

## PLANNING COMMITTEE – 31 MAY 2022

**REFERENCE NUMBER:** 22/00198/FL      Application Expiry Date: 11 May 2022  
Application Type: Full Planning Permission

**Proposal Description:** Section 73 application pursuant of 18/00801/FL to vary condition 2 (approved plans)

**At:** Erzamine Highstairs Lane Stretton Alfreton DE55 6FD

**For:** Mr Joseph Rowles

**Third Party Reps:** 1      **Parish:** Stretton Parish Council  
**Ward Name:** Pilsley And Morton Ward

**Author of Report:** Case Officer Aspbury Planning Ltd      **Date of Report:** 17.05.2022

### MAIN RECOMMENDATION: GRANT

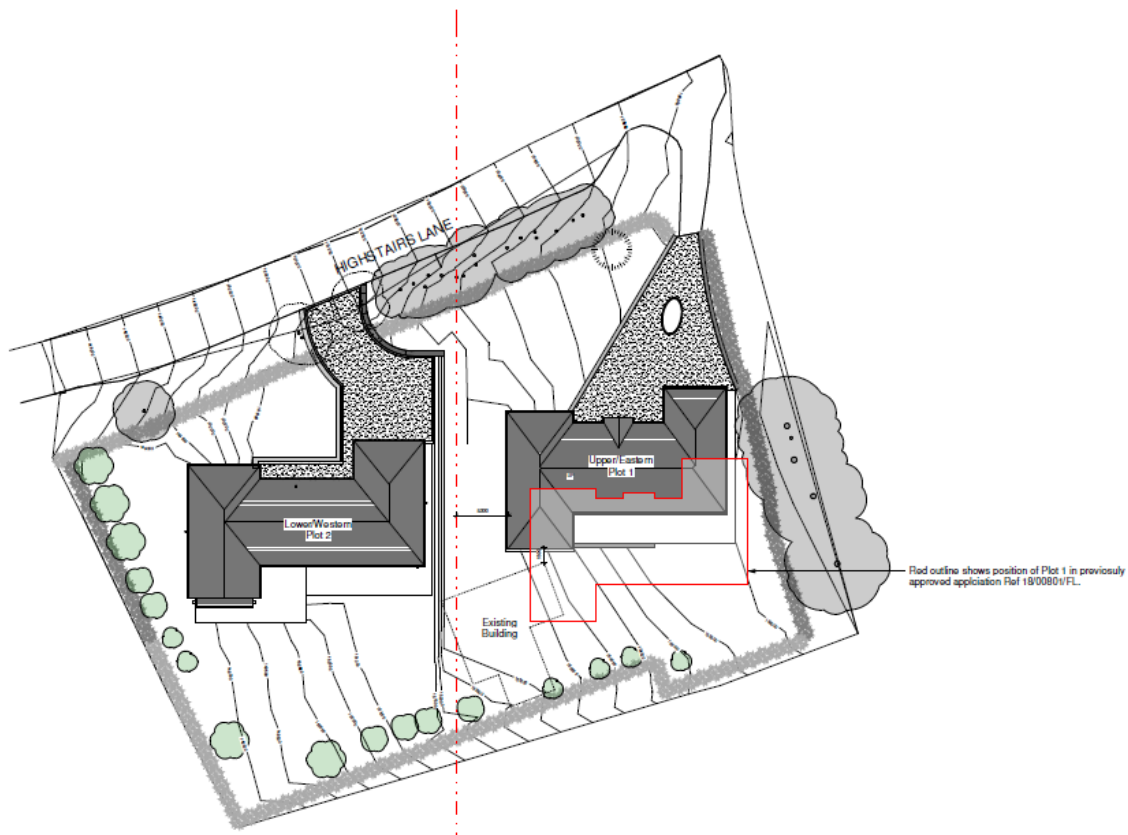


## 1.0 Reason for Report

- 1.1 The application has been called in by Councillor Armitage to consider the impact upon the neighbour and landscape due to its prominent position. The Committee previously approved the application, and the impacts needs to be reassessed

## 2.0 Proposal and Background

- 2.1 The proposal has been submitted as a s73 application to substitute the approved plans under planning reference 18/00801/FL with amended plans relocating plot 1 further forward and to the west of its approved position, taking it closer to Highstairs Lane and plot 2.



