

PLANNING COMMITTEE – 18 January 2022

REFERENCE NUMBER: 21/01028/FL Application Expiry Date: 10th October 2021
Application Type: Full Planning Permission

Proposal Description: **Demolition of existing building and erection of new house.**
At: **Hockley House Hockley Lane Wingerworth Chesterfield S42 6QQ**

For: **Mr. S Jones**

Third Party Reps: 20 Parish: Wingerworth
Ward Name: Wingerworth

Author of Report: Lynn Eastwood Date of Report: 22.12.2021

MAIN RECOMMENDATION: APPROVE

Location Plan



1.0 Reason for Report

- 1.1 The application has been 'called in' by the Ward Member, Councillor Ruff due to concerns raised in relation to the loss of a building of historic interest to Wingerworth, stating that this is one of the few remaining properties of the original Wingerworth Hall, Hunloke Estate. The Planning Committee is therefore required to determine the application.

2.0 Proposal and Background

- 2.1 The application proposal relates to an existing dwelling which is located on the north west side of Hockley Lane adjacent to the newly constructed Hockley Gardens residential development.
- 2.2 The application seeks approval for the demolition of the existing building and erection of a single new dwelling.
- 2.3 The development of Hockley Gardens was approved, following an appeal, under reference 18/00188/OL (19/01040/RM). The application site did not include the curtilage of Hockley House.
- 2.4 An application to extend Hockley House was approved in February 2021 under reference 20/01264/FLH. Having started preliminary works to implement this approval, it is stated that significant structural issues with the building presented themselves, which led the applicant to the decision that demolition and erection of a new dwelling would be more feasible.
- 2.5 For the avoidance of doubt the plans for consideration are:

Drawing 19-562-W68 – Proposed Floor Plans and Elevations.
Drawing 19-562-W01Rev W – Site Plan Proposed
Drawing 19-562-W71 – Proposed Boundary Treatment

The application is supported with the following technical reports:

Geotechnical and Geo-Environmental Site Investigation 7 May 2019, which largely refers to the adjacent site to the north on which planning approval was granted under reference 18/00188/OL, and a Coal Mining Risk Assessment 26 October 2021

3.0 Relevant Planning History

- 3.1 Demolition of existing front, side and rear extensions and erection of new two storey side and rear extensions, single storey side extension and detached double garage (Amended Plans) Ref. No: 20/01264/FLH: Conditionally Approved

4.0 Consultation Responses

- 4.1 **Wingerworth Parish Council** was consulted on 20th Sep 2021 and no comments were received.
- 4.2 **Yorkshire Water Services Ltd** was consulted on 20th Sep 2021 and no comments were received.
- 4.3 **Environmental Health Officer** was consulted on 20th Sep 2021 and no comments were received.
- 4.4 **Ward Councillor(s)** were consulted on 20th Sep 2021 and comments were received on 1st October 2021: Cllr. Ruff is of the understanding that the property was to be retained/restored to a modern standard and NOT demolished, and that this was part of the original planning application for the Nether Rise Development.
- 4.5 **The Coal Authority** was consulted on 20th Sep 2021 and responded on 27th Sep 2021 with fundamental concerns and a Coal Mining Risk Assessment (CMRA) was required to be submitted. Following submission of a CMRA the Coal Authority were re-consulted and withdrew its objection, concluding that the contents of the CMRA demonstrated that the site is safe and stable to accommodate the proposed development.
- 4.6 **DCC Highways** was consulted on 20th Sep 2021. No objection is raised subject to conditions.
- 4.7 **County Archaeologist (CA)** was consulted on 19th Nov 2021. The CA is satisfied that the proposed works do not threaten any known or suspected archaeological interest. The CA recommends that no archaeological requirements are placed upon the applicant.

5.0 Representations

- 5.1 A site notice was posted on the **22nd Sep 2021** and a site visit was undertaken by the case officer on **1st October 2021**.
- 5.2 **3 objections** have been received raising the following material objections/concerns:

- Loss of historic building
- Existing building fit for purpose
- No historical survey submitted
- Environmental impact
- Appearance at odds with surroundings

6.0 Relevant Policy

The Development Plan comprises, in this case, the Local Plan and the Wingerworth Neighbourhood Plan.

