

PLANNING COMMITTEE – 22nd November 2022

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REFERENCE NUMBER: 22/00349/FL Application Expiry Date: 25.11.2022
(Extension of Time)

Application Type: Full Planning Permission

Proposal Description: Change of Use of Brownfield Site to Housing Land and
Construction of 5-Bedroom dwelling with attached garage
(Amended Plans)

At: 37 High Street, Apperknowle

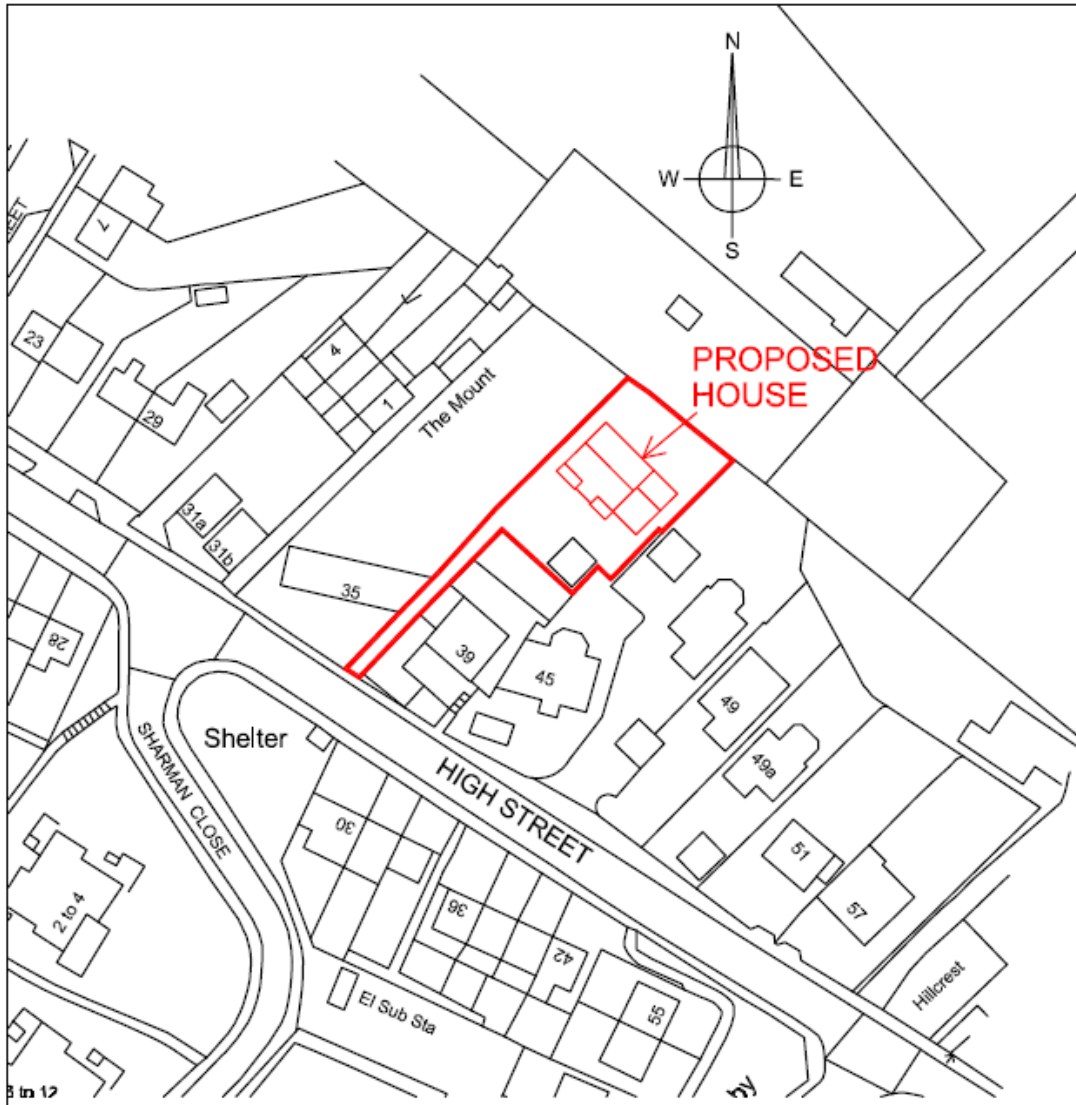
For: Mr and Mrs John and Rachel Wilcock

Third Party 7 Parish: Unstone

Reps: Ward Name: Unstone

Author of Colin Wilson Date of 08.11.2022
Report: Report:

MAIN RECOMMENDATION: Approve Planning Permission



LOCATION PLAN 1:1250 scale

Rev.'A' Aug.2022 reduced size dwelling shown.