*Fig 1: Site Plan showing revised position of plot 1 with original position outlined in red.*

- 2.2 The dwelling (plot 1) as proposed would still be sited west to east across the site, exploiting the sloping topography and maintain a staggered step back from Highstairs Lane but pulled forward of plot 2 (as built).
- 2.3 There are minor changes to the external appearance with the addition of a window to serve an ensuite on the west elevation. The scale, massing and

- construction materials remain unaltered. There are minor changes to the internal layout, swapping the positions of the upper floor bedroom and kitchen and reducing the floor space on the lower ground floor. The property remains as a three bedroom property.
- 2.4 It is proposed to construct the dwellings using natural stone with elements of weather board cladding with a slate finish roofing material. Windows would be constructed of powder coated aluminium.
- 2.5 The application site relates to Plot 1 of an approved scheme for two dwellings on land adjacent to a bungalow known as Erzamine. Plot 2 has been built and is occupied and Erzamine bungalow is also occupied. The site lies on the edge of the settlement boundary for Stretton, falling outside of the Settlement Development Limit boundary (SDL). Highstairs Lane abuts the northern boundary of the site, which is defined by a mature hedgerow.
- 2.6 There is a hedgerow along the west boundary that has been removed. The south boundary is intact as is the boundary to the east separating the development plot from the neighbouring property. The topography falls steeply across the site north to south and from Highstairs Lane the levels drop approximately 4.5m towards the south west boundary.

### **3.0 Relevant Planning History**

- 3.1 16/00433/OL - Outline application with all matters reserved for one additional dwellings (Amended Plan/Amended Title) Status: Conditionally Approved.
- 3.2 18/00117/FL - Demolition of the existing dwelling and garage and the construction of two new detached dwellings with integral garages, creating new vehicular access on to Highstairs Lane (Amended Plans) Status: Refused on grounds of the development being incongruous in scale, massing, design and orientation, failing to be in keeping with, and representing a prominent intrusion into the countryside. Furthermore the replacement would be materially larger than the existing dwelling to be replaced having a greater impact upon setting.
- 3.3 18/00801/FL - Demolition of the existing dwelling and garage and the construction of two new detached dwellings with integral garages, creating one new vehicular access on to Highstairs Lane (Revised scheme of 18/00117/FL). Conditionally approved
- 3.4 19/00149/DISCON – Discharge of Conditions 3 (Materials), Condition 4 (Site Investigation, Condition 5 (Contaminated Land Desk Study), Condition

6 (Contaminated Land Remediation Scheme), Condition 8 (Ground Levels), Condition 9 (Landscaping), Condition 11 (Temporary Access), Condition 12 (Site Storage), Condition 18 (Water Discharge), Condition 19 (Boundary Treatments) and Condition 20 (Surface Water and Foul Drainage) pursuant of 18/00117/DISCON.

#### **4.0 Consultation Responses**

- 4.1 Highways Authority: No objection to the amendment of plot 1.
- 4.2 Coal Authority: No objection subject to conditions.
- 4.3 Environment Health: No objection - The proposed development site is located in an area with a coal mining legacy and there is the potential for shallow workings to be present which could be a source of contamination. In addition historical mapping would indicate there were opencast workings within the vicinity of the site. Therefore, given the sensitivity of the proposed development it is recommended that conditions are attached to any permission granted for site investigations and mitigation if required.
- 4.4 Severn Trent Water Authority: No objection.
- 4.5 Stretton Parish Council have not commented.

#### **5.0 Representations**

- 5.1 The nearby neighbours were consulted by letter and a site notice posted outside of the site on the 25th March 2022. As a result one objection from an interested party has been received. The objection considers that the amended location would have an impact upon their enjoyment of their property as the plot moves closer to their property by 4 metres. Their views over the Amber Valley will be further impacted upon spoiling the outlook.
- 5.2 The application has been called in by Councillor Armitage to consider the impact upon the neighbour and landscape due to its prominent position. The Committee previously approved the application, and the impacts needs to be reassessed.

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

- 6.1 The Development Plan comprises of the North East Derbyshire Local Plan 2014-2034. There is no Neighbourhood Plan for Stretton.
- 6.2 North East Derbyshire District Local Plan
  - SS1 - Sustainable Development

- SS2 - Spatial Strategy and the Distribution of Development
- SS9 - Development in the Countryside
- LC4 - Type and Mix of Housing
- SDC3 - Landscape Character
- SDC12 - High quality Design and Place-Making
- ID3: - Sustainable Travel

### 6.3 National Planning Policy Framework

The revised National Planning Policy Framework was published on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012, 2018 and 2019. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include support economic, social and environmental objectives.