- 6.1 **North East Derbyshire Local Plan 2014-2034.** In respect of the Local Plan the most relevant policies to this application are considered to be as follows:

SS1 Sustainable Development
SS2: Spatial Strategy and the Distribution of Development
SS9 Development in the Countryside
SDC3: Landscape Character
SDC12 High Quality Design and Place Making

6.2 Wingerworth Parish Neighbourhood Plan

The application site is not within the Settlement Development Limits set out within the Neighbourhood Plan therefore the relevant policies are:

Policy W2 Development in the Countryside
Policy W12 Design Principles
Policy W17 Highway Safety

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

7.0 Planning Issues

- 7.1 The planning issues relevant to the proposal are whether the proposal accords with the policies of the Development Plan, i.e. is it acceptable in principle, its impact on the character of the area, its potential impact on the amenity of existing residential property occupiers, highway safety and heritage impact.

- 7.2 Each matter is considered in detail below.

Principle of Development and Application of Policy

- 7.3 Local Plan Policy SS1 (Sustainable Development) requires that all development proposals will be required to have regard to the need to meet the development needs of the settlement and promotes the re-use of previously developed land in sustainable locations. The aim is to encourage sustainable development as a means of protecting and

enhancing the environment, growing the District's economy, and supporting the health and wellbeing of the District's communities.

- 7.4 The application site lies outside of the Settlement Development Limits for Wingerworth as defined in both the Local and Neighbourhood Plans. However, it is a brown field site, currently occupied by a dwelling, located on the edge of a new housing development and, otherwise, surrounded on 3 sides by residential development. Therefore, whilst policy SS9 of the Local Plan and policy W2 of the Neighbourhood Plan both apply, and may otherwise restrict new development in the countryside are relevant, the proposal must be considered in these terms.
- 7.5 Additionally, and importantly, policy SS9 does allow, in any case, for the replacement of a building for the same use and not significantly larger than the building it replaces and/or the change of use, re-use, limited infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development.
- 7.6 In view of all these factors, it is considered that the redevelopment of the site for a new dwelling is, in principle, acceptable.

Impact upon the Character of the Area

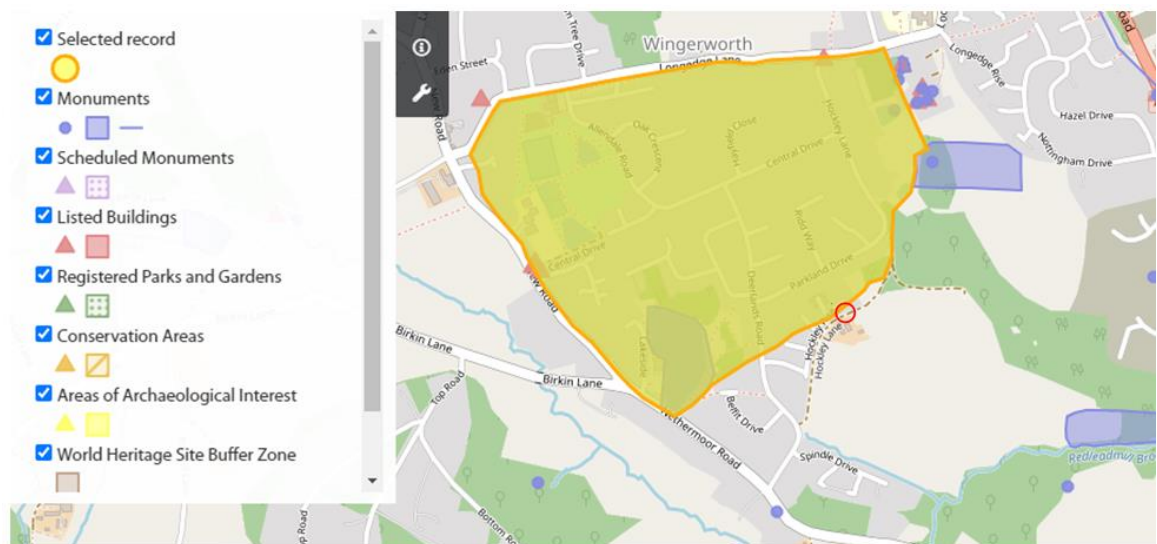
- 7.7 Policy SDC12 of the Local Plan and W12 of the Neighbourhood Plan seek to ensure that the design of new development is sympathetic to the character of the area in which it is located.
- 7.8 The application site is located to the north side of Hockley Lane and Hockley House is a stone and slate built dwelling. The site faces south onto countryside occupied by agricultural buildings and a further large detached dwelling.
- 7.9 The proposed design of the new dwelling is of a contemporary two storey unit with an attached double garage, incorporating features such as bay windows and hipped roof slopes, dressed stone cills and headers and using coursed natural stone walls and slate roof tiles. The proposed materials are in keeping with the existing building with the materials used for the boundary walls being coursed stone with estate style railings proposed to the western boundary.
- 7.10 It is considered that the proposed design and materials are generally sympathetic to the character of the existing dwelling, and that seen within the context of the surrounding development of large family homes the proposal will not be out of keeping with the overall character of the area.

