

PLANNING COMMITTEE – 28 June 2022

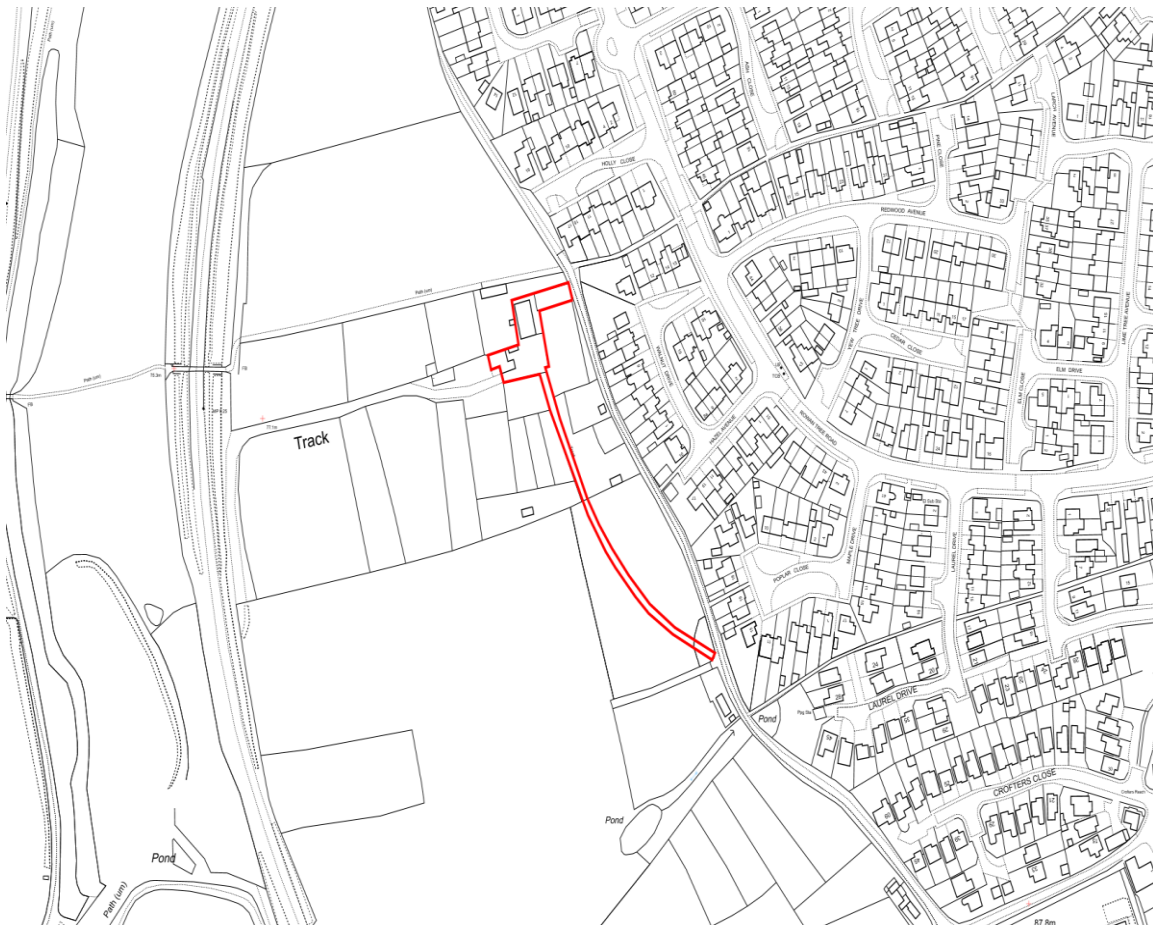
REFERENCE NUMBER: 21 / 00690/FL Application Expiry Date: 14 July 2021
Application Type: Full Planning Permission

Proposal Description: Proposed conversion of existing stable block into a 3 bedroom dwelling (re submission of 20/00364/FL) (private drainage system)
At: Stables West Of Walnut Drive Off Field Lane Killamarsh.

For: Mr and Mrs Bright
Third Party Reps: 1 Parish: Killamarsh
Ward Name: Killamarsh West Ward

Author of Report: Aspbury Planning **Date of Report:** 6 June 2022

MAIN RECOMMENDATION: GRANT



1.0 Reason for Report

- 1.1 The application has been called in for consideration by the Planning Committee by the Ward Councillors Potts and Clough. Both object to the proposal, considering it contravenes Local Plan Green Belt policies.