1.0 Reason for Report

- 1.1 The application has been called in to Planning Committee by the Local Ward Member. The reason for the request for a Committee determination of the application are to allow a full assessment of the impact of the scheme in neighbouring amenity and visual terms, and to allow for full transparency in light of the site comprising a parcel of land which is in the ownership of NEDDC.

- 1.2 In view of the site being within the ownership of the Council and the comments submitted, it is considered appropriate for Planning Committee to determine the application.

2.0 Proposal and Background

Site Description

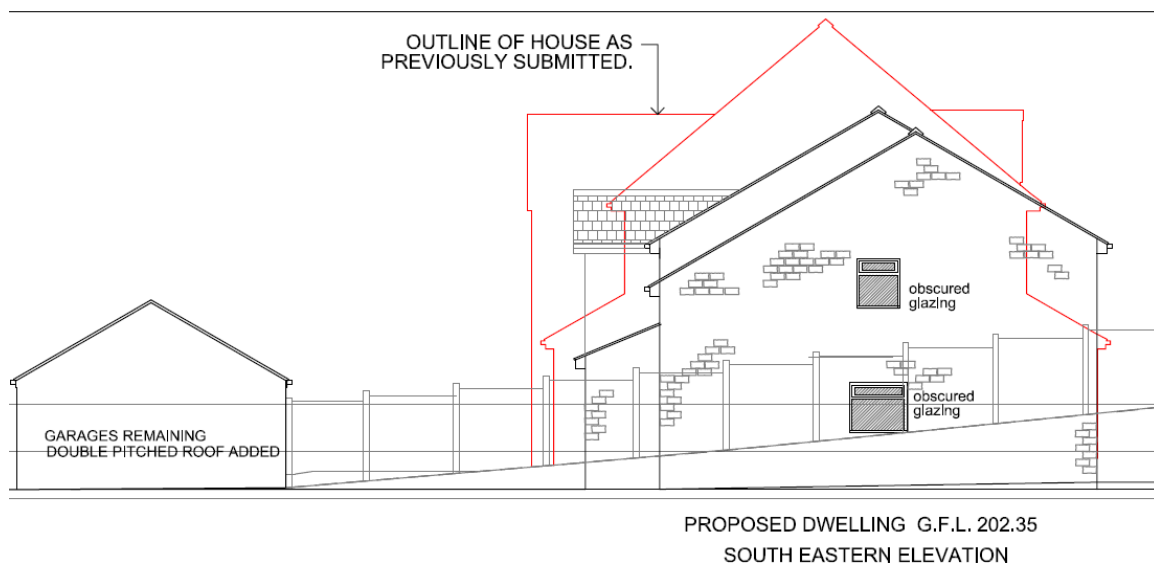
- 2.1 The application site comprises a garage site situated within the defined Settlement Development Limits for Apperknowle.
- 2.2 The site is situated to the north of High Street and is generally set back approximately 30m from the highway edge. The site is accessed via an existing vehicular access, which is situated between adjacent residential properties identified as 35 and 39 High Street. The site shares common boundaries with four residential properties, including numbers 35 and 39. The additional properties adjoining the application site are 45 and 47 High Street, which are situated to the south and east of the site respectively. The site is adjoined to the north by land comprising countryside designated as North East Derbyshire Green Belt.
- 2.3 In terms of topography, the land levels across the application site generally rise in a northerly direction from the highway. Consequently, the application site is situated at an elevated level to adjacent properties to the south, which front High Street (namely 35, 39, and 45 High Street).
- 2.4 The application site is situated within a Development High Risk Area for coal mining legacy issues.

