

PLANNING COMMITTEE – 21 SEPTEMBER 2021

REFERENCE NUMBER: 21/00380/RM **Application Expiry Date:** 16/5/2021
Application Type: Reserved matters

Proposal Description: Reserved Matters application for a single storey dwelling with rooms in the roof pursuant of application 18/00703/OL (Affecting the setting of a listed building)(Amended Plans)

At: Cedar End, Wingerworth Hall Estate, Wingerworth

For: Mr Stuart Armstrong

Third Party Reps: 1 obj **Parish:** Wingerworth Parish Council
Ward Name: Wingerworth Ward

Author of Report: Case Officer Alice Lockett **Date of Report:** 5th July 2021
Alice Lockett

MAIN RECOMMENDATION: **CONDITIONALLY APPROVE**



Figure 1: Site location plan

1.0 Reason for Report

- 1.1 One objector has sent 3 letters of objection the material consideration he pointed out has been addressed by the applicant. The application has been called into committee by Cllr Ruff as it is not in keeping with a moderate single storey dwelling and certainly not in keeping with historic listed building.

2.0 Proposal and Background

- 2.1 This is the reserved matters application relating to outline application 18/00703/OL and Outline application for a single storey dwelling (matters relating to access and layout not reserved).
- 2.2 The original submitted plans were for a single storey dwelling with rooms in the roof. The outline application conditions that the design of the dwelling should be single storey, the applicant has submitted amended plans to this reserved matters application for a single storey dwelling with no rooms in the roof.
- 2.3 Amended plans were submitted repositioning the building on the layout approved in the Outline Application.
- 2.4 No EIA is needed or screening opinion given.

3.0 Relevant Planning History

- 3.1 18/00703/OL | Outline application for a single storey dwelling (matters relating to access and layout not reserved) (Affecting Setting of Listed Building) (Amended Title) (Conditionally Approved)
- 3.2 20/00170/FL | Application for 4-bed, single storey dwelling with double garage/carport (Affecting setting of a listed building) (Amended Plans) (Amended Title) (Refused – Appeal Dismissed)

4.0 Consultation Responses

4.1 DCC Archaeology

Thank you for consulting on the above reserved matters application. We provided comments on this scheme in 2018 and an on-balance recommendation was made that archaeological work was not required under the policies at NPPF chapter 16.

We did however also advise in 2018 that the proposals would impact the setting of the neighbouring Grade I and Grade II Listed Buildings, and that

you should be advised further in this matter by your specialist conservation advisor. This remains our recommendation in relation to the current reserved matters.

4.2 Highways Comments

The Highway Authority raised no objections to the above proposal as part of the initial outline application (ref: 18/00703/OL) and similarly to the subsequent full planning application (ref: 20/00170/FL) that is understood to have been refused. This application now seeking reserved matters consent to the outline application.

Authority is satisfied that an access for future residents will be available between the application site and the highway.

need to be made for the collection of refuse bins on bin collection days, clear of the public highway. It is assumed that a refuse vehicle is unlikely to enter the private driveway and will operate a roadside collection service only. Facilities for the collection of bins, which does not restrict the operation of the driveway or inhibit pedestrian movement on the adjoining public highway will need to be considered. This could form a condition of any consent issued *[Officer note: A condition is included on the outline permission requiring the submission of a scheme of storage and collection of waste.]*

From a Highway standpoint there are no objections to the above proposal subject to similar conditions to those recommended as part of the outline application being appended to any consent in the interest of highway safety.

4.3 Parks Comments

As there is no information regarding if there is going to be any impact on the trees in the close proximity of the development or if any root protection will be in place I do think it would be worth the applicant supplying a tree report.

[Officer Comment: the layout of the site- and therefore the impact on the trees was approved in the Outline application this was before the TPO was made. As the layout is approved it cannot be altered as part of the Reserved Matters Application and therefore the impact on the trees cannot be considered.]