2.0 Proposal and Background

- 2.1 The site is located close to but beyond the western boundary of the Settlement Development limit drawn for Killamarsh and so within the Green Belt. The site is surrounded by open fields and accessed via Field Lane, which is a narrow gravel track that runs north from Boiley Lane to the south. A public footpath passes close to the site to the north.
- 2.2 The site has been developed for the keeping of horses and there are numerous buildings on site including a blockwork stable, the subject of this application, hay barn, tack room, paddocks and other storage buildings.
- 2.3 The application seeks full planning permission for the conversion of the existing block built stable block (edged green in Fig 1 below) to be used as a three bedroomed residential property with associated access and parking. The stable comprises 4 identical block stable rooms and one smaller room and gained permission in 1999 (Ref: 99/00318/FL).
- 2.4 The existing building is rectangular in shape and is approx. 16.5m wide and 7m deep with a flat felt covered roof which rises to the taller front elevation.
- 2.5 The proposed conversion would retain the existing footprint, scale and massing of the building and largely utilise the existing openings, although the roof would be replaced and the walls raised to accommodate the new roof by up to 600mm at its highest (front) point. There is also some minor modification of one opening proposed to the rear elevation. Internally the property would provide ground floor open plan lounge and kitchen area, study and utility room, bathroom and three bedrooms. The existing and proposed elevations are set out in Fig 2 and 3 below.
- 2.6 The application is supported by a Structural Survey which states that the roof to the main building is constructed with a flat roof laid to falls, finished with bituminous felt. The property has a cast in situ ground supported concrete floor. The external walls are built in 140 mm thick concrete block work in solid construction. Windows are double glazed uPVC, the stable

doors and frames are softwood. It concludes by saying that the building is structurally satisfactory and suitable for conversion to habitable accommodation.



Fig 1: Site Plan

Amendments

- 2.7 Amended plans have been submitted during consideration of the application. Additional information has been provided to satisfy the Highway Authority and a block plan shows the tracking for a delivery/waste collection vehicle as requested by Highways.

For the avoidance of doubt the plans to be considered are:

- 20-01 Site Location Plan
- 20-07b Elevations as Proposed
- 20-03C Block Plan as Proposed
- 20-06B Layout as Proposed



Fig 2 Existing elevations

3.0 Relevant Planning History

- 3.1 99/00318/FL | Proposed construction of a building containing stables, tack room, goat shed, field shelter and a hay barn (amended scheme) | Status: Conditionally Approved

99/10390/FL | Retention of two storage sheds, retention of extension of a shelter used in association with the keeping of horses on the land, and retention of a goat shed | Status: Refused

04/00326/FL | Retention of extensions to existing stable block to provide an additional stable and enlarged tack room and retention of manege at

