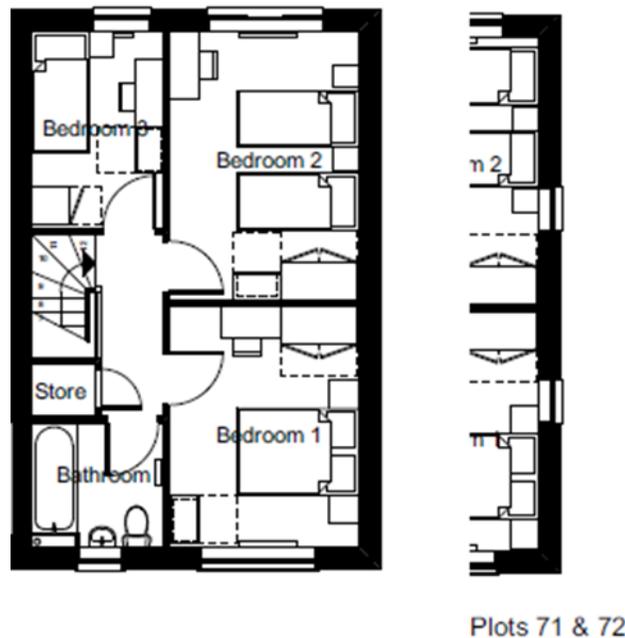


Figure 10: Bedroom 1 and suggested location of larger side window.

- 7.34 Plots 48 to 53 are bungalows adjacent to the existing bungalows on Wayside Close and plots 32 to 37 lie adjacent to 3 existing properties. Officers consider that the separation distances and relationship with and between these properties is acceptable.
- 7.35 Plots 29 to 31 lie adjacent to existing properties and Officers consider that the separation distances and relationship with these properties is acceptable.
- 7.36 Plots 54 to 66 are adjacent to bungalows on Greenland Close and no 10 Whiteleas Avenue (see fig 7). The separation distances between the rear of the existing bungalows and plots 56-58 exceeds the 21m set out in Successful Places and also has the existing footpath between the dwellings. The potential overlooking is considered to be acceptable in this regard.

7.37 Comments have been raised by a local resident in respect of these units being houses and bungalows and the resident's fencing being adjacent a footpath. There are no proposals to change the resident's boundary fence as this lies outside the application site, and the footpath in question is an existing path that is being extended slightly as part of the development. For these reasons the relationship is considered to be acceptable.



Figure 11: plots 54 to 66

7.38 Overall, Officers consider that the development would not have an overriding and harmful impact on near residential neighbours.

Land Contamination and Stability including Coal Risk Assessment

7.39 The Coal Authority have confirmed that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. Standing advice in the form of an informative would suffice.

7.40 With regards to land contamination no objections have been raised by Environmental Health Officers, subject to conditions.

7.41 In summary, Officers consider that in view of the above, subject to conditions, the development would be acceptable from environmental health and ground stability perspectives.

Flood Risk

7.42 The site is located within flood zone 1 and the agent has submitted a Flood Risk assessment.

7.43 The Lead Local Flood Authority (LLFA) have commented that they would have no objection overall subject to appropriate conditions. However in respect of plots 71 and 72 the LLFA are not satisfied that it has been demonstrated that these 2 plots will not be at risk of future flooding from an adjacent culvert and that the risk of flooding will not increase to existing properties. Lowering the garden area would store water around the proposed properties 71 & 72 and how much storage needed has not been quantified therefore the risk remains unknown. The flood outlines provided in the technical note reflect the photo provided but there are some unknowns, the return period, the maximum flood depth, and the flow routes for example. Therefore, the LLFA advise that further analysis is needed to quantify the required compensatory storage and to conclude that there is no risk to proposed properties and no increased risk to existing properties.