7.11 The principal elevation of the proposed dwelling will face west into the new development with the rear elevation, which faces onto Hockley Lane, being activated by numerous openings and bounded with a coursed stone wall to replicate the existing boundary treatment. Therefore, it is considered that the proposed development will represent a positive relationship between the countryside and the newly developed area to the west and accord with the relevant Development Plan policies.

Heritage

7.12 The application site is partially located within the area designated in the Historic Environment Record (HER) as the former Wingerworth Park (see below). However, the site is not located within a designated Conservation Area nor is the building itself identified as a non-designated Heritage Asset. The nearest listed building lies 500 m to the north east of the site.

Extract of HER (Wingerworth)



7.13 The below image shows in detail the location of the site in relation to the HER.



7.14 Whilst it is acknowledged that the building and site may have some historical relevance in relation to Wingerworth Park and former Hall, the building itself is not a designated or non-designated heritage asset and following consultation the County Archaeologist has confirmed that there is no requirement for the applicant to provide any further surveys of the site in this regard and there is no objection to the application.

7.15 Therefore, in noting the comments made, in view of the context of the site, whilst it may originally have been the intention to retain the existing building, there is not, in the view of Officers, any sound reason to resist the application in order to retain the existing building on site.

Neighbouring Amenity

7.16 The proposal would result in the building being set on a similar footprint to the existing building. The upper floor windows are orientated and located such that there will not be any overlooking directly towards neighbouring properties as there are a reasonable distance from the nearest residents, with separation of between 21m to 30m along the southern boundary facing Hockley Farm; 21m+ to the west towards plot 27 in the new development and 50m+ to the north and west. This is considered to be sufficient distance to ensure that residents maintain a good standard of amenity and is in accordance with the minimum requirement for such distances as set out in the Council's design guidance, Successful Places.

Highway Safety

7.17 A new vehicular access is proposed from within the new development site to the west off Hockley Rise. Off road parking for four vehicles is demonstrated within the site.

7.18 The plans have been reviewed by the Highways Authority who have raised no objection to the proposal subject to recommended conditions.

7.19 It is therefore considered that the proposal is acceptable from a highway safety point of view.

Conclusion

7.20 The site lies adjacent to new development and is otherwise enclosed on three sides by residential uses. It comprises a brown field site. Whilst located technically in the countryside the site is seen in an urban context and otherwise comprises one of the exceptions to restrictions on development in such areas as set out in the Development Plan. As such,

the principle of development is acceptable and accords with the Development Plan.

- 7.21 The proposed new dwelling is considered in keeping with the character of the area will not have a negative impact on the privacy or amenity of the residents of neighbouring properties or highway safety. It is not considered that the impact of the loss of the building would be significantly detrimental to warrant refusal of the application.
- 7.22 The proposal is therefore considered to be in accordance with the Development plan and there are no other factors to outweigh that conclusion. Accordingly, it is recommended that planning permission is granted.

8.0 Recommendation

GRANT Planning Permission subject to the following conditions with any final wording delegated to the Planning Manager (Development Management):

Conditions

1. The development hereby permitted shall be begun before the expiration of three 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 below plans referenced:

Drawing 19-562-W68 – Proposed Floor Plans and Elevations.
Drawing 19-562-W01Rev W – Site Plan Proposed
Drawing 19-562-W71 – Proposed Boundary Treatment

Reason- For clarity and the avoidance of doubt.
3. The development shall be carried out in accordance with the Materials Schedule submitted 30th November 2021

Reason: In the interest of the appearance of the area and in accordance with policies SS9 and SDC12 of the North East Derbyshire Local Plan
4. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of

goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

5. A new vehicular access shall be formed to Hockley Rise in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

6. The driveway and garage shown on the submitted plan shall be constructed and the driveway and garage shall be completed prior to the completion of the dwelling to which they relate, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved for the benefit of the development hereby permitted

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

Notes:

Highways Authority

- a. Planning permission does not give you approval to work on the public highway To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available

via the County Council's website
www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk
or telephone 01629 533190

- b. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness
- c. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.

Coal Authority

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority