

North East Derbyshire District Council

Planning Committee

7 January 2020

Development Management Applications

Report No PM/17/19-20/AK of the Planning Manager – Development Management

This report is public

Schedule of Planning and Other Applications under the Town and Country Planning (General Development Procedure) Order 2015, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012

FOR THE INFORMATION OF MEMBERS

Legal and Financial Implications

Members are advised that there may be legal and financial implications arising from determination of planning and other applications and the authorisation of enforcement action.

There is a right of appeal against a refusal of planning permission or the imposition of conditions on a planning approval, which may attract an award of costs against the Council. Preparation of the District Council's case in such appeals may necessitate expenditure on legal advice or Counsel.

Breaches of planning control, such as unauthorised development or the unauthorised use of buildings and land, or failure to comply with conditions may be redressed by the District Council's powers to take enforcement action. Such action may lead to possible further action in the Magistrates' or Crown Courts which may involve expenditure on legal advice and costs.

There is a right of appeal against the service of an enforcement notice. If any appeal is upheld it may attract costs against the Council.

Human Rights Act 1998

The reports consider decisions by the Council which may affect property rights of the owner (Article 8 and Article 1 may be relevant). Under the Human Rights Act 1998 the Council must be in a position to show:

- its action is in accordance with clearly established law
- the objective is sufficiently important to justify the action taken
- the decisions taken are objective and not irrational or arbitrary
- the methods used are no more than are necessary to accomplish the legitimate objective
- the interference impairs as little as possible the right or freedom

All action taken in considering applications, consents, and enforcement is the lawful duty of this Authority as Local Planning Authority. Decisions are objective and proportional being based on consideration of the National Planning Policy Framework and the policies contained in the North East Derbyshire Local Plan and all other material considerations.

There is a right of appeal against all decisions made by the Council.

Environmental Considerations

There are environmental implications arising from the determination of planning applications and the authorisation of enforcement action. The consideration of the development of any site seeks to take into account the need to safeguard the environment, and the relevant issues are dealt with in each case in the Planning Assessment and Summary.

Community Safety Implications

Members are advised that there are Community Safety Implications arising from the determination of planning applications.

Crime prevention is capable of being a material consideration in the determination of planning applications as set out in the National Planning Policy Framework. Where relevant these matters are addressed in each case in the Planning Assessment and Summary.

The safety of development sites is the responsibility of the site's operative and enforced by specialist agencies.

Issues with regard to highway safety are relevant to the determination of planning applications. These issues where relevant are addressed in each case in the Planning Assessment and Summary with the relevant advice of the Highway Authority incorporated in the report.

Background Papers

The background papers relating to each application are the application forms, plans, representations received and replies to consultations, contained in the application file, the reference of which is given at the head of each report.

With reference to applications made for works to Protected Trees

Financial Implications

The prescribed format when a Tree Preservation Order is made includes a section which makes provision for the payment by the Local Planning Authority, subject to such exceptions and conditions as may be specified in the Order, of compensation in respect of loss or damage caused or incurred in consequence of:-

- (a) the refusal of any consent required under the Order; or
- (b) the grant of any such consent subject to conditions.

Liability for compensation may be avoided by the Local Planning Authority in relation to trees which are subject to a Tree Preservation Order made prior to 2nd August 1999, and incorporating the appropriate wording, where in refusing consent or imposing conditions on

an approval the Local Planning Authority are satisfied that their decision is in the interest of good forestry or that the tree(s) has/have an “outstanding” or “special” amenity value, unless the Council’s assessment of the amenity value of the Tree(s) is successfully challenged.

Legal Aspects

Once an Order is made, applications for consent are required in respect of any proposed cutting down, topping, lopping or uprooting of any trees. There is a right of appeal to the Secretary of State against the decision of the Council to either refuse consent or grant permission for works subject to condition.

Environmental Considerations

The making of a Tree Preservation Order, and the subsequent control of works to trees covered by Orders are likely to benefit the local environment through the contribution of the protected tree(s) to visual amenity and the retention of their ecological value. The assessment of all applications for consent for works balances this with the need for the works proposed.

Trees (Community Safety Implications)

The health of a protected tree and its safety remain the responsibility of the tree’s owner, even where the tree is covered by a Tree Preservation Order. If a tree is dead, dying or dangerous, works to rectify the danger may be undertaken without the consent of the District Council.

The safety and health of a tree covered by a Tree Preservation Order is a material consideration in the determination of any application to undertake work to a protected tree. However, this has to be balanced against all other material factors when considering any particular submission.

DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

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APPLICATION NO. 19/00868/RM

APPLICATION Application for approval of reserved matters for access, appearance, landscaping, layout and scale pursuant to outline approval 17/00200/OL for construction of 10 bungalows to wheelchair user standard M4 (3) (Major Development/Departure from Development Plan/Affecting setting of Listed Building)

LOCATION Land South West of Grange Farm, Milken Lane, Ashover

APPLICANT Mr J Stockton

CASE OFFICER Mr Graeme Cooper

DATE RECEIVED 28 August 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Armitage

REASON: Concerns relating to the access details, appearance of the proposed development, landscape harm and the overall layout.

The Committee Site Inspection Group is to visit the site to view the location of the site relative to the locality, the impact of the proposed development on the character and appearance of the site and the surrounding area, impact upon residential privacy and amenity along with the access arrangements.

1.0 SITE DESCRIPTION

- 1.1 The application site forms an agricultural field on the edge of the village of Ashover, beyond the defined Settlement Development Limit within open countryside which is designated as a Special Landscape Area. It is open in character and slopes from north to south towards the main point of access taken from Milken Lane. A track runs along the eastern edge of the site leading to Grange Farm and Grange Barn to the north east.
- 1.2 Properties on Malthouse Lane to the west back onto the application site, with rear gardens abutting directly up to the field. There is a mix of boundary treatments edging the field, ranging from picket fencing, close board fencing, post and rail fencing, dry stone walls and hedgerows.
- 1.3 To the south of the application site lies the boundary of the Ashover Conservation Area and a barn which has been converted into a dwelling. Between this barn and the application site is a vacant parcel of land which has planning permission for a single bungalow (planning reference 14/00251/FL). This permission remains extant, due to a material start having taken place.
- 1.4 The Black Swan Public House, which is a non designated heritage asset lies to the west of the access with its car park located close to the point of access into the application site.
- 1.5 To the south west of the application site is the Ashover Conservation Area, which contains a number of important listed buildings. The nearest being Lime Tree

House and attached Lime Tree Cottage. These properties front onto Moor Road to the west and are some 40m from the nearest point of the application site. The southern boundary of the application site also contains a number of trees, with one large tree dominating the south west corner of the application site, which is protected by way of its position within the Conservation Area.

- 1.6 To the north and east of the application site land opens up into open countryside with views up the sloping ground towards Hillside and The Fabrick. To the east views are across agricultural land towards Milken Lane where it shifts north east towards Farhill. A mature hedge runs along the western half of the access track.
- 1.7 To the south east of the application site is an agricultural building and large depression in the ground surrounded by mature trees. On viewing this depression in the ground it is clear that running water is visible however this is over 20m from the edge of the application site.
- 1.8 A public right of way 42 runs close to the southern point of the application site. From Milken Lane the footpath enters a gate and then a farmer's field to the east of the application site. It then crosses open agricultural land towards Farhill.