4.4 Conservation Adviser Comments

11th May 2021

Reitera

It is not

The principle of a dwelling on this site was granted under application 18/00703/OL. Condition 3 of that approval states specifically that the dwelling should be single storey, the proposed dwelling is not single storey and at 15m by 9m and 7m high with 4 bedrooms and two bathrooms cannot be considered modest. The height of the proposed dwelling has the potential to impact on the setting of the building, whereas the proposed footprint would appear to be similar to that approved under 18/00703/OL. Importantly as stated in the appeal statement (W/20/3260623) for the refused application 20/00170/FL, the trees on the site boundary contribute significantly to the former parkland setting of the listed building and the proposed site layout plan (DWG No: CE/002A) would appear to indicate that the proposed dwelling does not intrude into the tree canopy. The proposed boundary treatment is acceptable together with coursed stone walling and natural blue slate roofing for the proposed construction materials of the dwelling. In terms of the impact on the setting of the listed building the proposed dwelling is not single storey and does not meet the requirements of condition 3 of application 18/00703/OL.

27th May 2021

I agree they are not very inspiring, but the proposal is low key, simple in design and of a reduced scale that will not compete with the listed building. I note their intention is stone walling and a natural slate roof which are good quality materials. The proposed scale and height of the proposal will not impact on the trees which are important to the setting of the listed building.

4.5 **Coal Authority**

On the basis that commentary within the accompanying Coal Mining Report – Intrusive Investigation (18 March 2021, prepared by S J Bright) confirms that there was no evidence of shallow coal mine workings underlying the site as a result of an intrusive site investigation, the Coal Authority has **no objections** to this planning application and considers that **the requirements of Condition 17 on the outline permission have been satisfied.**

4.6 **Environmental Health Comment**

I write with respect to the above planning consultation. I have reviewed the documents submitted with the application and note that some information has been submitted with the reserved matters application that relate to outstanding conditions on the outline planning permission. A Groundsure report has been submitted that would generally be used as information used within a desk based study but would not constitute a full desk based study that fulfils the requirements of the outstanding planning condition. Unfortunately, we do not consider there is sufficient information at present to recommend discharging the outstanding planning condition on the outline planning condition. If you would like any further information, please do not hesitate to contact me.

[Officer Comment: This is a matter which should be dealt with as part of a Discharge of Conditions pursuant of the Outline permission not as part of the Reserved Matters.]

4.7 Wingerworth Parish Council Comment

The Parish Council have further examined the application and still have concerns regarding this application. The Council feel that the proposed development is out of character for the area, is too large and too close in proximity to a listed building.

The Council also have concerns on the potential impact on wildlife in the area. The National Planning Policy Framework states: 110. Applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. *[Officer note: For clarity this is now paragraph 112 of the NPPF 2021.]*

The Parish Council support the objections raised by residents and would like to support the request from Cllr Ruff that the application is called in to be determined by the Planning Committee.

4.8 Chesterfield Civic Society

Chesterfield Civic Society have raised objections relating to the design, and positioning of the proposal. They also object to the height at 7m, suggesting that it is not a modest single storey dwelling.

5.0 Representations

5.1 1 objector has raised a number of matters as follows:

- The outline application specifies a single storey dwelling this application has rooms in the roof *[Officer Comment: this has been dealt with by the submission of amended plans showing no rooms in the roof.]*
- The proposed dwelling is too tall *[Officer Comment: This is dealt with in the assessment below.]*
- The applicant will build rooms in the roof after permission is granted under permitted development *[Officer Comment: if permission is granted a condition removing permitted development on the new building will be included.]*
- The building will not look like a barn conversion *[Officer Comment: this is dealt with in the assessment below.]*

- There are issues about work proposed to the boundary wall between the site and the objector's property [*Officer Comment: this would be a private legal matter between the objector and the applicant.*]

6.0 Relevant Policy and Strategic Context

6.1 North East Derbyshire District Local Plan

- GS5 Settlement Development Limits
- NE1 Landscape Character
- NE7 Protection of trees and hedgerows
- BE9 Development in the vicinity of a Listed Building
- H12 Design and Layout of New Housing
- T9 Parking standards

6.2 Wingerworth Neighbourhood Plan

- W1 Wingerworth Settlement Development Limit
- W11 Heritage Assets
- W12 Design Principles
- W14 Trees and Hedgerows

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

The new Publication Draft Local Plan (PDLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received have now been forwarded to the Inspector and it is expected that the plan will be adopted in summer 2021.