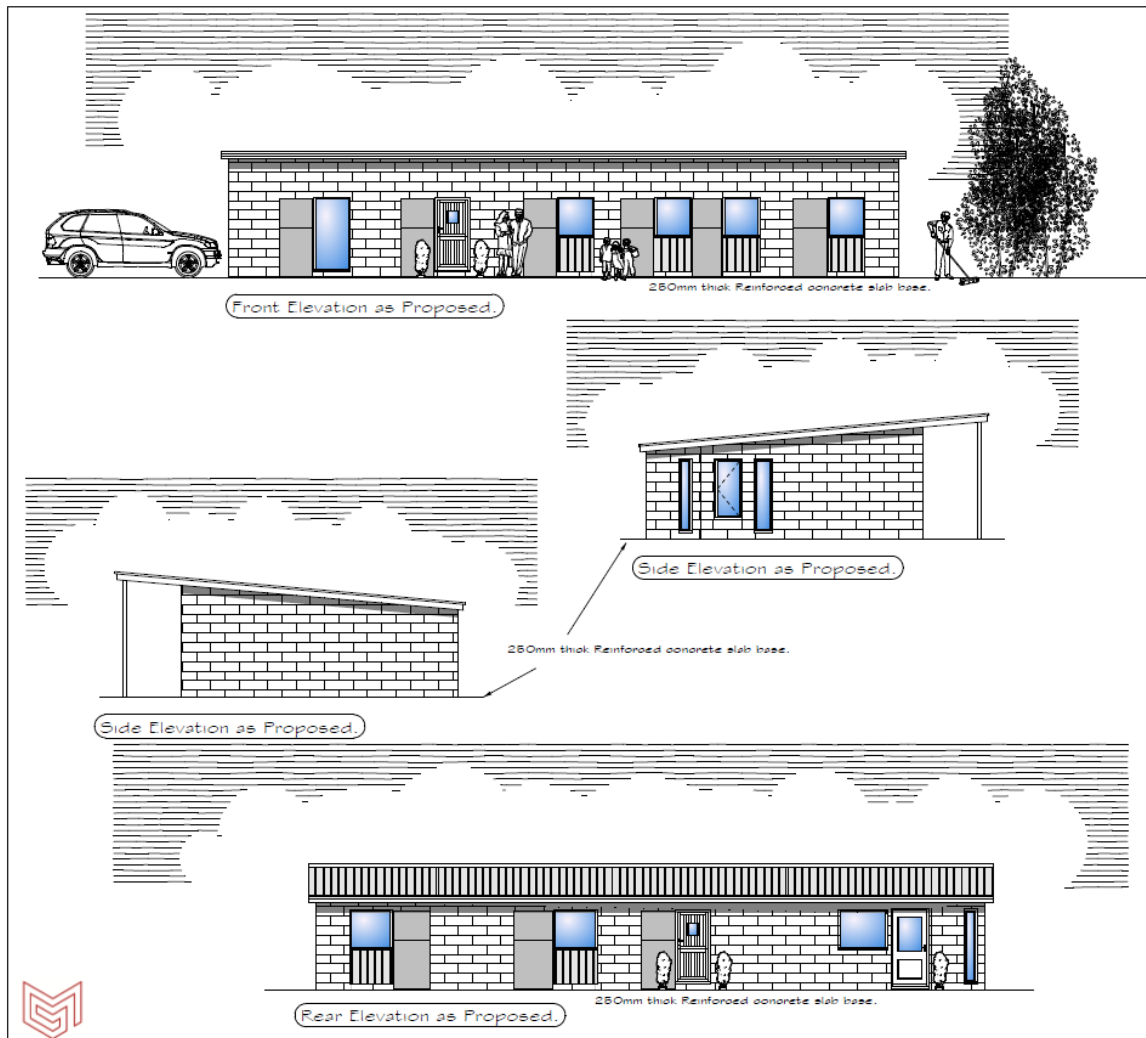


Fig 3: Proposed elevations

land off Field Lane to the rear of 7-9 Walnut Drive (Amended Plan/ Amended Title) | Status: Conditionally Approved

15/00363/FL | Proposed replacement stable block | Status: Conditionally Approved

20/00364/FL | Conversion of stable block to 3 bed two storey dwelling (private drainage system) Refused based on impact upon Green Belt, insufficient information provided to satisfy highways and ecology.

4.0 Consultation Responses

- 4.1 **Highways** – It is not considered that the proposal will necessarily result in a reduction in vehicular movements taking into account everyday household trips, deliveries etc. that would occur to a residential address. It is noted that at the junction of Boiley Lane with Crofters Close, there is a sign indicating that Boiley Lane is unsuitable for motor vehicles, with this 'road' soon narrowing to single width with no pedestrian provision. In view of the nature of Field Lane, it was previously suggested that the applicant liaise with the refuse/recycling collection Authority as to whether suitable arrangements are likely to be able to be made for such collections. Additional information has been submitted in the form of an email exchange with the refuse department who have agreed to collect from the site. It is considered that a suitable condition could be appended to any consent, so as to ensure appropriate refuse collection is provided for the life of the development.

Two car parking spaces are indicated, and it is considered that these can be accommodated along with maneuvering to allow vehicles to be able to enter and exit the site in a forward gear on the assumption that the whole of the area where the parking is indicated is maintained free of any impediment. A plan showing vehicular swept paths has also been provided for smaller service/delivery vehicles e.g. supermarket delivery which shows that these vehicles would be able to enter and exit the site in a forward gear.

In conclusion, the Highway Authority (HA) has no objection to the application subject to conditions to secure the proposed parking and turning, the building remaining ancillary to and used solely in connection with the stables on site and not occupied independently from them and adequate bin storage provision being provided. The HA also seek an on-site compound to accommodate vehicles etc. during any conversion works being undertaken.

Environment Health - no objections subject to pre-commencement conditions to safeguard future residents from contamination.

Derbyshire Wildlife Trust – have reviewed the Bat Survey report (Armstrong Ecology, 2020), which confirms that no roosting bats were recorded based on an appropriate level of survey effort. No further survey is required prior to determination. The inclusion of either an integrated bat box or a triple cavity swift box would provide a net biodiversity gain for the site, in accordance with local and national planning policies, and could be secured through a planning condition.