2.0 PROPOSAL

- 2.1 This application seeks reserved matters approval for access, appearance, landscaping, layout and scale pursuant to outline permission 17/00200/OL. The scheme is for 10, single storey bungalows of wheelchair user standard M4(3).
- 2.2 The original layout illustrated bungalows focused around a communal garden area, with plots 6 to 10 backing onto countryside and a track to the east. Access into the site is taken from Milken Lane and along part of a private track.
- 2.3 Two different bungalow types are proposed, both being constructed from natural stone, timber cladding, with attached timber car ports. Each property would be provided with two bedrooms, living, study, kitchen, storage, accessible bathrooms, en-suite, disabled friendly parking area, wheel chair storage/charging area and outdoor seating area. Parking for two vehicles is provided to each dwelling. All the properties include Velux rooflights in the roof slope that will double as light tubes, increasing natural light into the properties living accommodation.
- 2.4 The application is accompanied by a Planning Statement, Tree Survey, swept path drawings, street scene elevations and visualisations.

3.0 AMENDMENTS

- 3.1 An amended scheme has been submitted to address Officer concerns regarding the layout. The changes include the handing of plot 1 and changes the layout of plots 8 to 10 so that they back onto the track to the east in a more formal manner.

4.0 PLANNING HISTORY

- 4.1 17/00200/OL - Outline application (with all matters reserved) for the construction of 10 bungalows to wheelchair user standard M4(3) with access taken from Milken

Lane (Major Development/ Departure from Development plan/ Affecting setting of a Listed building) (**Conditionally Approved**)

5.0 DEVELOPMENT PLAN POLICIES

5.1 The most relevant policies of the **Local Plan** are:-

- GS1 Sustainable Development
- GS6 Open Countryside
- GS9 Planning Obligations
- GS10 Crime Prevention
- GS12 Access for All
- H3 Housing Development Outside SDL
- H7 Affordable Housing in Settlements of Less than 3000 People
- H12 Design and Layout of New Housing
- NE1 Landscape Character
- NE2 Special Landscape Area
- NE3 Protecting and Managing Features of Importance to Wild Flora and Fauna
- NE6 Development affecting nationally rare species
- NE7 Protection of Trees and Hedgerows
- NE9 Development and Flood Risk
- BE1 General Design Principles
- BE5 Percent for Art
- T2 Highway Access and the Impact of New Development
- T5 Footpaths
- T9 Parking Provision
- R5 Providing for Children's Play Space Through New Development
- CSU4 Surface and Foul Water Drainage
- CSU6 Contamination Land

5.2 The Council is now at an advanced stage in the production of a new **Local Plan (Publication Draft) (LPPD)** which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making.

5.3 The most relevant policies contained in the **LPPD** include:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- LC4 Type and Mix of Housing
- SDC2 Trees, Woodland and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC6 Development Affecting Listed Building
- SDC7 Scheduled Ancient Monuments and Archaeology
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place making
- SDC14 Land Potentially affected by Contamination or Instability
- ID3 Sustainable Travel

5.4 The **Ashover Neighbourhood Plan** was adopted in February 2018 and includes the following policies:

- AP2 Development Proposals Outside the Limits to Development
- AP4 New Housing Mix
- AP11 Design
- AP12 Listed Buildings
- AP13 Landscape Character
- AP15 Important Trees and Hedgerows
- AP16 Dry Stone Walls
- AP20 Traffic
- AP21 Footpaths, Cycleways and Bridleways

5.5 Other policy documents that are material to the determination of this application are:

- Successful Places Interim Planning Guidance
- Sustainable Buildings SPD

5.6 The overarching planning policies contained in the National Planning Policy Framework (NPPF) are also significant material planning considerations. The document aims to encourage housing development as well as ensure that development would respect the character of the area (chapters 6 and 7). In addition, there would be a need to secure a good standard of amenity for existing and proposed occupiers (Paragraph 17).

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on 28 August 2019 and was due to expire on 27 November, however an extension of time was agreed until 10 January to allow the applicant to submit an amended layout and for the application to be considered by members of planning committee. A site visit was undertaken on 12 September and a site notice placed at the site entrance on Milken Lane which expired on 26 September.

6.2 The **Parish Council** was consulted and raised the following comments:

- General concern relating to design, appearance, traffic generation, land quality, access and loss of privacy [*Officer note: only matters relating to the access, appearance, landscaping, layout and scale are under consideration as part of this reserved matters application.*]
- Concern that the access road would be unsuitable for refuse vehicles to access the site
- Velux roof lights are not required in the dwellings [*Officer note: any roof lights are to provide light into the dwelling and are not intended to be used for habitable rooms.*]
- Development would have negative impact on privacy of residents on Malthouse Lane

6.3 The **Local Ward member** raised concerns regarding the access, appearance, landscape details and layout of the proposed development. It was requested that the application be considered by members of planning committee.

- 6.4 The **County Highways Authority** (HA) was consulted on the original submission. The access off Milken Lane is not adopted as part of the publically maintainable highway. The HA consider that the submitted swept paths appear to be tight, but achievable. Details submitted only show a left turn from the site, a swept path illustrating a right turn should be submitted. No objections are raised subject to conditions.
- 6.5 The **HA** have been consulted on the amended scheme, but their comments were not available at the time of writing this report to members. Any comments received will be reported as late representations prior to the planning committee meeting.
- 6.6 The **Lead Local Flood Authority (LLFA)** provided comments on the proposed surface water drainage scheme. Further information was requested, however it is noted that there are conditions relating to drainage on the outline permission and these matters do not need to be dealt with under this reserved matters application and should be addressed before development starts.
- 6.7 **Severn Trent Water Authority** (YWA) recommended conditions relating to the disposal of surface water. These conditions are included on the outline approval.
- 6.8 The **Councils Refuse Team** was consulted and confirmed that they would be happy to access the site if the private drive was constructed to an adoptable standard and if the developer provides an indemnity.
- 6.9 **12 objections** have been received from 6 local residents raising the following material concerns:
- Lack of details relating to landscaping – any landscaping should be low maintenance
 - Visibility is poor onto Milken Lane
 - Lack of footpath into development
 - Surface water scheme inadequate [*Officer note: surface water matters are not under consideration as part of this application*]
 - Track is narrow and will not easily accommodate vehicles passing each other
 - No passing places on lane
 - Dwelling approved on access track will have vehicles reversing onto it when built
 - Door to approved dwelling opens onto access track – this is a hazard
 - Access road will not be adopted, meaning that refuse vehicles will not enter site [*Officer note: The road will be private, however if the developer constructs the road to an adoptable standard and agrees an indemnity with the Council a refuse vehicle will enter the site*]
 - Site will not be illuminated in anyway, making it unsafe
 - If street lighting is installed this will be harmful to nocturnal animals
 - Scheme should provide affordable housing due to it being a major development [*Officer note: at the time of the outline approval the scheme was not required to provide affordable housing. The matters being considered as part of this application relate to the reserved matters only*]
 - Street furniture along Milken Lane effects visibility from the site
 - Bins are already presented on access track from barn conversion, further bins in this location is unacceptable

- Elderly people living in the new bungalows will struggle to navigate on foot or mobility scooter the single track lane into village
- Impact on protected tree [*Officer note: the outline includes a condition requiring the applicant to submit a scheme protective fencing*]
- Proposal will displace cars onto Milken Lane [*Officer note: the scheme has an over provision of car parking spaces on site, including 7 visitor spaces*]

7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for this application are the **access** details, **appearance** of the development, **landscaping** details, the **layout** of the proposal and **scale** of the development.

8.0 PLANNING ASSESSMENT AND SUMMARY

Principle of Development

8.1 The principle of development on the site was established through the granting of planning permission 17/00200/OL. This permission remains extant. Therefore the principles of development have been considered to be acceptable and do not form the consideration of the reserved matters application.

Impact on the Character of the Area

8.2 The immediate locality is a mix of traditional sandstone and slate buildings, with the historic core a short distance from the site to the south west. There are also modern semi-detached bungalows and the modern village hall opposite the access site. Ex-council properties lie immediately to the west of the application site.

8.3 During the outline application process it was accepted that the proposed development would be seen as an extension to the eastern edge of the village, with the site visible from a public footpath to the east and from further afield views at The Fabrick. Localised views are possible from Milken Lane and from the east. It was concluded that a well-designed scheme could be achieved provided the dwellings were single storey in height only.

8.4 The proposal is for the erection of 10, single storey bungalows which would not exceed 1000sqm in internal floor area. Whilst no exact details of the construction of these properties has been submitted it is illustrated that they will be constructed from natural stone, timber cladding and slate/tile to the roof. Details of which can be conditioned on any approval issued by the LPA.

8.5 Each dwelling has a covered car port attached to the side, with parking available for two vehicles. A private drive is provided from Milken Lane with turning head within the site to allow larger vehicles to enter and exit in a forward gear. Six of the dwellings front onto a communal gardens and public art space, with 3 visitor parking bays created adjacent to this open space. A further 4 visitor parking spaces are provided between plot 7 and 8.

8.6 All properties would be to a M4(3) wheelchair user standard designed to a high standard of accessibility. The scheme includes space around the parking areas to manoeuvre a wheelchair, wheelchair storage/charging area, ramps to the front door and good internal accessibility.

- 8.7 Indicative landscaping and boundary treatment details have been submitted which illustrate a mix of post and rail fencing, native hedgerow planting to the rear of each property. Post and rail fencing would be provided to the north of the site and an existing post and rail fence retained to the east. No boundary treatments are illustrated to the front of each property. Indicative landscaping details have been submitted illustrating hedgerow planting to the frontage of each property, however the details are limited and full details should be submitted to and approved by the LPA at a later date relating to both landscaping and boundary treatments.
- 8.8 Objections have been received stating that the scheme lacked landscaping details and any lighting would have a negative impact upon the character of the area and nocturnal mammals.
- 8.9 It is considered that the proposed design of the bungalows is of a high quality that reflects the positive design aspects in the village, contributing to local distinctiveness. The construction to a wheelchair standard is a positive of the scheme. Overall, it is considered that the appearance, scale, landscaping and layout of the scheme respects the character and would enhance the provision of adaptable housing in the village.

Heritage Considerations

- 8.10 The proposed development is located away from the historic core of Ashover, but is close to a number of non-designated heritage assets and listed buildings. It also lies immediately adjacent to the Ashover Conservation Area.
- 8.11 The statutory requirement of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities to have special regard to the desirability of preserving listed buildings or their settings and section 72 of the Act states that the LPA must pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.12 It is considered that the proposed development would be of a high quality that reflects the positive design aspects in the village, contributing to local distinctiveness. Officers are satisfied that the proposed development would not have an adverse impact on nearby non-designated heritage assets or cause harm to the setting of nearby listed buildings, furthermore in terms of Section 72 of the Act, and the proposal would preserve the character of the adjacent Ashover Conservation Area.

Residential and Neighbouring Land Uses Impact

- 8.13 The proposal is for 10 bungalows that would be located to the east of properties on Malthouse Lane, close to a barn conversion on Milken Lane at the entrance of the site and to the south west of Grange Farm and Grange Barn. A public footpath crosses the entrance of the site and extends to the north east towards The Fabrick. No changes are proposed to the footpath arrangements.
- 8.14 The proposed bungalows would be set in good sized plots with front and rear garden spaces. There is a good separation distance between the proposed

dwellings and those to the west on Malthouse Lane. The proposed development would be provided with adequate separation distances that would accord with the Councils Successful Places Interim Planning Guidance.

- 8.15 Each property would be provided with in excess of 50sqm of outdoor private amenity space that accords with the Councils Successful Places Interim Planning Guidance.
- 8.16 Concern has been raised by the Parish Council that Velux roof lights would impact upon neighbouring amenity. However it is noted that the rooflights provided would act as light tubes, cascading light into habitable space within the dwelling and are not intended to be habitable spaces. Officers note that there is nothing from stopping residents from converting their loft space in the future so it is considered that permitted development relating to changing the roof slope or adding windows should be included in any decision to safeguard the character of the countryside and protect neighbouring privacy and amenity. Officers note that all Velux windows will be in excess of 10m from any boundary and be high level so not to offer any overlooking. It is not consider that it would be necessary to require these windows to be obscured in nature or conditioned to be non-opening.
- 8.17 The scheme does not include any details of lighting within the site. Concern has been raised that too much light may be detrimental to the character of the area and not enough dangerous for users of the site. Officers agree that getting the balance of lighting on the scheme is important and any scheme shall be submitted to and approved before development starts in the interest of safety, the character of the area and to safeguard nocturnal mammals.
- 8.18 In view of the above, it is considered that the proposed development would safeguard existing and future resident's privacy and amenity, along with enhancing footpaths and wider connectivity in the locality.

Highway Safety Considerations

- 8.19 The proposed development is for 10 dwellings, each provided with a minimum of 2 off street parking spaces, with 1 space provided under a car port. Plots 6 to 9 appear to have an over provision. The scheme includes 7 visitor parking spaces, with 3 provided adjacent to the public open space and another 4 provided between plots 7 and 8. The private drive includes a turning head to allow larger vehicles to enter and exit the site in a forward gear.
- 8.20 The Highway Authority (HA) was consulted on the original layout and note that the access will not be adopted. The submitted drawings illustrate an 'in and out' swept path for larger vehicles from the site onto Milken Lane. No objection is raised subject to a number of conditions. Some of these conditions are already covered by the outline permission and are not required on the reserved matters approval.
- 8.21 No further comments have been received from the HA in relation to the amended layout. Any further comments received prior to the meeting will be reported to members as late representations.
- 8.22 Residents have raised a number of concerns about the inadequacy of the access and arrangements set out by the application. There is concern that a single dwelling

approved to the south on the same access track will have vehicles reversing onto the shared driveway and that the lack of lighting on site would be dangerous to users of the track. Furthermore the scheme may not be able to facilitate a refuse vehicle and car parking will be further displaced onto Milken Lane.

- 8.23 In conclusion therefore there are no highway objections to the proposals subject to conditions and final comments. The NPPF is clear that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Officers therefore do not consider that the 10 dwellings would result in demonstrable harm to highway safety and that the highway issues can be satisfactorily addressed by appropriate conditions.

Other Material Considerations

- 8.24 Concern has been raised to the stripping of the site. Officers note the stripping of soil from the site in association with an archaeological and past mining activity. Such reports shall be submitted to the LPA before development starts. Officers are satisfied that the stripping of land associated with site investigation does not form development. It is however noted that an application has been submitted for engineering works to regrade farmland on land a short distance from the application site, under planning reference 19/01179/FL. This application is under consideration by the LPA.
- 8.25 An objection has been raised relating to the impact of the proposed development on a nearby mature native tree. It is agreed that such trees should be retained and protected during the course of development. Members will be aware that the outline approval included a condition requiring the applicant to submit a scheme of protective fencing to protect this tree before development starts.
- 8.26 Matters relating to levels, employment and training, mitigating climate change, provision of public art, surface and foul water drainage, construction management plan, storage of planting and materials, refuse collection strategy, archaeological matters, Landscape and Ecological Mitigation, badger survey work and land contamination are covered by way of condition on the outline approval and need not be duplicated on this reserved matters.

Conclusion

- 8.27 This a reserved matters application following the grant of outline permission 17/00200/OL and as a result the principle of development is acceptable. Matters for consideration relate to the access arrangements, appearance of the development, landscaping, the layout and scale of the development are under consideration as part of this reserved matters application. Adequate details have been submitted to allow the LPA to determine the application.
- 8.28 Having taken into account all the material considerations, it is considered that the proposed development would be of a scale, appearance and siting that respects the character of site and the surrounding street scene, including the adjoining Ashover Conservation Area and setting of nearby listed buildings.

- 8.29 The proposed development would not have an adverse detrimental impact upon the privacy and amenity of future residential properties or neighbouring land uses, nor would the layout lead to an adverse impact upon highway safety.
- 8.30 It is therefore considered that the proposed development would be in line with the saved policies of the Council, the Ashover Neighbourhood Plan and the overarching aims of the NPPF, therefore the proposal should be granted subject to conditions.
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9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No comments
<u>Severn Trent Water:</u>	No objection subject to conditions
<u>Refuse Team:</u>	Comments
<u>LLFA:</u>	Comments
<u>Neighbour:</u>	12 objections to proposal
<u>Parish Council:</u>	Objections
<u>Ward Member:</u>	Objection and request that the application be considered by members of planning committee

10.0 RECOMMENDATION

That planning permission is **CONDITIONALLY APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

CONDITIONS

Approved Drawings

1. The development hereby approved shall be carried out in accordance with the details shown on the following drawings 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:
 - 1968-003 Rev F (Masterplan as Proposed)
 - 1968-003B (Masterplan as Proposed B)
 - 005B Rev B (Elevations as Proposed)
 - 007C Rev C (Elevations & 3D View as Proposed)
 - 004B Rev B (Type A Bungalow Floor & Roof Plan as Proposed)
 - 006C Rev C (Type B Bungalow Floor & Roof Plan as Proposed)
 - 1968-003F (Master Plan as Proposed – Landscaping)
 - F18181/01 Rev B (Swept Path Analysis – Refuse Collection Vehicle)
 - 1968-001 (Location Plan)

Permitted Development

2. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any

Order revoking and re-enacting that Order) no dormer windows (Part 1, Class B), alterations to the roof (Part 1, Class C), hard surfaces (Part 1, Class F) and means of enclosure (Part 2, Class A) shall be erected/constructed on/at any of the dwelling hereby approved without first obtaining planning permission.

Materials

3. Before work starts above foundation level, 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.

Landscaping and Boundary Treatments

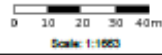
4. Notwithstanding the submitted details, before work starts above foundation level, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details 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) implementation programme.
5. Notwithstanding the submitted details, before work starts above foundation level, a plan to show the positions, design, material, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the occupation of each dwelling and shall be retained as approved for the lifetime of the development.

Highways

6. Prior to occupation of any dwelling, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
7. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked and for vehicles to turn so that they may enter and exit the site in a forward gear.
8. There shall be no gates or other barriers on the access road.
9. The proposed access road off Milken Lane shall be no steeper than 1:20 for the first 10m from the nearside highway boundary and 1:14 thereafter. Individual driveways shall not exceed 1:14.

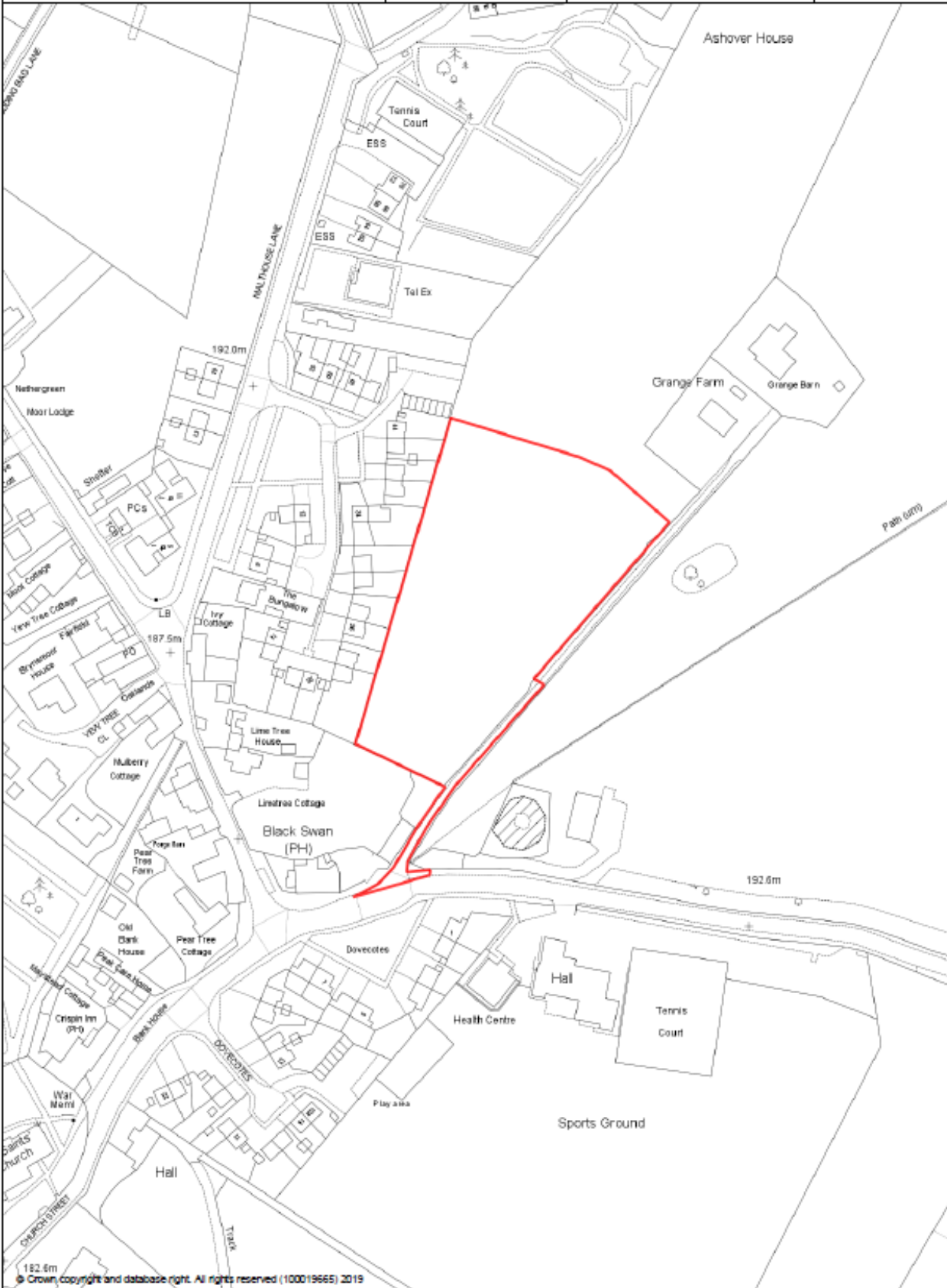
Lighting

10. Before work starts above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lighting, its positioning and any mitigating features such as shields, hoods, timers etc. The approved lighting scheme shall then be implemented in full and retained as such thereafter for the lifetime of the development.



Author: K. Spelman

Date: 18/12/2019



PARISH **Eckington**

APPLICATION Retention of single/two-storey front extension, two-storey side extension and single-storey rear extension, with rendering to the external facades of the property (Amended Plans) (Conservation Area) (Revised scheme of 18/00567/FLH)
LOCATION 6 Wellfield Close, Ridgeway, Sheffield S12 3XN
APPLICANT Mr & Mrs Andrew Cain
APPLICATION NO. 19/00680/FLH **FILE NO.** PP-07979150
CASE OFFICER Mr Kevin Figg
DATE RECEIVED 3rd July 2019

REFERRED TO COMMITTEE BY: Cllr Carolyn Renwick

REASON: Concerns that the retention of the revised scheme of extension would have a potential impact on the amenity of neighbouring residents.

The Committee may recall this application was deferred from consideration at the Planning Committee meeting in November in order for Officers to assess all the necessary information.