The PDLP is therefore at an advanced stage and should be attributed appropriate weight in decision making. The most relevant policies of the PDLP in respect of determining this application are as follows:

- SDC2 Trees, Woodlands and Hedgerows
- SDC3 Landscape Character
- SDC6 Development Affecting Listed Buildings
- SDC7 Scheduled Ancient Monuments and Archaeology
- SDC8 Registered Parks and Gardens
- SDC9 Non-designated Local Heritage Assets
- SDC12 High Quality Design and Place Making
- ID3 Sustainable travel

7.0 Planning Issues

- 7.1 As this is a reserved matters application the principal of development cannot be assessed here. The layout of the site and details of access have been agreed as part of the Outline approval, in addition to this a condition stated that the proposal be single storey. The only matters for determination are the design of the proposal.
- 7.2 The proposed building is a 2-bedroom, single storey bungalow, sited as required by the outline application. The building will measure 15m wide by 9m deep and is 6.25m to the ridge line. Whilst not inspiring, the design is simple and materials will be natural stone and slate which are traditional building materials for the area. No specific details of the walling and roofing materials have been confirmed in the drawings, as such appropriately worded conditions should be included in any decision to ensure that it does not have an adverse impact on the character of the area and setting of the listed building.
- 7.3 Permitted development rights for extensions, dormer windows, alterations to the roof, curtilage buildings, hard surfaces, oil tanks and means of enclosure have already been removed in the outline permission.
- 7.4 An updated site plan (drawing CE/002/B) has been submitted which confirms existing stone wall and gate to the north of the site will be retained, to the east a new post and rail fence to match the existing fencing arrangements together with a new Beech hedgerow will be planted. An existing post and rail fence with new Beech hedge will be retained along the western edge of the site. The plan appears to suggest the southern edge of the site will be open in character. Given this uncertainty, officers consider that clarity is required in relation to boundary treatment details on site.
- 7.5 The site is tucked away behind Cedar End and is not visible from any public view points. The site has a number of trees protected by TPO and the applicant has proposed a Beech hedgerow alongside post and rail fences on the eastern and western boundaries.
- 7.6 The Councils Conservation Adviser is content that due to the reduced height, simple design proposed in the amended drawings and use of traditional materials the property will not compete with the listed building and due to the size and location will not impact the trees which form an important part of the setting of the listed building.
- 7.7 Tree protection fencing is shown on the layout plan CE/002/B which will ensure that the trees are protected during the build.

- 7.8 Officers consider that whilst the proposal is not the most inspiring design it would meet the requirements of the outline planning permission and policies GS5, BE1, BE9 and H12 by being single storey and of a modest simple design which is built of material which respect the characteristics of the local area. Most importantly due to the simple design it will not draw the eye or compete with the listed building or the trees on the site.

8.0 Summary and Conclusion

- 8.1 This application seeks approval for the reserved matters relating to planning permission 18/00703/OL. As the access and layout were approved in the Outline it is the design of the building that is to be approved. The outline permission included a condition requiring the approved dwelling to be single storey. Amended drawings were submitted showing a single storey 2-bedroom dwelling on the approved layout.
- 8.2 It is Officers opinion that although the design is not very inspiring it is a simple, modest, single storey dwelling which does not compete with the listed building and which due to the proposed materials and well vegetated site with no public viewpoints is in keeping with the area and the street scene and therefore meets local plan policy.
- 8.3 Human Rights have been considered applied.

9.0 Recommendation

- 9.1 **GRANT** Full Planning Permission subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the details shown on drawing numbers CE/003/A, CE/004/A uploaded 26/5/2021 and CE002/B uploaded 20/7/2021 unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

Reason - *For clarity and the avoidance of doubt.*

2. Before above ground work commences, precise specification or samples of the walling and roofing materials to be used shall be submitted to and approved 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 site and the surrounding area, and to preserve the setting of the setting of the neighbouring listed buildings.*

3. Notwithstanding the submitted details, before above ground work commences a plan to show the position, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the dwelling hereby approved and shall be maintained as approved for the lifetime of the development.

Reason - *In the interest of the appearance of the site and the surrounding area, and to preserve the setting of the setting of the neighbouring listed buildings.*

4. Before development starts, 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, including the position, species and crown spread, and hedgerows on the site;
 - 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 amenity of the area and in accordance with Policies NE7 of the North East Derbyshire Local Plan.*