5.0 Representations

- 5.1 The site notice was correctly displayed on the gate from the lane and expired on 16/07/202. One letter of objection has been received from a member of the public. The objection states the proposal is inappropriate development in the Green Belt, fails to comply with policy GS7 of the Local Plan 2005 (which is now superseded) as a conversion as it needs substantial upgrading to be habitable. There is no electricity on the site and the generator is noisy and the lane is not suitable for vehicles.
- 5.2 **Ward Councillor Clough** objected to the application on the grounds of inappropriate development in the Green Belt, access issues and the increased traffic to the site and requests the application is heard by the planning committee.
- 5.3 **Ward Councillor Potts** objects to the proposal stating that it is in conflict with Green Belt policies and the residential use would have a greater impact upon the openness of the Green Belt and it can be clearly viewed from the lane and public footpaths. It is also stated that the increase in traffic would impact upon users of the lane and discourage walking and cycling.
- 5.3 **Killamarsh Parish Council** – Objects to development in the Green Belt and highway safety. The lane is of a poor condition and an ancient bridleway that is well used by walkers.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the North East Derbyshire District Local Plan 2014-2034. The most relevant policies are considered to be as follows:

SS1 - Sustainable Development
SS2 - Spatial Strategy and the Distribution of Development
SS9 – Development in the Countryside
SS10 - North East Derbyshire Green Belt
SDC1 - Re-use of Building in the Green Belt and Countryside
SDC3 - Landscape Character
SDC4 - Biodiversity and Geodiversity
SDC5 - Development within Conservation Areas
SDC12 - High quality Design and Place-Making
ID3 - Sustainable Travel

6.2 National Planning Policy Framework

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

The NPPF 2021 states that within the Green Belt inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 outlines that construction of new buildings are inappropriate in the Green Belt, with limited exceptions, one such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Paragraph 150 advises that certain other forms of development would not be considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The re-use of buildings is one of the exemptions identified providing the building is of a permanent and substantial construction.

7.0 Planning Issues

Principle of Development

- 7.1 The site lies within the Green Belt where the National Planning Policy Framework (NPPF) identifies the re-use of buildings is not inappropriate development provided that the buildings are of a permanent and substantial construction and preserve openness. Furthermore, extensions or alterations to a building are not deemed inappropriate provided that they do not result in disproportionate additions over and above the size of the original building.
- 7.2 Policy SS10 of the adopted Local Plan (LP) reflects this and stipulates that planning permission will not be granted within the North East Derbyshire Green Belt other than for certain forms of development including for the conversion of existing buildings providing they are of substantial and permanent construction, preserve openness and don't conflict with green belt purposes and proportionate extensions to buildings.
- 7.3 Policies SS9 and SDC3 of the LP seek to ensure that proposals outside of defined settlements are in keeping with their countryside location and do not represent a prominent intrusion, whilst policy SDC12 seeks to ensure that the design, scale and massing of development is in keeping with the surrounding character of the area. LP policy SDC1 supports the conversion of buildings providing they are of substantial and permanent construction and capable of conversion without the need for major alteration, adaptation or re-construction.

- 7.4 This proposal is seeking to reuse an existing block-built stables to create a three bedroom residential dwelling. A new roof is required along with a limited increase in the height of the building to secure a properly drained roof and some other limited minor modifications to the elevations are also proposed. The existing structure is built on a concrete foundation although the submitted Structural Survey has not done any intrusive investigations and cannot confirm the depth of the foundation although it is satisfied that the building overall is capable of conversion to a dwelling.
- 7.5 The application is seeking to reuse the existing block-built stables to create a residential dwelling. The re-use of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction and the works undertaken preserve openness. There are very minor changes proposed to the fabric of the elevations of the building and the structural survey concludes that the building is capable of conversion. A raising of the roof is also proposed but as this is often proposed when conversions are envisaged it is not considered by Officers to outweigh the fact that otherwise the building would remain largely intact.
- 7.6 The application is therefore considered on balance to represent appropriate development in the Green Belt compatible with the policies of the Development Plan.