This has now been done, the report updated and the matter is now reported back to the Committee for final consideration.

Members may also recall that the Site Inspection Group visited the site to assess the impact of the extensions, as built, on the amenity of neighbouring property occupiers.

1.0 SITE DESCRIPTION

- 1.1 The application property is one half of a two-storey semi-detached 'Airey' style unit, originally with external pre-fabricated horizontal concrete panels; the property has recently undergone an extensive scheme of extension and refurbishment, including an off-white painted render finish.
- 1.2 The other dwellings in the vicinity are similarly built properties, although some have been extended and refurbished with an external brick skin.
- 1.3 The land slopes down gently along Wellfield Close west to east and more steeply north to south, such that the rear garden of the application property is appreciably lower than the dwelling.
- 1.4 The application site lies within the established Settlement Development Limits for Ridgeway and within the Moss Valley Conservation Area.

2.0 PROPOSAL

- 2.1 The current proposal is for the retention of a scheme of extensions and refurbishments that have not been carried out in accordance with the previously approved plans (18/00567/FLH).

3.0 AMENDMENTS

- 3.1 Following comments from officers regarding the potential for overlooking from the roof of the rear extension towards the rear elevation of the adjoining property and the potential for overshadowing of the neighbouring rear ground floor window and patio area, the plans have been amended by the addition of 1.0m high glass panels over the first floor patio style door openings to the rear elevation to restrict access to the extension's roof and the removal of the parapet wall of the rear extension to reduce its overall height.

4.0 PLANNING HISTORY

NED/394/218 – two-storey side extension – approved 06/05/94 [not implemented]

NED/12/00100/FLH - alterations to change facing materials from pre-cast concrete panels to facing bricks – approved 22/03/12 [not implemented]

NED/18/00567/FLH - single and two-storey front, two-storey side and single-storey rear extensions with render to the external facades of the property – approved 23/07/18

5.0 PLANNING POLICY CONSIDERATIONS

The Development Plan comprises the North East Derbyshire District Local Plan (adopted November 2005). The policies considered most relevant in determining this application are as follows:

BE1 (General Design Principles)
GS5 (Development in Settlement Limits)
H5 (Domestic Extensions)
BE11 (Conservation Areas)

Emerging North East Derbyshire District Local Plan

The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making.

National Planning Policy Framework

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

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The site notice was correctly displayed on a lamp post to the front of number 11 opposite the site and expired 25/08/2019. The application was publicised in the Derbyshire Times 08/08/2019 as development within a Conservation Area and two adjoining neighbouring properties were notified in writing.

Following the submission of the amended plans, a further 14 day reconsultation of Ward Member, Parish Council and adjoining neighbours was undertaken.

- 6.2 A **Ward Member** has requested that the current application be decided by Planning Committee and raised concerns that the retention of the revised scheme of extension would have a potential impact on the amenity of neighbouring residents.
- 6.3 The **Parish Council** objects to the current application since the current extension is in breach of planning and should be removed.
- 6.4 There are no **County Council Highways Authority** implications.
- 6.5 Representations have been received from a neighbouring resident with the following concerns:
- The extensions as built deviate significantly from the approved plans;
 - The extensions as built are all larger and more imposing than previously approved;
 - The rear extension as approved featured flat vision panels rather than the roof lanterns now installed which add to the overall height of the extension;
 - The rear extension now includes a substantial canopy which projects even further beyond the original rear elevation;
 - Two of the three first floor rear windows have been changed to doors;
 - The rear extension results in complete overshadowing of the living room window and rear patio area from mid-late afternoon with loss of amenity;
 - There is direct overlooking from the roof of the rear extension into bedroom windows of the adjoining property;
 - The applicant failed to provide any Party Wall Agreement [N.B. Officer comment – this is not a material planning consideration];
 - The works have interfered with the fabric of the adjoining property [this is not a planning consideration but constitutes a private matter between the parties involved].
 - In addition, at the Site Inspections Group’s visit to the site further information was submitted by the neighbouring resident identifying the specific changes to the approved scheme and alleging that the submitted plans did not conform to the “as built” extension. These measurements are referred to later in the report.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for this application are the impact of the extension as built upon the amenity of adjoining neighbouring occupiers, its impact on the character and appearance of the site and the surrounding area and the impact on the character of the Moss Valley Conservation Area.

8.0 PLANNING ASSESSMENT

- 8.1 Local Plan policy GS5 requires that development should not be detrimental to the character and appearance of the site or its surrounding environment nor have any detrimental impact on the amenity of neighbouring occupiers or uses and policy H5 requires that domestic extensions should be in keeping with the property and the streetscene and should avoid significant loss of privacy and amenity for neighbouring residents.

- 8.2 Local Plan policy BE11 requires that development should preserve or enhance the character of the Conservation Area.
- 8.3 Approval was granted for extensions at the property in 2018. However, the development was not then undertaken in accord with the approved scheme and this has led to the submission of this current application seeking to retain the “as built” scheme. Subsequently there was further concern expressed that the submission does not reflect the “as built” situation. This led to the deferral of the application in November.
- 8.4 In order to assist an understanding of this the following table sets out the dimensions of: what was actually approved in 2018, the dimensions of the extension as shown on the submitted drawings accompanying this application, the dimensions alleged by the adjoining occupier and the actual dimensions as measured on site.

	Approved Application Shows	Current Application Shows (as amended)	Alleged Dimensions	Actual Dimensions - Measured
Front extension depth	1.8m	2.0m	2.1m	2.1m
Front two storey extension width	4.3m	4.3m	N/A	N/A
Rear extension depth	3.7m	3.8m	3.9m	3.9m
Rear extension width	10.3m	10.0m	N/A	N/A

- 8.5 In addition, there has been dispute regarding the height of the rear extension. This disagreement is complicated by the change in levels between the applicant’s property and that of the adjoining neighbour as the neighbouring property has a patio area that sits below the level of the applicant’s property and the finished floor levels of the extension.

Officers have found it difficult to quantify this and so have measured the height of the extension from the eaves of the applicant’s property, a fixed point.

The scaled distance between the height of the extension and the eaves (as shown on the approved drawings was 2.6m. However, as built, this distance is 1.9m meaning the extension is 0.7m higher than approved. As Members will note the applicant has agreed to reduce the height of the extension by a further 0.2 metres (by removing the parapet wall) and so the extension would then be 0.5 metres higher than approved. It is this that the Council is being asked to determine.

- 8.6 It is therefore apparent that the amended scheme differs from the previously approved scheme in that it is deeper both in terms of the front and rear extensions whilst the rear extension is also taller.

The applicant has agreed to further reduce the height of the rear extension by 200mm by removing the parapet wall around the rear extension's roof but the applicant wishes to retain the rear patio style doors to the rear elevation and instead has agreed to install glass panelling across their lower half to ensure that they are not used as conventional patio doors (otherwise allowing easy access to the roof of the extension although its meaningful use would be restricted by the two lanterns placed within it).

