

# PLANNING COMMITTEE – November 2021

**REFERENCE NUMBER:** 21/01026/FL      **Application Expiry Date:** 10<sup>th</sup> October 2021  
**Application Type:** Full Planning Permission

**Proposal Description:** Application to vary Condition 2 of planning application 18/00177/FL to allow for increased footprint, alter height of roof, verge detailing, amended doorway positions, proposed fenestration and changes to the internal layout (resubmission of application 20/00795/FL) (Amended Title)

**At:** Land To The South East Of Siberia Cottages, Sydnope Hill, Darley Moor

**For:** Mr P Kelly

**Third Party Reps:** 11      **Parish:** Ashover Parish Council  
**Ward Name:** Ashover Ward

**Author of Report:** Case Officer Alice Lockett      **Date of Report:** 9<sup>th</sup> November 2021

## MAIN RECOMMENDATION: GRANT

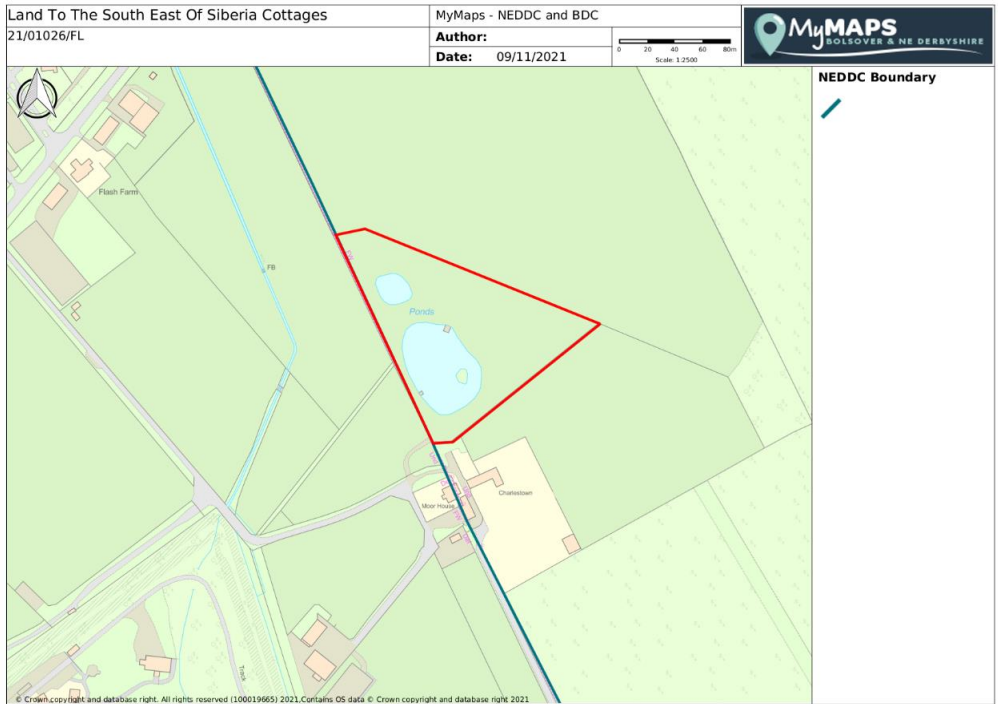


Figure 1: Location Plan

## **1.0 Reason for Report**

- 1.1 This application has been called in by Ward Member Cllr Armitage due to the possible impact on landscape.

## **2.0 Proposal and Background**

- 2.1 The application site is located to the north east of the applicant's dwelling, Moor House which is accessed along a narrow track which leads from Sydnope Hill (B5075) to the north.
- 2.2 The field subject to the application is sited to the north east of Moor House and features two ponds and a stone built building surrounded by a large area of new tree planting. The building is used as a mixed use store and leisure building.
- 2.3 Land surrounding the two ponds is predominately open in character, and due to the flat topography is visible from the public highway to the north, adjacent informal footpaths in woodland to the east and neighbouring properties.
- 2.4 To the immediate south is the neighbouring dwelling, Charlestown, a large detached property which is separated from the application site by a dry stone wall.
- 2.5 To the east of the site is an open field owned by the applicant which is bounded by a band of woodland. This is known as Matlock Forest and is managed by the Woodland Commission, and is a designated Local Wildlife Site (Ref: NE377).
- 2.6 Planning permission 18/00177/FL was granted in 2018 for the erection of replacement building for mixed agricultural/leisure use. In 2019, application 19/00611/AMEND was submitted to and approved for amendments to position and details of fenestration.
- 2.7 The proposed changes to the scale of the building include a 1m increase in the height of the building from 5m to 6m; creating a steeper roof pitch and verge detailing. As well as an increase to the overall footprint of building from 5m x 5.8m (29m<sup>2</sup>) to 5.3m x 6.3m (33m<sup>2</sup>) respectively, amounting to an approximate 13% footprint increase.
- 2.8 The proposed elevation and floor plans (PK/MH/10) show amended window and door positioning and detailing, and a minor change to the internal layout to allow the disabled toilet to be more accessible.
- 2.9 The hard landscaping proposals plan JC/K63/701B show that some hard landscaping is proposed around the building including 1m wide stone

paving around the building, a low disabled access ramp to the eastern elevation and a single car disabled parking space to the west side of the building.

- 2.10 The submitted soft landscaping plan (PK01) shows the approved landscaping works which have been implemented on site, with the inclusion of further enhancement landscaping through the planting of additional trees and shrubs around the site.
- 2.11 The same application was submitted to and refused by committee on 15th December 2020. However according to the planning statement it has subsequently come to the applicant's notice that some members of the Planning Committee consider that not all material considerations were fully discussed and taken into account before the motion to refuse permission was determined. The application is re-deposited, accordingly.
- 2.12 The original title of this application was recorded as "Retention of building to allow for increased footprint, alter height of roof, verge detailing, amended doorway positions, fenestration and changes to internal layout (revised scheme of 20/00795/FL and 20/01269/FL respectively)" however it was noticed that since the application was in fact a resubmission of refused application 20/00795/FL and as such the title has been changed to reflect the true nature of the application. The content of the application has not changed.

### **3.0 Relevant Planning History**

- 3.1 15/00102/FL – Erection of new dwelling (Conditionally Approved)
- 3.2 17/00279/FL – Application for construction of a private pond (Conditionally Approved)
- 3.3 18/00177/FL – Erection of replacement building for mixed agricultural/leisure use (amended plans) (Conditionally Approved)
- 3.4 18/00784/DISCON – Application to discharge conditions 3 (Samples), 4 (Landscaping) and 7 (Biodiversity enhancement strategy) of planning application 18/00177/FL (Discharged)
- 3.5 19/00611/AMEND – Non-material amendment pursuant of 18/00177/FL to allow the insertion of a new doorway into the west elevation, the incorporation of an additional window within the north elevation and the splitting of the viewing hatch to provide a centrally-located natural stone mullion (Approved)

- 3.6 19/00955/FL – Erection of single storey 3 bed dwelling (revised scheme of 15/00102/FL) (Further Information) (Amended Plans) (Amended Title) (Conditionally Approved)
- 3.7 20/00795/FL – Application to vary Condition 2 of planning application 18/00177/FL to allow for increased footprint, alter height of roof, verge detailing, amended doorway positions, proposed fenestration and changes to the internal layout (Amended Title) (Refused)
- 3.8 20/01269/FL- Application to vary condition 2 (approved plans) of planning application 17/00279/FL (Withdrawn)
- 3.9 21/01025/FL Application for the retention of private ponds (revised scheme of 20/00795/FL and 20/01269/FL respectively) Pending Decision.

#### **4.0 Consultation Responses**

##### 4.1 Highway Authority

No highways safety comments.

##### 4.2 Severn Trent Water

With reference to the above planning application the Company's observations regarding sewerage are as follows:

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

*(Officer Comment- surface water will be disposed of via a soakaway whilst foul sewage will be disposed of via the septic tank.)*

##### 4.3 Ashover Parish Council

- 4.4 Ashover Parish Council recognises the initial Committee decision and considers that the proposal is not supported under Policies AP2, AP13 and AP19 of the Ashover Parish Neighbourhood Plan. Ashover Parish Council

supports the Ward Member's request that this application is determined by the Planning Committee.