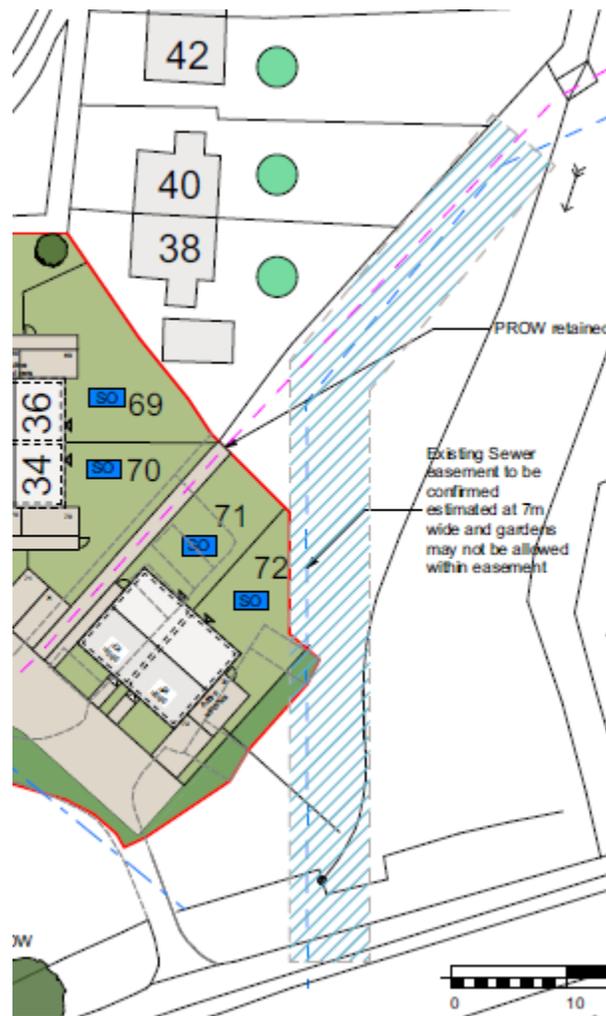


Figure 12: plots 71 and 72

7.44 The culvert runs below Williamthorpe Road to the south of proposed Plots 71 & 72 (see Fig 12 above). The agent is confident that the concerns of the LLFA can be accommodated and has provided further information to the LLFA to address their concerns. The final comments of the LLFA will be

reported to committee and subject to their agreement this matter would be addressed.

- 7.45 Yorkshire Water initially objected due to the submitted site layout showing that buildings will be sited over the public sewerage system located within the site. This would seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and would not be acceptable. Following the submission of a revised site layout Yorkshire Water have confirmed that they have no objections subject to conditions.
- 7.46 In summary, Officers consider that in view of the above, subject to conditions and the LLFA confirming that the proposed mitigation of flood risk for plots 71 and 72 are acceptable; the development would be acceptable from drainage and flood risk perspective.

Biodiversity

- 7.47 The application is accompanied by a Biodiversity Survey and report and Derbyshire Wildlife Trust (DWT) have commented that the report recommends further bat assessment for Dwellings 1-5 and 7-8 on the site. All bat surveys should be undertaken prior to determination. Any necessary mitigation/licensing will then be recommended by the consultant ecologists.
- 7.48 The agent has undertaken the bat surveys and submitted a Preliminary Bat Roost Assessment and Further Bat Surveys Report (24.08.2022). The report includes proposed mitigation measures as recommended in the DWT response. DWT have confirmed that they have no objections subject to conditions.
- 7.49 The DWT have also commented that there is a high likelihood that house sparrows, starlings and swifts could nest in the onsite buildings and therefore seasonal constraints should apply to demolition, unless preceded by a thorough nesting bird check by an ecologist.
- 7.50 Bat and bird roosting/nesting features should be included within new properties and this can be controlled by condition.
- 7.51 Two native hedgerows, plus ornamental gardens hedgerows, are proposed for removal. Development should not result in a net loss of native hedgerow and therefore proposals should replace native hedgerow of greater length within proposed landscaping. Proposed gardens and public open space are considered likely to compensate for the loss of the modified grassland present in terms of biodiversity value, however DWT encourages the creation of tall sward flower-rich grassland in open areas and the inclusion of native trees and shrubs within the landscaping to ensure no net loss.
- 7.52 With regards to the hedgerow comments and gardens Officers consider that these issues can be addressed through the necessary landscape condition.

- 7.53 In summary, Officers note the comments of the DWT and in particular that they do not raise an objection to the proposals. Officers are of the view that subject to conditions this would ensure that the development would not have a detrimental impact on ecological interests.

8.0 Summary and Conclusion

- 8.1 The site is an unallocated site that lies within the defined settlement development limits for North Wingfield and is considered a sustainable location for additional and replacement housing and Officers place significant weight on the provision of significant affordable housing.
- 8.2 The proposed development is considered on the whole to offer a good design that would be in keeping with the character and appearance of the surrounding area. Furthermore the proposal would not result in a detrimental impact upon the privacy or amenity of neighbouring residents. Subject to the LLFA confirming their position with regards to plots 71 and 72 there are no technical issues weighing against the scheme and it would not have a detrimental impact on highway safety.
- 8.3 Accordingly, it is recommended that, subject to completion of the necessary s106 agreement and conditions, that permission should be granted.

9.0 Recommendation

- 9.1 **GRANT** Full Planning Permission subject to the following conditions and section 106 agreement with the final wording and content of the conditions delegated to the Planning Manager (Development Management)

Section 106 Heads of Terms

Affordable housing provision as set out in the application (27 affordable rent and 10 shared ownership)

£72,662.20 for the provision of additional educational facilities for 4 primary places at North Wingfield Primary and Nursery School.