- 8.7 The two-storey element of the front extension as built projects beyond the front elevation further than the previously approved plans but it is not considered that this would result in any significant additional overshadowing or loss of amenity for the adjoining residents since the adjacent ground floor opening at number 8 serves an entrance hall rather than a habitable room. The front extension as built would likely have some additional impact on the outlook from the first floor habitable room window at number 8 but it is not considered that this would be significantly more harmful than the previously approved scheme due to the limited increase in length of the extension and the fact that the outlook is to the north/north east.
- 8.8 The single-storey rear extension as built, but not including the canopy, also projects 200mm further from the rear elevation of the dwelling than the previously approved plans and (prior to the agreement to reduce it) 700mm higher, when not including the roof lanterns. Officers approached the applicant suggesting that a reduction in the height of the "as built" extension to the originally approved height would be required to allow Officers to recommend the application to be approved. The applicants have agreed to a reduction of 200mm with the plans having been amended with the intention now to remove the parapet wall resulting in a net increase of 500mm more than that previously approved. It is this proposal that the Council have been asked to consider.
- 8.9 The nearest, most affected ground floor window at No. 8 serves the living room at that property and is located to the east of the rear extension at number 6. It is accepted that this window will be more affected by the increase in the height of the extension than would have been the case if the originally approved extension had been built. The impact of the extension has been assessed against the guidance given in the "Successful Places Interim Planning Guidance document". In that respect it has been concluded that the amended extension, as built, would fail the '45 degree rule' in the horizontal plane in relation to the adjacent living room window but not the vertical plane, which indicates that there should be no significant or unacceptable overshadowing or reduction in natural light to that window. Officers consider that, under these circumstances and taking into account that the rear of the properties faces south/south west, the impact on the amenity of the occupiers of the adjoining property is acceptable.
- 8.10 The rear extension, as built, shares its floor level with the original dwelling, which results in a maximum floor height of approximately 600mm above the natural ground level where it abuts the dwelling increasing to 800mm at the furthest point from the dwelling (when measured off the submitted plans) due to the ground falling away from the dwellings. The adjoining property at number 8 has an existing rear patio area at ground level which sits below the floor level of the extension and which would be overshadowed from mid-afternoon onwards by it. The height of the extension, as proposed, from this patio level is just in excess of 4 metres. It is acknowledged this relationship will impact on the levels of amenity that will be

enjoyed at No.8. However, Officers do not consider that this would be to an unacceptable degree bearing in mind what has been approved, it would have had a height just in excess of 3.5 metres taller than the patio at No.8,, and the south/south west facing orientation of the two properties.

- 8.11 It is not considered that the retention of the roof lanterns, which are set well back from the sides of the extension, and the rear canopy, which projects an additional 900mm, would result in any significant harm to the amenity of the neighbouring residents and would greatly restrict any potential meaningful use of the roof of the extension.
- 8.12 The retention of the patio doors to the first floor rear elevation of the application property would allow access onto the flat roof of the rear extension, with the potential for overlooking towards the bedroom windows of the adjoining property at number 8. However, it is considered that the addition of the 1.0m high panels over the openings, which can be conditioned to be retained as such, as indicated on the amended plans, would restrict any such access and help retain privacy for the neighbouring residents as would a condition restricting the use of the roof of the rear extension.
- 8.13 The adjacent dwelling to the northwest, number 4, which is slightly higher than the application property, has an existing side facing first floor window serving a bathroom. However, it is considered that the retention of the two-storey side extension, with a separation distance of around 3.0m, would result in no significant additional overshadowing or loss of amenity for the neighbouring residents at number 4.
- 8.14 The side and front extensions are visible from public viewpoints along Wellfield Close but are seen only in the context of the existing dwelling and surrounding properties, two of which have similar brick built extensions, and would appear in keeping with the overall residential character of the surrounding streetscene. The off-white coloured render finish does appear as an atypical feature in the surrounding streetscene, which is characterised by external brick or concrete panels, but, in officer opinion, is not demonstrably harmful to the character of surrounding area. Similarly, it is also considered that the proposed retention would help preserve the character of this part of the Moss Valley Conservation Area, which is essentially of modern residential characteristics.

Conclusion

- 8.15 Overall, Officers are satisfied that the retention of the as built extension(s), as amended and outlined above, represents an, on balance, acceptable form of development that is not significantly harmful to the character of the host property, the amenity of neighbouring residents or the character of the surrounding streetscene and helps preserve the character of the Moss Valley Conservation Area. It is therefore considered that the proposal complies with the requirements of the relevant Local Plan Policies.

9.0 SUMMARY OF CONSULTATIONS

County Highways: N/A

County Planning: N/A

Environmental Health: N/A

Drainage: N/A

Access Officer: N/A

Footpath: N/A

Neighbour: Received comments.

Others: N/A

Ward Member: Received comments.

Parish Council: Received comments.

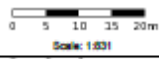
10.0 RECOMMENDATION

Planning permission be **GRANTED** subject to the following conditions with the final wording of the conditions delegated to the Planning Manager (Development Management):

1. The amendments to the rear extension parapet wall shown on the approved plans (PL_07 Revision A, PL_08 Revision C and PL_09 Revision B) shall be carried out in accordance with those plans within 56 days of the date of this approval and then be retained as such thereafter.
2. The 1.0m high glass panels restricting access from the rear first floor patio doors shown on the approved plans (PL_07 Revision A, PL_08 Revision C and PL_09 Revision B) shall be installed in accordance with those plans within 56 days of the date of this approval and then be retained as such thereafter.
3. The roof of the single storey rear extension, hereby approved, shall not be used for any domestic purpose, including for any use as a balcony or viewing platform and, notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order), it shall not be enclosed or fenced in any manner unless planning consent for such enclosure or fencing has previously been granted by the Local Planning Authority.

19/00680/FLH

MyMaps - NEDDC and BDC



Author: K. Spelman
Date: 18/10/2019



APPLICATION NO. 19/00673/FL
APPLICATION Development of seven dwellings with associated access and landscaping (Amended Title/Amended Plans)
LOCATION 94B Main Road, Morton
APPLICANT Wibb Builders Limited
CASE OFFICER Graeme Cooper
DATE RECEIVED 17 July 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cooper

REASON: Major concerns regarding the proposed development with specific reference to the layout, its impact on countryside and highway safety, with specific reference to the layout and access into and out of the site being difficult.

The Committee Site Inspection Group is to visit the site to view the location of the site relative to the locality, the impact on the character and appearance of the site and the surrounding countryside, impact upon neighbouring residential privacy and amenity along with highway safety.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises land associated with number 94B Main Road, Morton. Part of the site appears to be an area of closely mown grass associated with this residential property. Most of the site being overgrown shrub and a pocket of young tree planting.
- 1.2 A track cuts through the centre of the site, with land either side overgrown scrub and self-set trees. It leads from Main Road to the north, into the site serving several properties to the east.
- 1.3 Land levels on the site are relatively flat, with the southern extent of the site steadily falling away. Land levels beyond the site fall away more quickly into the valley. The access track serving the site extends south down towards a range of outbuildings. A former dismantled railway lies in the valley bottom. This former railway is identified in the Emerging Local Plan as a future greenway route.
- 1.4 The site is edged by residential development to the north and east, with some residents on Main Road sharing the vehicular access track, with a small parking area located to the rear of numbers 70 and 72.
- 1.5 The site appears open to the west and south, with only post and wire fencing dividing the site from open countryside.
- 1.6 The site entrance is located close to a zebra crossing which helps serve Morton Primary School.
- 1.7 The site sits predominantly outside the Settlement Development Limit (SDL) in open countryside, with only part of the access track within the SDL.

2.0 PROPOSAL

- 2.1 The original proposal was for the erection of 9 dwellings on land to the rear of properties on Main Road, Morton.
- 2.2 Concern was raised by the case officer regarding the density of the proposal and the scale of the dwellings along the southern edge of the site. A meeting was held between the case officer and developer, resulting in the submission of an amended scheme, details of which are provided below in Section 3.0.
- 2.3 The application is accompanied by a planning statement, highways impact assessment and associated drawings, ecological appraisal and coal mining risk assessment.

3.0 AMENDMENTS

- 3.1 An amended scheme has been submitted reducing the number of dwellings down to 7. These being a mix of 3 bungalows and 4 detached dwellings.
- 3.2 The bungalows would comprise 3 bedrooms with the detached properties being hipped, 4 bed dwellings. All but one property is provided with 2 off street parking spaces and a garage, with the other having 2 off street parking spaces.
- 3.3 The proposal includes a new access road with turning head to allow for refuse and delivery vehicles to enter and exit the site in a forward gear. Parking spaces for existing properties on Main Road would be retained on the eastern side of the access track.