- 4.5 Environmental Health Comments raised no objections to the proposals.
- 4.6 NEDDC Drainage were consulted however no comments have been received.
- 4.7 The Lead Local Floor Authority was consulted however no comments have been received.

## **5.0 Representations**

### **5.1 Objections:**

10 letters of objection have been submitted by one neighbour, however he has instructed an agent to respond on his behalf and it is considered that this summarises the points made by him and covers the following points:

- 5.2 As set out in the background section of this objection this is to regularise a building which has been constructed without compliance with approved plans under the earlier 2018 approval.
- 5.3 The planning statement identifies that in the course of construction works certain changes were made to the building including "a slightly increased footprint, alterations to the height of the roof, revised verge detailing, amended doorway positions, proposed fenestration and changes to the internal layout". It is clear that these are substantial changes to the building which was granted planning permission.
- 5.4 An application for these amendments to the building have already been refused under application reference 20/00795/FUL, albeit tweaks have been made to this submission in respect of fenestration of the building. The decision notice for the refused application states that 'the application is considered unacceptable by reason of its size, scale and height it would fail to respect the character and beauty of the countryside, protect or enhance the natural environment and be a prominent intrusion'.
- 5.5 The proposal is similar to that which was previously refused and facilitates a 13% increase to the footprint of the building, a 1m increase in height with a steeper roof pitch and a change in the location of windows and doors.
- 5.6 The need for the building is not justified. No information has been provided as to why a building with a toilet and observation shelter is required on this site, nor why it needed to be significantly larger than that already approved. Although the main part of the building is labelled as an 'observation shelter and dingy store' the building has no suitable access for which a dingy can be taken inside with. The building will be used principally to support the use

of the site as a private fishing facility, for which there is no policy support. The building also has the appearance of a residential building, rather than that of a store. This is exacerbated through the use of patio doors on the east elevation of the building and the creation of a taller building with a steeper pitched roof. This affects the character of the site, and the countryside location of the proposal.

- 5.7 The building itself therefore has not changed from that which was refused in 2020. It is not supported by local plan policies regarding development in the countryside and should be refused.
- 5.8 11 Letters of support have been received, these don't address the issue of the building specifically but these praise the ecological value and quality of the work carried out on the wider site by the applicant and in particular the high quality of dry stone walling work and the benefit to wildlife of the planting and other landscaping which has been carried out as well as that proposed.

## **6.0 Relevant Policy and Strategic Context**

### **6.1 North East Derbyshire Local Plan (Adopted November 2021)**

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

SS1 Sustainable Development  
SS9 Development in the Countryside  
SDC3 Landscape Character  
SDC12 High Quality Design and Place Making

### **6.2 Ashover Neighbourhood Plan**

The Ashover Neighbourhood Plan (ANP) was adopted on 9 February 2018 and the following policies are material to the determination of this application:

AP2 Development Proposals Outside SDL's  
AP11 Design  
AP13 Landscape Character  
AP19 Dark Skies

## **7.0 Planning Issues**

### Principle of Development

- 7.1 The principle of development on this site was established through the granting of 18/00177/FL. The proposed use of the building, siting and materials are unchanged, therefore the application is considering the scale and detailing only.

- 7.2 The application site is open in character, comprising of agricultural fields with intersecting dry stone walls bounded by two detached dwellings to the south and woodland to the east. Having visited the site and reviewed the submitted plans, the increase in height of the building results in a steeper roof pitch than that approved on the 18/00177/FL application. The combination of the steeper roof pitch and additional verge detailing have changed the simplistic character of the building which was originally approved. However, it is noted that the design of the roof is now similar in appearance to the neighbouring property; Flash Farm to the west.
- 7.3 It is considered that whilst the footprint (13% increase) and overall scale (1m height increase) of the building has increased the building is still of an appropriate scale for its designed use, which does not detract from the surrounding landscape or represent a prominent intrusion into the countryside. It is noted that, whilst the site is visible from public viewpoints on Sydnop Hill to the north and north west, these views are from some distance and the intervening development and planting helps screen the building.
- 7.4 The site is also visible from the woodlands which have public access to the north and east. Here again the building is a considerable distance away and it is considered that due to its relatively small size and materials it does not represent an intrusion. Over time the tree planting already carried out on the site will further screen the building from public views.
- 7.5 The amended position and fenestration details have been designed sympathetically to the surrounding countryside setting with the use of high quality materials.
- 7.6 The additional soft landscaping planting will further enhance the site and providing screening over time from public viewpoints.
- 7.7 The hard landscaping details will provide safe access to the building when occasionally required. Given the countryside location, it is important that hardstanding is kept to a minimum in order to retain the open nature of the site. It is considered that the details proposed are well contained to the existing built form will have limited visual impact, merging with the adjoining planted area.
- 7.8 A parking space is proposed close to the north eastern side of the building, it is considered that this is acceptable due to the location close to the building here a parked car will be mostly hidden from view from the neighbour by the building and by views from public view points by the boundary walls and eventually the tree planting which has been carried out on the site. Application 21/01025/FL includes a condition not to allow any further parking on the site due to the impact on the countryside.