£112,132.28 for the provision of additional educational facilities for 4 secondary phase (with post 16) places at Tupton Hall School.

£17,216.25 with a maintenance contribution over 10 years of £6,048.38 towards existing offsite play provision.

£32,719 towards NHS Chesterfield Royal Hospital.

Conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-

40549 004R SITE LAYOUT
FW2220-TN-001 TECHNICAL NOTE PLOT 71 AND 72

Preliminary Bat Roost Assessment and Further Bat Surveys dated
24.08.2022

WANW-BSP-XX-D-H-002-P01 DIMENSIONS PLAN received 18.07.22
WANW-BSP-XX-XX-D-H-0001-P01 SWEPT PATH ANALYSIS received
18.07.22

Flood Risk Assessment received 30.05.2022

3664NGLS_01-03 TOPOGRAGH SURVEY
40549/017C BOUNDARY TREATMENT PLAN
40549/032 GARDEN SIZES PLAN
YORKSHIRE WATER DRAINAGE PLAN

Design and Access Statement
Transport Statement

36643NGUG-01 UTILITIES AND DRAINAGE SURVEY
40549/008C MATERIALS DISTRIBUTION PLAN

40549/009C HOUSE-TYPE 3B5P
40549/010C HOUSE-TYPE 3B5P
40549/011C HOUSE-TYPE 3B5P KF TERRACE
40549/012C HOUSE-TYPE 3B5P KF TERRACE STONE OPTION ...
40549/013A HOUSE-TYPE 2B4P KF
40549/014B HOUSE-TYPE 2B4P CRANKED STONE
40549/015B HOUSE-TYPE 2B3P BUNGALOW
40549/016B HOUSE-TYPE 2B3P BUNGALOW STONE OPTION
40549/022 HOUSE-TYPE 4B6P - NDSS
40549/023A HOUSE-TYPE 3B5P KF - NDSS
40549/024 HOUSE-TYPE 3B5P KF (STONE) - NDSS
40549/025 HOUSE-TYPE 3B5P KF TERRACE - NDSS
40549/026 HOUSE-TYPE 2B4P KF
40549/027A HOUSE-TYPE 2B3P BUNGALOW - NDSS
40549/028 HOUSE-TYPE 3B5P KF PLOTS 67, 68 - NDSS
40549/029 NO 55 BOUNDARY ALTERATIONS
40549/030 HOUSE-TYPE 2B4P CRANKED STONE DETACHED

40549/019 STREET ELEVATIONS
40549/031 SITE LOCATION PLAN

BIODIVERSITY SURVEY AND REPORT
COAL MINING RISK ASSESSMENT
LAND CONTAMINATION ASSESSMENT

Reason: For clarity and the avoidance of doubt.

Employment and Training

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

Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan

Sustainable Design, Character and Appearance

4. Before any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) A scheme of landscaping which shall include indications of all existing trees and hedgerows on the land
 - b) The details of any trees and hedgerows to be retained together with measures for their protection during development,
 - c) A schedule of proposed plant species, size and density and planting locations and
 - d) An implementation programme

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

5. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

6. Before development starts, other than preparatory works, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

7. Before any above ground works commence a scheme for mitigating climate change through sustainable design and construction of the dwellings shall be submitted to and approved in writing by the LPA. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan.

8. Before any above ground works commence, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority . The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

9. Before any above ground works commence details of a new first floor window to the southern elevation of plot 70 shall be submitted to and approved in writing by the Local Planning Authority . The development shall then be carried out in accordance with the approved details.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

10. The window(s) proposed in the front elevation of the bedroom 1 of Plot 70 shall be fitted with obscure glazing prior to the dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to level(s) 3 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

Highways

11. Before any other operations are commenced, a construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The agreed plan/statement shall be adhered to throughout the construction period. The construction method statement shall provide information about the construction access, storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles during the construction period.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

12. Throughout the period of construction, wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous materials on the public highway.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

13. Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

14. Before any other operations are commenced excluding Condition 9 above the new vehicular and pedestrian accesses shall be created in accordance with the drawing 'Proposed Site Layout 40459/004R' , laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

15. Prior to first occupation a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall set out proposals (including a timetable) to promote travel by sustainable modes and shall be retained in perpetuity.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

Ecology

16. No stripping, demolition works or clearance of hedgerow, scrub or trees shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

17. The demolition of Buildings 65 & 67 shall not take place until either a European Protected Species licence has been obtained from Natural England or the site has been registered under a bat mitigation class licence (low impact). Upon receipt of a licence from Natural England/site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Preliminary Bat Roost Assessment and Further Bat Surveys (Peak Ecology, 24/08/2022) and amended as necessary based on any correspondence from Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence/confirmation of registration will be submitted to the LPA once granted.