4.0 PLANNING HISTORY

- 4.1 No relevant planning history.

5.0 DEVELOPMENT PLAN POLICIES

- 5.1 The most relevant policies of the Local Plan are:-
 - GS1 Sustainable Development
 - GS5 Settlement Development Limit
 - GS6 Development in Open Countryside
 - GS9 Planning Obligations
 - GS10 Crime Prevention
 - H3 Housing Development Outside SDL
 - H6 Affordable Housing Provision
 - H12 Design and Layout of New Housing
 - NE1 Landscape Character
 - NE3 Protecting & Managing Features of Importance to Wild Flora & Fauna
 - NE6 Development Affecting Nationally Rare Species
 - NE7 Protection of Trees and Hedgerows
 - NE9 Development and Flood Risk
 - BE1 General Design Principles
 - T2 Highway Access and the Impact of New Development
 - T5 Walking and Cycling

T9 Parking Provision
CSU4 Surface and Foul Water Drainage
CSU6 Contamination Land

- 5.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council’s strategy for sustainable development and should be afforded weight in decision making. It is currently paused.
- 5.3 The most relevant policies contained in the Local Plan (Publication Draft) include:
- SS1 Sustainable Development
 - SS9 Development in the Countryside
 - LC4 Type and Mix of Housing
 - SDC2 Trees, Woodland and Hedgerows
 - SDC3 Landscape Character
 - SDC4 Biodiversity and Geodiversity
 - SDC11 Flood Risk and Drainage
 - SDC12 High Quality Design and Place making
 - SDC14 Land Potentially affected by Contamination or Instability
 - ID3 Sustainable Travel
- 5.4 Other policy documents that are material to the determination of this application are:
- Successful Places Interim Planning Guidance
 - Sustainable Buildings SPD
- 5.5 The overarching planning policies contained in the National Planning Policy Framework (NPPF) are also significant material planning considerations.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 17 July 2019 and was due to expire on 10 October, however an extension of time was agreed until 10 January 2020 to allow the applicant to submit an amended layout and for the application to be considered by members of planning committee. A site visit was undertaken by the case officer on 15 August. A site notice was placed at the site entrance on Main Road which expired on 6 September.
- 6.2 The **Parish Council** was consulted and raised the following objections:
- Valuable green space and development should be concentrated on other existing brownfield sites
 - Lack of infrastructure in the locality and concern village is already struggling
 - No GP or dental surgery in the village
 - No community centre in the village
 - Bus services are infrequent and do not pass through the village
 - Already sufficient housing built in village
 - Only limited facilities in the village, including small shop/post office, 2 hair dressers and 2 public houses

- Impact on ramblers and dog walkers using Red Lane which has no pedestrian causeway [Officer note: this is not a designated public right of way]
- Insufficient parking within the site
- Refuse collection could be problematic given proximity to school
- Footpath on Main Road is busy at school crossing times

6.3 The **Parish Council** was re-consulted on the amended scheme. A further detailed objection was received raising the following comments:

- Concerns with submitted Highway Impact Assessment being inaccurate
- Parking is accepted on the footway in Morton
- The proposed access encroaches on zig zag lines of the zebra crossing
- Numbers 66 and 68 currently park on the footpath, moving the spaces down a private drive is unacceptable
- No pedestrian access provided to these new parking areas
- Highway comments have not been addressed
- Overall width of shared driveway should be 7.5m
- Pinch points on driveway are below these standards
- Valuable green space
- Sufficient new housing in Morton
- Detrimental impact on ramblers and dog walkers using track leading down Red Lane which has no footway
- Insufficient car parking provision

6.4 The **Local Ward member** raised major concerns regarding the proposed development with specific reference to the layout, its impact on countryside and highway safety. The member considers that if officers are minded to approve the scheme, the application should be considered by members of planning committee.

6.5 In considering the amended details, the **Local Ward member** raised concern to the impact of the proposed development on the surrounding countryside and on highway safety, with specific reference to the unacceptability of the layout and access arrangements with the entrance into and exit out of the site being especially difficult.

6.6 The **County Highways Authority** (HA) note the reduction from 9 to 7 dwellings. 19 parking spaces are provided within the site, but the plans do not include replacement parking. The proposal seeks to improve highway safety by providing bollards on the existing footway to either side of the access to prevent off street parking. The HA consider that the principle of bollards is acceptable, however details should be submitted to and approved in writing by the LPA. The road would not be adopted by the HA and its maintenance should be the responsibility of the developer or management company. There is concern that larger vehicles entering and exiting the site may struggle to enter and exit the site without encroaching into oncoming traffic. Should refuse vehicles not enter the site then alternative provision should be provided. In view of the above, no objection is raised subject to conditions.

6.7 The **Council's Environmental Health Officer** (EHO) notes that the site is located in an area with a coal mining legacy which can give rise to contamination, including the generation of ground gases. A track crossing the site is a potential source of Made Ground. No supporting information has been submitted with the application

as such land contamination conditions should be included on any decision issued by the LPA.

- 6.8 The **Coal Authority (CA)** was consulted on the proposed development and noted that the risk from underground workings is negligible. The CA considers that the submitted coal mining risk assessment is adequate to allow the LPA to determine the application. The CA has no objection to the proposed development, however they point out that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.
- 6.9 The **Council's Refuse Team** reviewed the amended scheme and whilst swept path drawings illustrate that a bin lorry can enter and exit the site, there is little room for manoeuvre. The Refuse Officer has major concern about the ability of the Council being able to enter the site from Main Road given the proximity to a pedestrian crossing, the level of on street car parking and number of pedestrians in this location. There is concern that once in the site the large refuse vehicle will not be able to turn and exit the site safely. There is a high risk of the refuse vehicle not being able to exit the site in a forward gear. As such, it is considered that refuse bins should be presented at the kerb side on Main Road.
- 6.10 **Derbyshire Wildlife Trust (DWT)** considered that sufficient information has been provided in the Ecological Appraisal, prepared by Baker consultants, dated June 2019 to determine the application. It is considered that the recommendations provided in the report are appropriate mitigation measures to offset the ecological impacts of the proposal. Any existing hedgerows should be retained and protected during development. If the Council is minded to approve the proposal, the DWT recommends that conditions be attached to secure mitigation measures.
- 6.11 **Severn Trent Water Authority (STWA)** recommend conditions relating to the disposal of foul and surface water.
- 6.12 The **Council's Drainage Engineer** considered that there was insufficient information submitted with the application to consider drainage matters. In view of this it is recommended that a condition be attached to any decision issued by the LPA.
- 6.13 The **Lead Local Flood Authority (LLFA)** raised no formal comments to the proposal and provided standing advice.
- 6.14 **DCC Landscape Adviser (LA)** was consulted and provided comments on habitat loss and the landscape impacts of the proposal. Overall the LA considers that the visual impacts of the proposal are greater than assessed by the LVIA, however the LA considers that the face the developments presents to the visible southern edge to be more important than screening. The design of this edge needs to be of high quality with frontages of dwellings facing to the south in a similar way to the adjacent properties 94, 94a and 94b Main Road. Parking areas could then be concealed behind the housing and the existing trees/scrub retained and reinforced with additional trees and hedging as a backdrop. In this way the development could be assimilated successfully into the existing built up area. To achieve this, the LA adviser considers that it may require a denser terrace to the south and possibly less housing on the site.

6.15 **DCC Infrastructure** confirmed that in line with their Developer Contributions Protocol no contributions will be sought from development of 10 units or less.