7.9 It is noted from a neighbour's representation and the site visit that two external lights have been installed above the side elevation doors. These details have not been included within the submitted plans and it is considered that no external lighting should be approved as part of the proposal, in the interest of protecting the designated Dark Skies as identified in the Ashover Neighbourhood Plan. This can be controlled by way of condition on any approval.

7.10 In view of the above, it is considered that the building is of a high quality design which has a limited visual impact on the surrounding landscape respects the rural character of the area.

#### **Privacy and Amenity Considerations**

7.11 The closest neighbouring property is Charlestown, which is located approximately 110m to the south of the subject building.

7.12 The use of the building has not changed from the approved 18/00177/FL application (storage of equipment in conjunction with the pond, filtration suite and as a bird hide).

7.13 It is noted that representation have been made in relation to traffic movements to and from the building which would impact the neighbouring properties privacy and amenity. Occasional access to the building would be utilised by disabled family and friends, and it is not considered that the use of the building would be intensive or damaging to the enjoyment of the nearby residential properties or land uses.

#### **Highway Safety Considerations**

7.14 The proposed development does not include any new road infrastructure.

7.15 The County Highways Authority was consulted on the proposal, and raised no objections.

7.16 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

#### **Ecology and Biodiversity Considerations**

7.17 The approved landscaping works have been implemented and will be enhanced, as shown on Landscaping and Block plan PK01 which includes the planting of additional trees and shrubs.

7.18 Derbyshire Wildlife Trust (DWT) have reviewed the submitted details, and confirm that the enhanced landscaping would not have any bearing on the ecology of the site.

7.19 In view of the above, it is considered that the proposed development would not result in a net loss of biodiversity.



### **Other Considerations**

- 7.20 The application site is within Flood Zone 1, which has a low probability of flooding.
- 7.21 The application site lies within a Development Low Risk Area as defined by the Coal Authority.
- 7.22 A number of representations have been received which raise issues that do not relate to the existing application or are not considered material planning considerations. A number of conditions linked to the building and its use have been proposed by an objector, however officers consider that these do not meet the tests of a planning condition. All relevant conditions have been put forward by officers in this report.

### **8.0 Summary and Conclusion**

- 8.1 This application seeks to regularise changes to the original building approved in 2017. The changes have resulted in a bigger building which is more ornate in its design than that originally proposed. No changes have been made to the use of the building.
- 8.2 It is considered that the changes made to the scale, character and appearance of the building over and above what has been approved would still have an acceptable impact upon the character of the countryside.
- 8.3 The proposed development would not result in an adverse detrimental impact upon the privacy and amenity of nearby residential properties or neighbouring land uses, nor would it lead to an adverse impact upon highway safety or lead to a loss of net biodiversity.
- 8.4 In conclusion it is considered that the proposal meets the requirements of policies contained in the Local Plan, those in the Ashover Neighbourhood Plan and the overarching aims of the National Planning Policy Framework.

### **9.0 Recommendation**

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

#### **Conditions**

1. The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice:
  - Drwg.no PK/MH/10, Plans and Elevations (date stamped 16/08/2021)
  - Drwg.no PK01, Block Plan (date stamped 16/08/2021)

- Drwg.no JC/K63/701/B, Revised Block Plan (date stamped 16/08/2021)

2. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
3. No external lighting shall be installed on the building hereby approved and the building shall not in any way be artificially illuminated.
4. Within 6 months of this decision, the approved biodiversity enhancement strategy shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.