Reason: Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

18. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- integral bird boxes at ratio of 1:1 per number of dwellings, in line with British Standard 42021:2022. A variety of boxes will be used suitable for house sparrow, starling and swift.
 - integrated bat boxes in 25% of dwellings.
 - insect bricks in 25% of dwellings.
 - gaps 130 mm x 130 mm in garden fencing to maintain connectivity for hedgehogs.

- summary of ecologically beneficial landscaping, including native hedgerow planting to achieve no net loss of native hedgerow on site (full details to be provided in Landscape Plans).

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

Drainage

19. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.

20. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.

Ground Conditions

21. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

Reason – To protect local air quality and in the interests of the amenity of surrounding dwelling sand in accordance with Policy SDC13 of the North East Derbyshire Local Plan

22. Before the commencement of the development hereby approved: The site investigation strategy as identified in the Desk Study report Ref EAL.172.21 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

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

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

23. No dwellings hereby approved shall be occupied until:
- a. The approved remediation works required by 1 above have been carried out in full in compliance with the approved methodology and best practice.
 - b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study submitted with the application and through the process described in 20 above.
 - c) Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water

Amenity

24. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30am to 6pm Monday to Friday and 7:30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

Reason: To protect the amenity of nearby property occupiers and users in accordance with policy SDC12 of the North East Derbyshire Local Plan

PLANNING COMMITTEE – 18th October 2022

REFERENCE NUMBER: 22/00423/FLH **Application Expiry Date:** 27.10.2022
Application Type: Full application

Proposal Description: Construction of single storey side extension and single storey rear extension to outbuilding (Conservation Area) (Amended Plan)