Impact upon the Openness of the Green Belt

- 7.7 The proposal relates to the reuse and conversion of a stable. Local Plan policy SS10 make reference to such proposals and subject to wider consideration supports them in principle providing they do not impact on openness. The National Planning Policy Framework (NPPF) states that the essential characteristic of Green Belts is their openness and permanence and that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open. The effect on openness is therefore a material consideration in this case.
- 7.8 The existing building sits within a site comprising of a mix of quasi agricultural and equestrian buildings. The proposal would utilise the existing hard standing areas around the building for parking and use the existing grass area to the east of the stable as associated private amenity space.
- 7.9 The remaining buildings onsite would retain their existing uses and provide ongoing stable accommodation preventing the need for further stable buildings on site. However, the change of use to a residential one would inevitably introduce a permanent domestic use and the associated paraphernalia and this may be appreciated when the site is viewed from

Field Lane and the public rights of way to the east and north east of the site.

- 7.10 However, there is a mature unmanaged hedgerow running the whole length of the eastern boundary which restricts views from that direction. The amended plans would introduce further hedge planting along the access track into the site from the north, which would also aid screening and maintain the privacy of the amenity area. The block plan shows a residential garden area provided close to the existing buildings which would be screened by the new and existing hedge planting. This is considered acceptable and sufficient to mitigate the limited additional impact the introduction of a permanent domestic use would have on openness subject to conditions limiting the domestic use and securing the implementation of the landscaping.
- 7.11 The new roof would result in the raising of the walls, and so the height of the building, by up to 600mm. This will increase the massing of the building. However, the building is single storey and of a low scale and massing and it is not considered, on balance, that this limited increase in the height of the building would impact on openness.
- 7.12 Overall, it is considered that neither the domestic use introduced to the area nor the limited height increase in the building would either individually or cumulatively adversely affect openness or conflict with Green Belt purposes.

Impact upon Neighbouring Properties/Land Uses

- 7.13 The site is located distant from any other residential use. It would not, therefore, give rise to the loss of residential amenity as a result of the change in use proposed or the alterations to the building.
- 7.14 The site is accessed along a track already used to service the stables on the site and so the use of the track to serve a new dwelling is not considered to give rise to additional disturbance adversely affecting any nearby residential user.

Highways

- 7.15 The conversion would be served from the existing access to the east of the collection of buildings. The access serving the property is a single lane gravel track that runs to the south approx. ¼ mile where it joins to Boiley Lane and then onto the public highway at Crofters Close.
- 7.16 Local Plan Policies SDC12 and ID3 outline that planning permission will only be granted for development where the development would be served

by a safe access with appropriate gradient, width, alignment and visibility. The site should also be accessible to a road network of adequate standard to accommodate the anticipated traffic safely and without detriment to the character of the road network.

- 7.17 The HA have commented on the application and noted that at the junction of Boiley Lane with Crofters Close, there is a sign indicating that Boiley Lane is unsuitable for motor vehicles, with this 'road' soon narrowing to single width with no pedestrian provision.
- 7.18 It is understood that the applicant is proposing to live on site for security purposes and claims that this would result in an overall reduction of vehicular movements. This may not actually be the case taking into account everyday household trips, deliveries etc. that would occur to a residential address, however, the HA are satisfied that there would be no overall adverse impact on highway safety from the new use and have raised no objection to the proposal subject to the imposition of conditions.
- 7.19 The proposal seeks to provide a dwelling with 3 no. bedrooms. There is sufficient room within the confines of the site to accommodate parking and maneuvering for at least two domestic vehicles. Additional information has been provided to demonstrate that small trucks and delivery vehicles can also enter the site, turn and exit in a forward gear.
- 7.20 In light of all of the above, it is considered that the proposal has demonstrated that a safe access can be accommodated as required and Officers conclude, based on the advice of the HA, there are no highway reasons to withhold planning permission.

Ecology

- 7.21 The application is accompanied by a Bat Survey report (Armstrong Ecology, 2020), which confirms that no roosting bats were recorded on site. DWT have advised that the report is based on an appropriate level of survey effort and that no further survey is required prior to determination. DWT advise that a condition should be imposed for the inclusion of either an integrated bat box or a triple cavity swift box to provide a net biodiversity gain for the site, in accordance with local and national planning policies. Given the location it is considered reasonable to impose such a condition.

Other Considerations

- 7.21 The comments of the Environmental Health Officer are noted and it is recommended a suitable condition is imposed to address the issues raised.