Proposals

- 2.5 Full planning permission is sought for the change of use of the site and its redevelopment for housing and the construction of a 5-bedroom dwelling with attached garage.
- 2.6 The application seeks permission for the construction of a detached dwelling, situated roughly in the centre of the plot. The dwelling's principal elevation would be south-west facing.
- 2.7 2 Sycamore trees at the western edge of the application site would be felled to facilitate the proposed development of the site with a single dwelling.
- 2.8 The proposals have been amended during the processing of the application. The main revisions to the proposed development comprise a reduction in the scale and height of the proposed dwelling, resulting in a 2

storey dwelling (as opposed to the 3-storey property initially proposed). In addition, the fenestration relating to the side facing gable elevations has been reduced in terms of the number of openings, and new openings are shown on the submitted elevational drawings as being obscurely glazed. A further amendment comprises the introduction of a pitched roof on the garage which the application seeks to retain.

- 2.9 The image below details the reduction in the height and mass of the proposed dwelling (with the dwelling initially proposed outlined in red). In addition, the image shows the garage building which is to be retained. The garage comprises a flat roofed structure – the proposals as amended seek to introduce a pitched roof to the existing garage building:



- 2.10 For clarity and the avoidance of doubt, the application has been assessed on the basis of the Location and Site Plan, drawings numbered 2693/19 B (Amended Floor Plans) and 2693/21 B (Amended Elevations) uploaded to the Council's website on 15.08.2022, and drawings numbered 2693/20 Rev C (Site Plan and Section as Proposed), 2693/22 Rev B (Proposed Elevations), 2693/23 Rev B (Cross Sectional Gable Elevation), which were uploaded to the Council's website on 24.08.2022.

- 2.11 In addition to the amendments described above, the applicant has also provided a Coal Mining Risk Assessment to be read in conjunction with the application.

3.0 Relevant Planning History

- 3.1 There is no relevant planning history for the application site.

4.0 Consultation Responses

4.1 The **Ward Member** and **Parish Council** were consulted on the application:

The **Ward Member** has raised comments and requested that the application be determined by Planning Committee to allow for a full consideration of issues raised by neighbouring residents (and in turn the responses of the applicants themselves), in relation to the following:

- The overall scale and size of the development and its relationship with surrounding properties.
- The Impact of potential overlooking and overshadowing.
- The separation distances between the proposed property and neighbouring properties, in particular number 45 High Street, and whether the distances are compliant with Successful Places.
- The necessity for transparency, on the basis that the site is owned by NEDDC.

The **Parish Council** raised no comments.

4.2 **Derbyshire County Council Highways Section** were consulted on the application and made comments raising no objections to the proposed development from a highway safety perspective, subject to clarification regarding the garage size and bin storage areas.

4.3 **The Coal Authority** were consulted on the application, initially raising objections to the proposed development. The applicant subsequently instructed and submitted a Coal Mining Risk Assessment (CMRA) of the site. Accordingly, on the basis of the findings of the CMRA, the Coal Authority withdrew its objections to the proposed development.

4.4 **Yorkshire Water Services** were consulted and raised no comments.

5.0 Representations

5.1 The application was publicised by neighbour letters and the display of a site notice – 7 representations were received and can be summarised as follows:

- The proposed development would be of an unacceptably large scale.
- The proposed dwelling is significantly larger than average adjacent properties and will dominate the landscape for adjacent properties in terms of outlook and village conformity.

- As a consequence of its scale, the proposed dwelling would appear dominant and overbearing resulting in a loss of privacy and natural light for the occupiers of adjoining properties.
- The proposed dwelling would result in adverse overlooking of adjacent sites.
- Highway safety issues.
- Objection to felling of trees within the application site.
- Discrepancies regarding the site location plans and house numbers in the vicinity of the site.
- Disruption and damage to properties arising during the construction phase.

Officer Note: the representations received have been summarised for the purposes of this report and can be viewed in full via the Council's website.

6.0 Relevant Policy and Strategic Context

North East Derbyshire District Local Plan

- 6.1 The North East Derbyshire Local Plan (2014 - 2034) forms the Development Plan for the area. The Local Plan policies most relevant to the proposals are set out below:

SS1 Sustainable Development
 SS2 Spatial Strategy and the Distribution of Development
 SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
 SDC2 Trees, Woodlands and Hedgerows
 SDC11 Flood Risk and Drainage
 SDC12 High Quality Design and Place Making
 SDC14 Land potentially affected by Contamination or Instability
 ID3 Sustainable Travel

National Planning Policy Framework

- 6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Successful Places

- 6.3 The Council's Interim Design Guide, *Successful Places* is applicable in the assessment of this application.