At: 1 Sloade Lane Ridgeway Sheffield S12 3YA

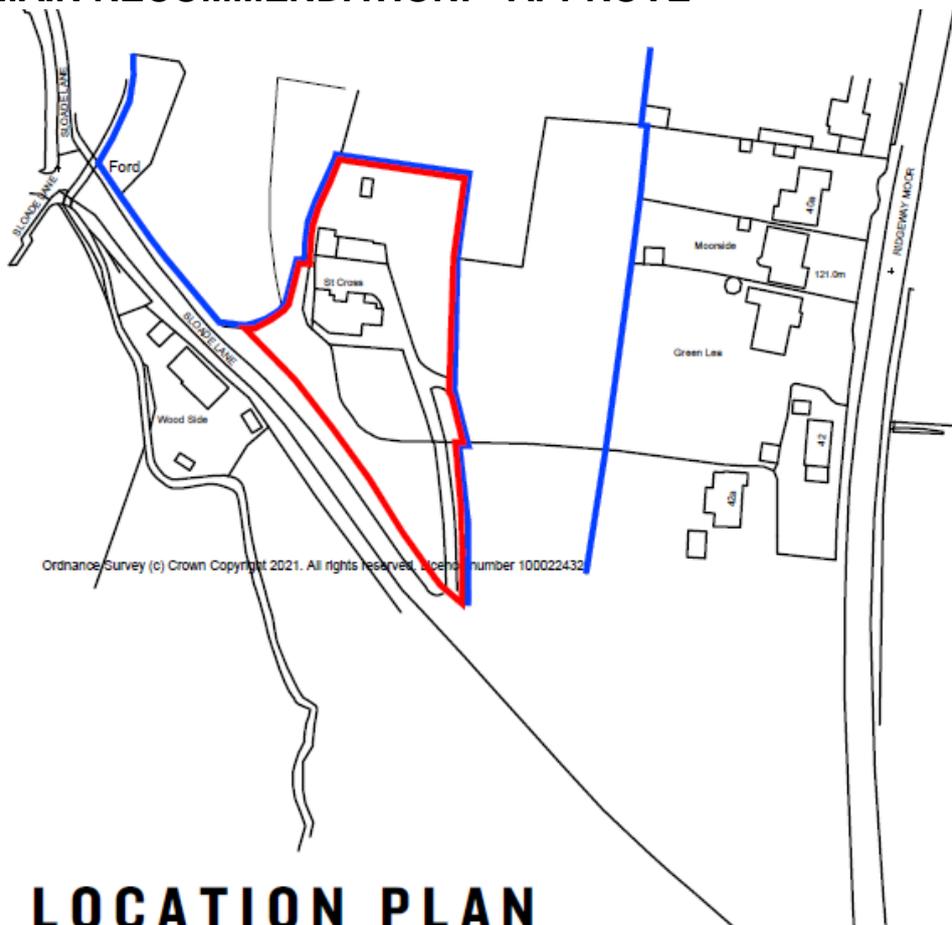
For: Mr A Renwick

Third Party Reps: 0 **Parish:** Eckington

Ward Name: Ridgeway And Marsh Lane

Author of Report: Stephen Kimberley **Date of Report:** 03.10.2022

MAIN RECOMMENDATION: APPROVE



LOCATION PLAN

1.0 Reason for Report

- 1.1 This application is being considered by planning committee due to the applicant being the partner of a North East Derbyshire Councillor.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises a large detached dwelling with a separate large outbuilding which appears originally to have been a coach house. It is this outbuilding which the application seeks to extend.
- 2.2 The outbuilding is mainly brick built with a red brick and a decoration formed by buff bricks. In addition the western side has the date of the building formed by those buff bricks of 1860 in roman numerals. The eastern side has further decoration formed by bricks and a small dovecote. The front of the building has a double door entrance, two stable doors and three other openings. The openings all have stone lintels and cills.
- 2.3 The rear of the building is set into the slope with only the first floor visible from the rear with the wall here having a utilitarian finish. The west side has the remains of a breeze block and brick single storey extension whilst the eastern side has a single storey open extension used as a garage.
- 2.4 The building has a pitched roof with decorative tiles which are in two colours and placed so as to form a diamond pattern on the roof slope. There is a small dormer on the front with a clock face.
- 2.5 The building front faces a small courtyard and the main house It is well hidden from public views screened by both the topography and the main dwelling itself. There is a small track to the west providing access to the upper level and trees and some outbuildings on the higher level.
- 2.6 The building is used primarily for adhoc storage with most of the upstairs currently empty.
- 2.7 The materials are to match existing and can be controlled by condition with samples to be provided. Brick detailing is shown on the elevations which would need to be adhered. Other conditions can control the use of Conservation rooflights on this building in a Conservation Area.
- 2.7 The site is located outside of any Settlement Development Limits and within the North East Derbyshire Green belt and the Moss Valley Conversation area.

Proposal

- 2.8 Full permission is sought for the demolition of a ground floor extension and its replacement with a narrower extension and the erection of an extension to the rear at the higher first floor level The use would change to be ancillary

accommodation for a person of limited mobility with main elements all being on one level. This floor would be accessed via the upgrading of a track to the west.

- 2.9 The side extension replaces an existing extension but is narrower in width reducing the width from by 2m from 5.45 m to 3.3. This element would provide a new garage and would have a flat roof.
- 2.10 The rear extension at the higher level measures 9.2m in width and be a maximum of 4.2m in depth. It provides a lounge kitchen and bedroom with a large ensuite. It would have windows to the rear and sides. The design is to have a pitched roof similar to that of the main roof except for the dining area which would be largely glazed and with a roof lantern. . There would also be two rooflights on the rear roof slope to provide illumination to a storage area
- 2.11 The ground floor of the existing building would be converted to provide accommodation for a carer with a bedroom living room and shower. Openings in this area would remain the same except for extra windows in the doors of the existing doors.

3.0 Amendments

- 3.1 Amended floor plans were published by the Council on the 18th August 2022 with amended elevations being published on the 1st September 2022 . The revisions followed discussion with officers including the Conservation Officer and removed a first floor side extension and changed the shape of the rear extension to blend better with the existing building.