8.0 Summary and Conclusion

- 8.1 The proposal seeks to convert an existing block built stable building to create a three bedroom dwelling to be used by the applicants who wish to live on-site for security purposes and to provide ongoing surveillance for the site. The conversion would entail limited external alteration but it would involve a raising of the roof.
- 8.2 The conversion of existing rural buildings in the Green Belt is supported by both Development Plan policies and the NPPF providing they would not require major reconstruction or alterations and that there would not be a greater impact upon the openness of the Green Belt or affect Green Belt purposes.
- 8.3 It is considered that the building is suitable for residential conversion, can be converted without major alteration or extension and that on balance there would, subject to condition, be no greater overall impact on Green Belt openness. It is, as such, not considered inappropriate development.
- 8.4 There are not considered any technical issues that would point to the application being refused.
- 8.5 Taking into account all material considerations and the comments received, the proposal is considered to be policy compliant and that permission should be granted.

9.0 Recommendation

- 9.1 GRANT Full Planning Permission subject to the following conditions, subject to any alterations to their wording being delegated to the Planning Manager (Development Management):
 - 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 amended plans referenced 20-01 Site Location Plan; 20-07b Elevations as Proposed; 20-03C Block Plan as Proposed and 20-06B Layout as Proposed.

REASON: For clarity and the avoidance of doubt.
 - 3. 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.

REASON: In the interests of the appearance of the area and in accordance with Policies SS10, SDC1 and SDC12 of the North East Derbyshire Local Plan.

4. The premises, the subject of the application, shall not be taken into use until space has been provided within the site curtilage for the parking, loading and unloading, manoeuvring and turning of service and delivery vehicles and space for manoeuvring of residents, visitors, staff, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

REASON: In the interest of Highway Safety and in accordance with North East Derbyshire Local Plan Policy SDC12 and ID3.

5. The proposed residential accommodation hereby permitted shall only be occupied in association with the existing stable and shall not be occupied as an independent dwelling house or sold off separately from the stable building(s).

REASON: The operation of the use in a different way could lead to unacceptable impacts on the locality, and would need further assessment in accordance with Policies SS2, SS10 and ID3 of the North East Derbyshire Local Plan.

6. Prior to the first occupation of the dwelling hereby bin storage and a bin dwell area for use on refuse collection days shall be provided in accord with a scheme submitted to and approved in writing by the Local planning Authority. The scheme so approved shall then be retained as agreed thereafter.

REASON: In the interest of Highway Safety and in accordance with North East Derbyshire Local Plan Policy SDC12 and ID3.

7. Any gates where fitted shall open inwards into the site only.

REASON: In the interest of Highway Safety and in accordance with North East Derbyshire Local Plan Policy SDC12 and ID3.

8. Before the commencement of the development hereby approved:
 - a) A Phase I land contamination assessment (desk-study) shall be

undertaken and approved in writing by the local planning authority.

b) The land contamination assessment shall include a desk-study with details of the history of the site use including details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

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

9. Before the commencement of the development hereby approved:
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 CLR 11 and other 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.

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

10. The dwellings hereby approved shall not be occupied until:
a) The approved remediation works required by 9 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, which have not previously been identified, 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 1b to

9 above and satisfy 10a above.

c) Upon completion of the remediation works required by 9 and 10a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority.

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

11. 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.

12. The domestic curtilage associated with the dwelling hereby approved shall be restricted solely to the area outlined in red on the approved plan.

REASON: To prevent inappropriate urban intrusion into the countryside in the interests of the appearance of the area and in accordance with Policies SS9, SS10 and SDC3 of the North East Derbyshire Local Plan.

13. Before any development, hereby permitted, starts, the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
- the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- a schedule of proposed plant species, size and density and planting locations and;
- an implementation programme.

REASON - In the interest of the appearance of the area and in accordance with policies SS9, SS10 and SDC3 of the North East Derbyshire Local Plan

14. 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.

REASON - In the interest of the appearance of the area and in accordance with policies SS9, SS10 and SDC3 of the North East Derbyshire Local Plan.

Prior to first occupation of the dwelling, hereby approved, details of a bat and bird boxes shall be submitted to provide an enhancement on site. Details shall be presented on a plan and include types of features/box, their location and number. Such approved measures shall be implemented in full and maintained thereafter.

REASON: To ensure that the development provides net biodiversity gains and to comply with Policy SDC4 of the North East Derbyshire Local Plan.

- 15 Prior to any work, hereby approved, commencing, a plan detailing all and any works of alteration or reconstruction shall be submitted to and be approved in writing by the Local Planning Authority. No other works of alteration or reconstruction shall then take place other than as shown on the agreed plan.

REASON: For the avoidance of any doubt, as the application is made for the conversion of the building and to ensure that inappropriate development does not take place adversely impacting the Green Belt.

Informatives

- a. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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 applicant'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.