6.4 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criteria's to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.

6.5 Chapters of relevance are:

Chapter 2. Achieving sustainable development  
 Chapter 5. Delivering a sufficient supply of homes  
 Chapter 9. Promoting sustainable transport  
 Chapter 12. Achieving well-designed places  
 Chapter 15. Conserving and enhancing the natural environment

### 6.6 Other SPD's

- Successful Places Interim Design Guide

## 7.0 **Planning Issues**

### Principle

- 7.1 The site lies outside of the Settlement Development Limits (SDL) for Stretton. Under the policies set out in Local Plan (2014-2034) policies SS1, SS2, SS9, SDC3 and SDC12. The principles of residential development outside of the settlements has been accepted with the grant of planning permission under planning reference 18/00801/FL. Plot 2 of that approval has been built and therefore the permission is extant.
- 7.2 The proposal lies within the designated open countryside. Local Plan policy SS9 and SDC3 seeks to ensure that proposals outside of defined settlements are in keeping with the countryside location, and do not represent a prominent intrusion. In regard to design Local Plan policy SDC12 seeks to ensure that the design, scale and massing of development is in keeping with the surrounding area.
- 7.3 The proposal would still be of the same, design, scale and massing but would be presented further towards Highstairs Lane, increasing the rear garden size. It will still be highly visible within the open countryside where the principle was accepted under planning approval 18/00801/FL.
- 7.4 The main consideration is the impact moving the dwelling further forward on the site has to the character of the area and the residential amenities of the neighbouring properties to the east.

Impact upon the Character of the Area.

- 7.5 It is not considered that moving the dwelling further towards the north would have a greater impact upon the character of the area. The design, scale and massing remains the same as approved. The boundary treatment and landscaping has previously been agreed by discharge of condition and no changes are proposed.

Impact upon Residential Amenity

- 7.6 The nearest residents are located to the east. Moorfields is a dormer style dwelling and has the rear elevation facing towards the proposal site from an elevated location. It contains a small dormer window at first floor and windows at ground floor. A mature hedge forms the boundary and screens the ground floor windows from view. Highfield House is a bungalow which has its rear elevation facing onto the application site and is set back off the boundary.

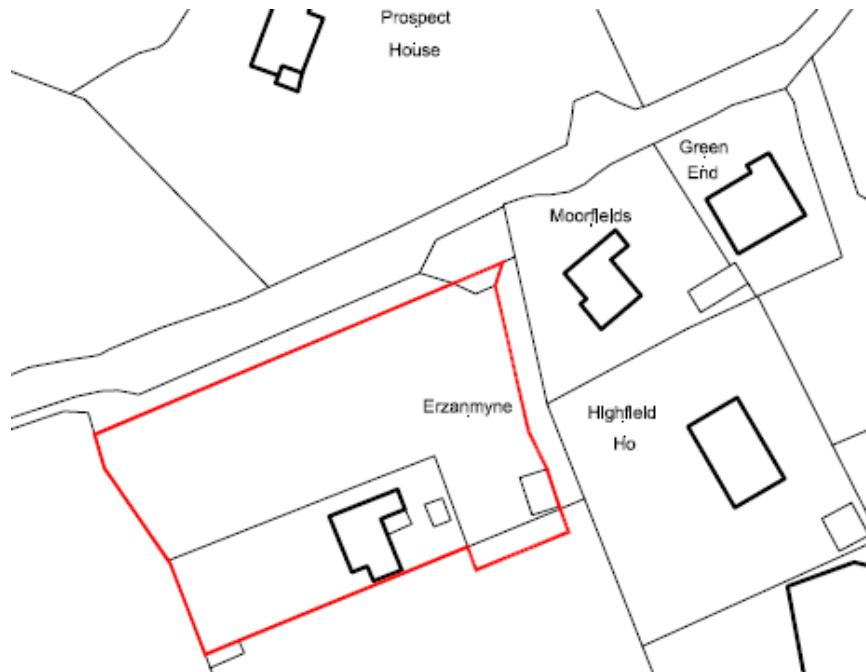


Fig 2: Extract of location plan showing relationship with Moorfields and Highfield House