7.0 Planning Issues

Principle of Development

- 7.1 The application site is located within the defined Settlement Development Limits for Apperknowle. Policy SS7 of the North East Derbyshire Local Plan relates to development on unallocated land within settlements with defined Settlement Development Limits and is therefore applicable in the assessment of this application. The Policy states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development: a. Is appropriate in scale, design and location to the character and function of the settlement; and b. Does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; and c. Is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and d. Accords with other policies of the Plan.
- 7.2 Based on the above Policy consideration, Officers are satisfied that the general principle of a residential development of the site is acceptable, subject to the proposals being in accord with the relevant parts of Policy SS7, other applicable Local Plan Policies, and other relevant technical planning matters being considered acceptable:

Visual Considerations

- 7.3 It is the view of Officers that, as amended, the proposed dwelling would comprise a typically proportioned two-storey dwelling, consistent with the scale and proportions of other properties in the vicinity of the site. Officers are of the view that the proposed dwelling would, by virtue of its scale, design style and materials of construction, represent an acceptable visual addition to the site. The proposed property would be individually designed – the impact of this is considered to be acceptable as a consequence of the existing mix of property types/designs in the vicinity of the application site. In this regard, there is limited uniformity in terms of property design in the vicinity of the application site.

Neighbouring Amenity

- 7.4 The applicant has made significant amendments to the development proposals to address the concerns of Officers in terms of the impact of the scheme in visual and neighbouring amenity terms:
- 7.5 The revised scheme is significantly lower in terms of its overall height than that originally proposed. From ground level, the initially proposed ridge height measured approximately 9m whereas the revised ridge height would measure approximately 7m from ground level. In addition, it is proposed that the dwelling would be dug into the hillside on which it would

- be sited. 10m and 25m respectively separate the proposed dwelling's principal elevation from the common boundary and rear elevations of the adjacent property fronting High Street (namely, 39 High Street). The 25m separation distance accords with the guidance set out in *Successful Places* whereas the 10m to the common boundary is short of the 10.5m normally required. However, the depth of the rear garden of No. 39 (at in excess of 11 metres) is considered sufficient to mitigate the impact of the small shortfall in the distance from the application property to the common boundary.
- 7.6 The separation distance between the south-west facing first floor window serving the room identified on the submitted drawings as 'bedroom 4' and the common boundary of 45 High Street would be marginally less than the recommended 10m set out in *Successful Places*. However, the views from the first floor window, serving bedroom 4, would be at an angle to the private garden and rear elevation of number 45, therefore providing some mitigation. However, in this instance, given a change in levels across the respective sites, Officers consider it is necessary to impose a planning condition requiring that the window serving bedroom number 4 be obscurely glazed and non-opening, to a level 1.7m above the finished floor levels of the room in question. Officers consider that such a condition would satisfactorily preserve the privacy currently enjoyed by the occupiers of number 45.
- 7.7 In addition, whilst the property would retain some openings on its side facing gable elevations, these would be fitted with obscure glazing to overcome any unduly harmful overlooking of sites to the east and west of the application site.
- 7.8 The outlook from first floor openings at the north facing elevation of the property would be across the application property's rear garden and towards the countryside beyond. In this respect, there would be no unacceptable overlooking to the north of the proposed property.
- 7.9 Given its siting and scale, Officers are satisfied that the proposed dwelling would not result in any significant and overriding overshadowing/loss of outlook or amenity for adjacent properties. Cross sections have been submitted by the applicant, which confirm that the proposed dwelling would comply with the 25 degree rule set out in *Successful Places* which provides a basis for assessing the impact of any change in levels between sites. In addition, by virtue of its scale and position (to the north of the properties fronting High Street), the proposed development is not considered to result in any unacceptable loss of light to the private garden areas or north facing rear facing habitable room windows at the adjacent properties which front High Street.

Highway Safety

- 7.10 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.11 Derbyshire County Council Highways Officers were consulted on the application, raising no objections to the proposed development from a highway safety viewpoint, subject to conditions.
- 7.12 Guided by the consultation comments received from DCC and based on the existing traffic generating use of the site (garage site), Officers are satisfied that the proposed development would not lead to any unacceptable impact on highway safety in the locality.