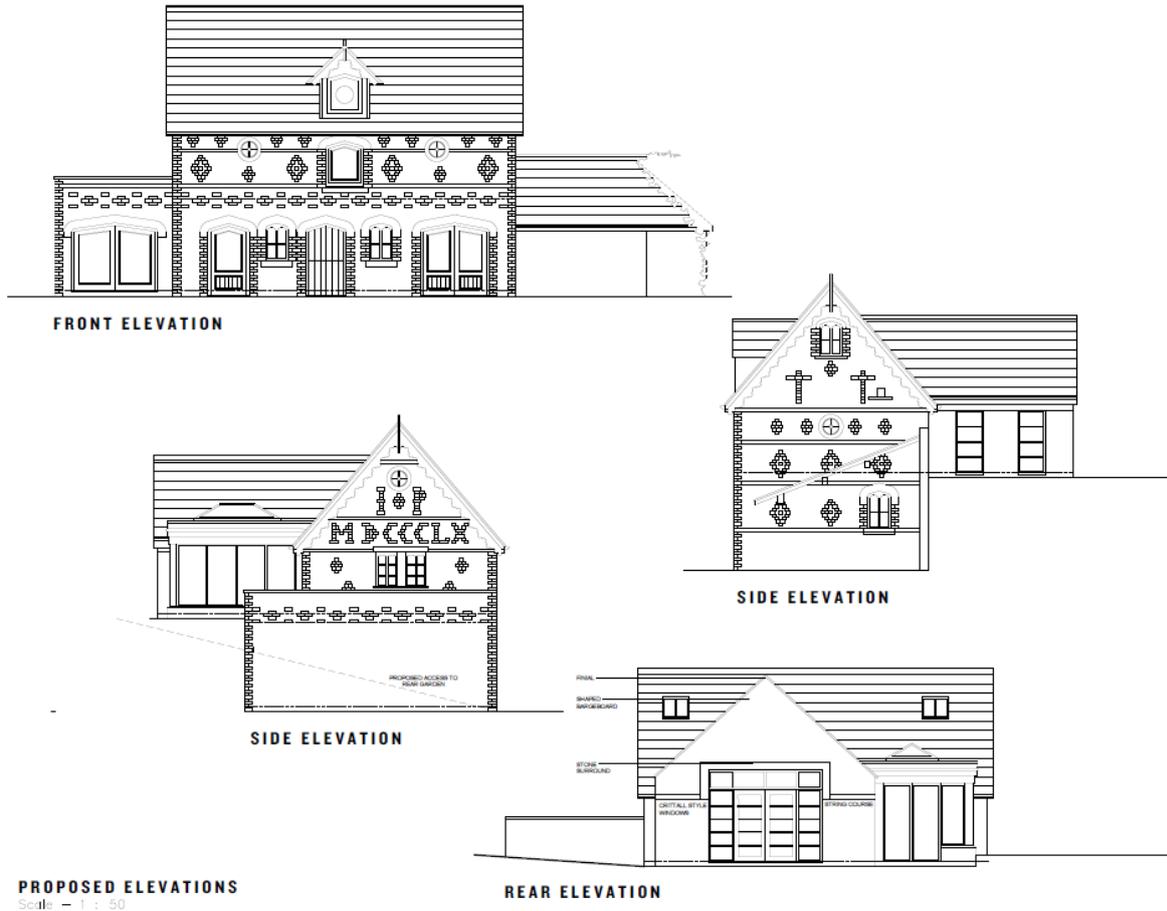


Figure 1: Revised Elevations

4.0 Relevant Planning History

4.1 None relevant

5.0 Consultation Responses

5.1 The **Parish Council** have provided no comment.

5.2 The **Ward Member** have provided no comment

5.3 County **Highways Authority** (HA) have provided no comment

5.4 **Conservation Officer (CO)** has provided some comments following the submission of amended drawings. These comments generally supported the revisions and particularly welcomed the reduction of the side extension from two storey to a narrower single storey extension. It was also suggested that the single storey element should be set back which has been done on the latest plans received on 01 September.

5.5 As regards the north extension the CO stated that subject to details the back elevation and extension will not harm the significance of the coach house. The

modern form would help maintain the subservient nature of the extensions. Rooflights should be traditional conservation rooflights and a flat rooflight for the dining area is encouraged. The CO also suggests a different glazing arrangement to harmonize the north elevation and this has not been done by the applicant

6.0 Representations

- 6.1 The application was publicised by way of neighbour letters press advertisements and the display of a site notice. No letters of representation have been received.

7.0 Relevant Policy

North East Derbyshire Local Plan (Adopted November 2021)

- 7.1 SS1: Sustainable Development
SS10: North East Derbyshire Green Belt
LC5: Residential Extensions
SDC3: Landscape Character
SDC5: Development within Conservation Areas
SDC12: High quality Design and Place-Making

National Planning Policy Framework (NPPF)

7.2 National Planning Policy Framework

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

Section 16 (paragraphs 189 – 208) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

8.0 Planning Issues

Principle of Development

- 8.1 The application site is situated outside of any established settlement development limits in an area designated as Green Belt and the Moss Valley Conservation Area.
- 8.2 Local Plan Policies require that developments within the North East Derbyshire Green Belt are not detrimental to the visual amenities of the Green Belt or conspicuous by virtue of their siting, design or materials of construction. Policies within the National Planning Policy Framework identify that the construction of new buildings in the Green Belt are inappropriate development, and this

definition includes disproportionate additions to buildings over and above the size of the original building. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

- 8.3 The proposals will extend the original building by approx. 40% with the large extension at the rear and the side single storey extension. It is considered that this represents a disproportionate addition to the original building and accordingly the proposal should not be approved unless it is considered that there are very special circumstances to approve the proposal.
- 8.4 In this case it is the Officers belief that a combination of factors combine to give rise those very special circumstances.
- 8.5 The first is that under the scheme the existing poorly built breeze block and brick side extension would be demolished and in its place will be a narrower side extension built of materials to better blend in with the original building. In addition a number of outbuildings at the rear would also be demolished including an old pig pen and a prefabricated garage.
- 8.6 Taking these into account the volume for the proposal would be 664 cubic metre instead of the 640 cubic metres of existing buildings. This would mean that net the proposal would not be a disproportionate increase in size. Conditions can be imposed to remove PD rights for outbuildings as well as requiring the demolition of the outbuildings mentioned.
- 8.7 Secondly the proposal would bring the building back into a more productive use ensuring the longevity of this interesting historic building. This would be beneficial to the character and appearance of the Conservation Area.
- 8.8 Thirdly the proposal is needed to provide suitable accommodation for an elderly relative who has limited mobility. The accommodation would provide both a level and easily accessible living space together with accommodation for a potential live in carer.
- 8.9 Whilst any one factor on its own may not constitute very special circumstances it is felt that a combination of all three does give rise to those circumstances and according the proposal can be recommend for approval