- 7.7 Moving Plot 1 further forward on site by approximately 6 metres would result in the proposed dwelling being positioned closer to the rear elevation of Moorfields; however, there will still be a staggered arrangement and no windows contained in its east gable end. The existing hedgerow is also to remain in place. The outlook from Highfield House will improve with views over the rear garden of both plots. Moorfields on the other hand would be altered to a degree as plot 1's roof would be visible from acute angles when looking out of the rear elevation windows. Plot 1 is of single storey height and would be positioned on a similar building line to Plot 2 as built. It is not considered that the residential amenities would be so severely impacted as to warrant the refusal of the amended siting.
- 7.8 The revised siting also moves the dwelling away from the east boundary by approximately 2 metres, taking it closer to plot 2. Windows have been approved in the western gable and one more is now proposed. Plot 2 contains no windows in the east gable and therefore it is concluded that there would be no greater impact as a result of the revised siting.
- 7.9 There are further dwellings to the north of the site which sit in extensive plots with the dwellings set at a considerable distance from Highstairs Lane. There is extensive tree coverage in the area and the dwellings are not visible from the site.
- 7.10 For these reasons it is considered that there would not be any detrimental loss of residential privacy to existing residents and the revised siting of plot

1 would not have a greater impact to warrant a refusal to vary the plans as approved under 18/00801/FL. The proposal is therefore considered to accord with the North East Derbyshire Local Plan policies SS9 and SDC12.

### Highway Safety

- 7.11 There are no changes proposed to the access arrangements and the Highways Authority have no objection to the revised siting. Plot 1 will utilise the existing access for Erzamine from Highstairs Lane. Parking is still sufficient to the front of the property and the turning area is not reduced through shorting of the front amenity area.

## **8.0 Summary and Conclusion**

- 8.1 The proposal seeks to repositioned plot 1 further forward on to increase the rear garden area and closer to plot 2. The design, scale and massing remain unaffected by the change and there are no reasons to revisit the principle of development in this countryside location given the extant planning permission (18/00801/FL).
- 8.2 Whilst moving the dwelling closer to the neighbouring properties the scale and massing ensures that there would not be an unduly significant detrimental impact upon the occupant's enjoyment of the dwellings. Sufficient space will exist between the dwellings and no overlooking is created, as there would be no windows inserted in the east elevation and PD rights can be removed.

## **9.0 Recommendation**

- 9.1 GRANT Full Planning Permission subject to the following conditions, with the precise wording delegated to the Planning Manager.

### **Conditions**

1. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any other condition in this decision notice.

Reason: For clarity and the avoidance of doubt.

2. The dwelling (plot 1) shall be built using materials as formally agreed under discharge of conditions application 19/00149/DISCON.

Reason: In the interests of the appearance of the area and in accordance with policies SS9 and SDC12 of the North East Derbyshire Local Plan.



3. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of ensuring coal mining legacy is fully explored and to comply with guidance within the NPPF paragraph 183.

4. All planting, seeding or turfing in the approved scheme of landscaping discharged under reference 19/00149/DISCON 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.

Reason: In the interest of the appearance of the area and in accordance with policies SS9 and SDC3 of the North East Derbyshire Local Plan

5. The boundary treatments as approved under discharge of conditions application 19/00149/DISCON shall be completed prior to first occupation of plot 1 and shall be maintained as approved thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies SS9 and SDC3 of the North East Derbyshire Local Plan

6. The temporary access as approved under discharge of conditions application 19/00149/DISCON shall be retained in accordance with the approved details throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason: In the interest of Highway Safety and in accordance with policy ID3 of the North East Derbyshire Local Plan.

7. Space shall be provided within the site for storage of plant and materials, site accommodation. Loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with the details approved under discharge of conditions application 19/00149/DISCON. Once implemented

the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interest of the appearance of the area and in accordance with policies SS9 and SDC3 of the North East Derbyshire Local Plan.

8. There shall be no gates or barriers within 5 metres of the nearside highway boundary and any gates shall be inward opening.

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

9. Before the dwelling is first brought into use, the area shown on the approved plans as reserved for the parking, garaging, circulation and standing of vehicles, shall be provided in accordance with the approved details and shall be retained as such thereafter. The parking and manoeuvring areas shall not be used for any purpose other than the parking and manoeuvring of vehicles.

10. Reason: In the interests of highway safety and in accordance with Policies SS1, SS9 and SDC12 of the North East Derbyshire Local Plan.

11. 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 side facing windows or glazed doors shall be installed in the east elevation.

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