Coal Mining Legacy

- 7.13 The Coal Authority were consulted on the application, initially raising objections to the proposed development on the basis that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment is required to be submitted to support of this application. The applicant subsequently submitted a Coal Mining Risk Assessment. Upon receipt of a Coal Mining Risk Assessment Report, the Coal Authority withdrew its initial objection to the development.

Removal of Trees

- 7.14 The proposals include the removal of two mature Sycamore Trees from the western boundary of the site. As such, Policy SDC2 of the North East Derbyshire Local Plan is relevant as it relates to Trees, Woodlands and Hedgerows. The Policy states that where trees, woodland or hedgerows will be lost to development and this is considered to be acceptable, suitable replacement planting on-site where it is practicable to do so, or off-site if not, will be required.
- 7.15 The Council's Principal Arboricultural Officer (AO) has visited the site to assess the trees earmarked for removal, advising that the two trees that are identified for removal do not contribute sufficiently to the amenity of the location to sustain an objection to the proposed development, or preclude their removal.
- 7.16 Guided by the comments of the AO, Officers are of the view that the trees in question are not afforded protection and would not merit protection by way of a Tree Preservation Order (TPO). Consequently, their removal to facilitate the development of the site is considered to be acceptable.

7.17 Whilst Policy SDC2 of the Local Plan requires replacement trees where practicably possible, Officers are of the view that, in this instance, given the constraints of the site, it would not be realistic to require a scheme of replacement trees within the application site. In terms of the provision of off-site replacement trees, it is not considered to be reasonable or necessary to require such replacements in this instance, although a condition requiring the landscaping of the site is recommended which would ensure some replacement tree/shrub planting on the site.

Conclusion

7.18 On the basis of the above considerations, Officers are of the view that the proposals represent an acceptable form of development. Officers consider that, in accordance with Policy SS7 of the North East Derbyshire Local Plan, the proposed development is appropriate in scale, design and location to the character and function of the settlement, and, subject to conditions of approval, would not lead to any unacceptable harm to the amenity levels currently enjoyed by the occupiers of adjacent properties. In this regard, the proposals would be compatible with adjacent sites.

7.19 Officers are of the view that there are no technical reasons by which the application could be refused.

7.20 Accordingly, the application is recommended for approval.

8.0 Recommendation

8.1 GRANT Full Planning Permission subject to the following conditions with the final wording and content of the conditions delegated to the Planning Manager (Development Management):

1 The development hereby permitted shall be started within 3 years from the date of this permission.

2 The development hereby approved shall be carried out in accordance with the details shown on the Location and Site Plan and drawings numbered 2693/19 B (Amended Floor Plans) and 2693/21 B (Amended Elevations) uploaded to the Council's website on 15.08.2022, and drawings numbered 2693/20 Rev C (Site Plan and Section as Proposed), 2693/22 Rev B (Proposed Elevations), 2693/23 Rev B (Cross Sectional Gable Elevation), which were uploaded to the Council's website on 24.08.2022, unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

- 3 Before any above ground works start, a plan to show the positions, design, materials, height and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in full before the first occupation of the dwelling hereby approved and shall be retained as approved thereafter.
- 4 The development shall be carried out in accordance with the proposed finished floor levels of the dwelling and the proposed finished ground levels of the site set out on the approved elevational and cross section drawings listed in condition 2 above.
- 5 Before any above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6 Before the first occupation the dwelling hereby approved, the window at the principal (south-west facing) elevation of the property, which serves the room identified as 'bedroom 4' on the approved floor plans, shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 3 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The window and glazing once installed shall then be retained as such thereafter at all times.
- 7 Notwithstanding the submitted details, the first floor windows on the north-west and south-east facing side elevations of the dwelling hereby approved shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 3 of the Pilkington obscure glazing range. The windows shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed.
- 8 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 and hedgerows on the land,
 - 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
- 9 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.

Highways

- 10 Before any other operations are commenced, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan/statement shall be adhered to throughout the construction period. The construction method statement shall provide information about plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles during the construction period.

Drainage

- 11 Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 12 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.