Design and Impact on the Character of the Conservation Area

- 8.10 The requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.11 Policy LC5 of the NED Local Plan requires that new extensions should be in keeping with the property and street scene and create good design which is well-related to its site and surroundings in terms of their style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties

- 8.12 The Conservation Officer has commented on the revised proposals. They consider that the single storey extension is acceptable and that the northern extension at the rear, subject to details will not harm the significance of the coach house. In line with the Officers comments the side extension is to be set back and will include use of the two brick colours to replicate patterns elsewhere on the building.
- 8.13 In order to control those details conditions should be imposed to control materials, with samples being required, and the use of Conservation rooflights on the rear roof slope.
- 8.14 Overall, it is considered the proposals are of a scale, design and materials that complement the host dwelling, and the proposals would preserve the character and appearance of the Conservation Area. The proposal conforms with Policies SS1, SS10, SDC3, SDC5, SDC12 and LC5 of the Local Plan.

Impact upon Neighbouring Properties/Land Uses

- 8.15 Local Plan Policy SDC12 seeks to ensure that new development protects the amenity of existing and creates a good quality of amenity for future occupiers.
- 8.16 The application site is located outside of settlement development limits with the nearest properties being Green Lea approx. 105m to the east and Woodside approx. 49 metres to the south west. Neither of these properties will have clear views of the proposals either screened by the topography or the main house of St Cross
- 8.17 In view of the sufficient separation distances and the screening, Officers do not consider the scheme to have any overriding or harmful impacts on nearby residential neighbours.
- 8.18 The proposals will not be easily seen from any public vantage points. Resultantly, it is our view that the proposal would not have any significant impact on the neighbouring properties, surrounding area, character of the Moss Valley Conservation Area or the Green Belt.
- 8.19 Overall, it is considered that the proposed scheme represents acceptable development that is neither harmful to the application site, neighbouring properties or the street scene of Main Road and therefore, the proposal conforms with Policies SS1, SS10, SDC3, SDC5, SDC12 and LC5 of the Local Plan.

Highway Safety Considerations

- 8.20 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 8.21 The proposal will not involve any changes to the access point. A new access road would be provided from the existing rear parking area to the rear of the building to provide level access to the new rear extension.
- 8.22 It is considered that a future use of the building as a separate home may introduce highway considerations that have not been considered and therefore a condition requiring the use to be tied to the main house should be imposed.
- 8.23 In conclusion, there are no highway objections to the proposal and it is therefore considered that the application accords with Local Plan Policy.

Summary and Conclusion

- 9.1 Having taken into account all the material considerations, it is considered that the proposed extensions do result in a disproportionate extension to this building in the Green Belt however there are felt to be a number of factors which combine to give rise to the very special circumstance to allow the approval of the application. These factors are the removal of existing buildings and poorly designed constructions, the fact that the result will ensure the productive use of a distinctive historic building and ensure that it would be maintained, and the personal circumstances to allow for a building to fit the needs of the limited mobility occupier and their carer.

10.0 Recommendation

GRANT Full Planning Permission subject to the following conditions with the final wording and content of the conditions delegated to the Planning Manager (Development Management)

- 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 amended plans referenced

Site location Plan PL01C Dated 22/07/2022
Proposed Elevations PL05A Dated 23/07/2022
Proposed Floor Plans PL04B Dated 25/07/2022

unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

- 3 The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as St Cross and shall not be severed from the main house as a separate dwelling.

- 4 Before development starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority . The development shall then be carried out in accordance with the approved details.
- 5 Before works start on the extensions the pig pen and prefabricated garage to the rear of the building shall be demolished.
- 6 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no curtilage buildings (Part 1 Class E) shall be erected without first obtaining planning permission.
- 7 All the existing slate shall be set aside for re-use. Any shortfall shall be made up of natural slates to exactly match the existing in shape, size, colour and texture. All fixings shall be corrosion resistant. Before re-roofing starts, samples of any additional slates and fixings required shall be made available for inspection on site, and subsequent written approval, by the Local Planning Authority. The approved slates and fixings shall then be used to roof the approved building/structure. The roof shall be retained as such thereafter.
- 8 Before any above ground works commence, details of the proposed Conservation rooflights shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall then be installed as approved and retained as such thereafter.

Planning Committee 18th October 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: Highways Officer

DATE RECEIVED: 7 October 2022

SUMMARY:

The Highways Officer has completed reviewing the submitted Travel Plan. Comments as follows:

The key measures included in the Interim TP are generally acceptable; however, as advised in the Highways response, measures to make future occupants aware of the car parking situation and how the parking for this development will be managed so that the 'No Car Parking' proposal should not have an impact on on-road parking. The TP should include how the prospective residents will be made aware that this proposal is being proposed as a 'No Car Parking' proposal, and this could be done either by information added in the Tenancy Agreement/or Housing Contract.

If this development gets planning consent, the planning condition for submission of full TP, which contain survey information, either travel survey undertaken within 3

months or 6 months of the site occupation, will need to be submitted for Highway Authority review.

OFFICER COMMENTS:

The Highways Officer is content with the Travel Plan submitted, however he has requested that the Travel Plan includes confirmation that the No Car Proposal details will be included in the tenancy agreement.

It is considered that this can be secured by condition.

2. SOURCE OF COMMENTS: Killamarsh Resident

DATE RECEIVED: 13 October 2022

SUMMARY:

I would like to object to this proposed application in this strongest possible terms.

A HMO housing 15 people as planned in this location is completely inappropriate and is being done with zero consideration for the local community or surrounding neighbours. The sheer number of people crammed into that property is quite frankly ridiculous.

HMOs are the blight of most communities as I'm sure your community policing staff will attest to, as will local crime statistics.

It is well documented nationally that unfortunately HMOs and their residents more often than not bring a whole raft of problems with them, including antisocial behaviour, drinking, drug taking, violence and crime as they provide the meagerst accommodation to those unfortunately those on the bottom rung of society.

This property is not being designed with a view to providing accommodation for young professionals looking for their first step into independent living, it will simply house the most desperate of society, as no one would actively choose to live in a tiny box room, shared with 15 complete strangers or a bathroom with 8 others.

The village is not crying out for accommodation for single people who all want to live in the same property there simply isn't the need for this type of accommodation.

To inflict this on the village because of someone's greed to provide what is barely bigger than a shoe box accommodation and cram as many people in as possible it, would be inconsiderate and reckless.

Killamarsh has poor transport links with very infrequent buses and so due to its location the people who live here (as mentioned by other consultee comments) will not have cars so will be reliant on public transport so will be woefully underserved.

Please do the right thing for the Killamarsh community and reject this application.

Policy SS7 states that the development does not result in a loss to a valued facility or service unless demonstrated that it is no longer viable. The existing newsagent is definitely a valued local business, it's the only newsagent in the village (certainly within a 20 min walk) and is always busy. It may not be a profitable as cramming 15 people into tiny rooms within the same space however as a business it's completely viable and has been in place for many years. To turn it into a HMO is purely for greed.

Has the applicant provided any financial accounts providing how unviable the business is? If not then surely this is a requirement

OFFICER COMMENTS:

As is outlined in the report to members, the adopted Local Plan places Killamarsh as a level one settlement which means it is one of the most sustainable towns in the district for development. It is therefore considered to have good public transport links. As such Officer's consider the proposal represents sustainable development. This is covered in the report to members and adds no new material matters.

It has been shown that the room sizes of the proposal meet the requirements of space standards for HMO's. These details will also be required by and will be checked by the Environmental Health Licensing Team at a later date.

How the application meets the requirements of policy SS7 of the Local Plan has been outlined in the report to members. Policy SS7 should be read in conjunction with policy ID5 which prevents the loss of existing social infrastructure where it can be shown that the facility is no longer needed or that the service could be provided in an alternative way OR it can be demonstrated that it is no longer viable. In this case it has been shown that the services can be replicated elsewhere and therefore there is no need to demonstrate viability.

PARISH: North Wingfield

APPLICATION: 22/00057/FL

CASE OFFICER: Phil Slater

1. SOURCE OF COMMENTS: Agent on behalf of Rykneld Homes

DATE RECEIVED: 14.10.2022

SUMMARY:

The agent has submitted a revised site layout (revision T) with plots 71 and 72 omitted in order to address the concerns of the Lead Local Flood Authority.

OFFICER COMMENTS:

The omission of plots 71 and 72 has addressed LLFA concerns, and the LLFA have further confirmed that they now have no objections to the proposal, subject to conditions.

Officer's consider that the revised layout for plots 69 and 70 is acceptable and would have no greater impact on neighbouring amenity than the existing dwellings proposed to be demolished. The existing public right of way is to be retained to the rear of these properties.

Officer's consider that the revised layout is acceptable and would recommend to members that it is approved in line with the recommendations in the committee report.

The agent has requested the S106 contributions be reviewed following the reduction of the scheme by 2 dwellings and it is requested that this matter be delegated to the Planning Manager to resolve in line with Council policy should committee resolve to grant permission subject to the S106.