6.16 **10 objections** have been received from local residents raising the following objections:

- Access track not large enough for increase in traffic movements [*Officer note: the Highways Authority consider that the access can safely serve the proposed development*]
- Potential loss of hedgerows
- Concern about noise, dust and pollutions during construction phase [*Officer note: the impact of the construction phase is not a material consideration and is covered by Environmental Legislation*]
- Encroachment on third party land [*Officer note: this is not a material consideration*]
- Access from site onto Main Road is unsafe
- Building is on Green Belt land [*Officer note: this is not Green Belt and is designed as open countryside*]
- Access road used by ramblers and dog walkers with no footway [*Officer note: this track is a private lane and is not a public right of way*]
- Loss of wildlife
- Access to site is in close proximity to a zebra crossing
- Site has already been development for 4 properties
- Land has been backfilled in the past [*Officer note: the Councils EHO considers that a number of land contamination conditions be attached to any decision issued by the LPA*]
- Proposed development would make parking at number 68 unsafe
- Door to number 68 opens directly onto access track [*Officer note: the door to number 68 is set back from the track that will serve the proposed development*]
- During school times the footpath is used by school children and is very busy
- A number of cars are parked on the footway, within the sites visibility [*Officer note: the cars have no right to park on the footway*]
- Refuse vehicle will not enter the site, meaning that on refuse collection days, up to 18 bins could be presented at the kerbside
- The proposal has no affordable houses [*Officer note: Government guidance states that LPA's can only require affordable housing on major developments*]
- Access is used by agricultural machinery throughout the year, leading to a busy farm
- Proposed dwellings would be close to agricultural use, causing issues of noise and odour complaints [*Officer note: EHO raised no concerns regarding noise and odour issues from neighbouring land uses*]
- Traffic survey should be conducted during school term times
- Negative visual impact on outlook from properties on Main Road

6.17 **1 letter of support** has been submitted in favour of the proposed development. The following comments have been submitted:

- Land is currently unsightly scrub land
- Proposal will meet needs to local residents in terms of affordability

- Installing road will improve pedestrian safety, preventing other road users from mounting the kerb

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on character and appearance of the site and the surrounding street scene, the impact upon the amenity of neighbouring residents and land uses, its ecological impact, land contamination, drainage and highway safety.

8.0 PLANNING ASSESSMENT AND SUMMARY

Principle of Development

- 8.1 The application site is primarily located outside the defined Settlement Development Limit (SDL) for Morton, within open countryside.
- 8.2 Local Plan Policy GS1 states that all development proposals will be located within the defined SDLs, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDLs is to restrain development in the countryside and to focus development upon sites within the SDLs and/or allocated sites to achieve a sustainable pattern of development. Unrestrained housing development is not considered as acceptable development in the countryside, with Policy GS6 stating that new development will only be permitted in the countryside if it meets set criteria. This includes that it would be in keeping with the character and appearance of the countryside and that it would not represent a prominent intrusion into the countryside.
- 8.3 Local Plan Policy NE1 is a more specific landscape policy which states that the varied and distinctive landscape character of the District should be conserved and/or enhanced. Development proposals that would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted.
- 8.4 Local Plan Policy H3 sets out the very limited circumstances in which proposals for housing may be permitted (such as the change of use of existing buildings, dwellings that are essential for the operation of an agricultural or other rural based use, replacement dwellings or affordable housing on rural exception sites) but the development does not fall into any of these categories.
- 8.5 The evolving policies set out in the Local Plan (Publication Draft) ("LPPD") identifies Morton as a Level 2 settlement with good levels of sustainability. In these locations the LPPD considers that these settlements will provide the location for planned housing growth. Officers therefore consider that Morton represents a generally sustainable settlement capable of accommodating further housing growth. An assessment of site sustainability against the policies contained in the NPPF is made below.
- 8.6 However, whilst noting that the development would be generally contrary to policies GS1, GS6 and H3 of the Local Plan, *Officers contend that policies GS1, GS6 and H3 are out of date as they fail to comply with the aims of the NPPF and rely on settlement development limits established in 2005. This stance is consistent*

with that established in various appeal decisions issued recently where these policies have been rigorously tested.

- 8.7 *Policy NE1 does remain relevant however as it reflects a general aim to protect the countryside from inappropriate development which is consistent with the aims of the NPPF. It is therefore considered up to date and the most important policy in respect of determining this application and it is not out of date. As a result, the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged. The main assessment before Members therefore is whether or not the benefits of the proposed development is outweighed by any harm identified to the local landscape character.*

Infrastructure Considerations

- 8.8 The application makes no reference to the provision of affordable housing, with the maximum requirements of the Local Plan and Supplementary Planning Documents being 40% provision on suitable sites of 0.1 hectares and above in settlements with a population of 3000 or fewer.
- 8.9 Notwithstanding the above, the Planning Practice Guidance states that contributions should not be sought from developments that are not major developments. The proposal is for 7 dwellings and does not form major development.
- 8.10 In view of the above, affordable housing provision or financial contributions should not be sought in this instance.

Landscape/Street Scene Considerations

- 8.11 Local Plan Policy and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development.
- 8.12 The proposal is for 7 dwellings, these being a mix of bungalows and 2 storey hipped properties served by a private driveway which also serves other properties to the east. No finished materials have been submitted with the application but this matter can be dealt with by way of condition on any decision issued.
- 8.13 The site backs onto open countryside to the south, a track to the west and onto existing gardens to the north and south east. It would be important to provide adequate boundary features and landscaping across the site. Details submitted with the application at this stage are limited and as such a condition requiring the submission of landscaping and boundary treatments should be submitted to and approved by the Local Planning Authority.
- 8.14 The site gently slopes away to the south, before dropping into the valley where there is a dismantled railway, which is publically owned and allocated as a future greenway in the LPPD. Between the site and this proposed greenway are two paddock/fields. To the west of the current access track which serves a range of agricultural outbuildings to the south is a further paddock, with another farm to the

west. To the east development has taken place with single dwellings and outbuildings constructed behind existing development on Main Road.

- 8.15 Land to the south of the application site extending to Stonebroom across the valley is identified in the LPPD as a Local Settlement Gap. The LPPD is a material consideration, but given it is yet to be adopted and currently paused it Officers attach very limited weight to it in the determination of this application. Nevertheless, the application site does not fall within the Local Settlement Gap and as such is not identified specifically as important to the visual character, cultural or historic identity of the locality.
- 8.16 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), prepared by Weddle Landscape Design dated July 2019. The report concludes that the zone of influence is restricted to localised viewpoints along Main Road and from Stonebroom to the south. Two key public viewpoints are identified in Stonebroom looking back towards the application site. These are considered to be of a low sensitivity. A number of highly sensitive areas are identified in private gardens. The report concludes that once the development is complete there will be slight adverse visual impacts on these Principal Viewpoints. There will also be slight adverse visual impacts to residential receptors to the south and adjacent properties along Main Road, Morton. However these will be mitigated by proposed tree planting on the southern boundary that will provide screening. These impacts will further reduce in the long term as the proposed screening matures.
- 8.17 The Council sought comments from the DCC Landscape Adviser (LA) and it was noted that a large area of young trees and shrub planting would be lost as a result of the proposed development. The LA agrees that the two view points of the site are accurate, with many of the public footpaths having no views of the site. The LA notes that the path along the old railway is omitted. The LA considers that the submitted landscaping scheme is insufficient and lacks detail, indeed some concern is raised that landscaping is illustrated within the gardens of these properties which may be at risk of being lost over time. Overall the LA considers that the visual impacts of the proposal are greater than assessed in the LVIA and that the southern edge should be landscaped adequately in a similar way to properties to the east. The proposed development should assimilate into the existing backdrop. The LA concludes that there should be less housing on the site and larger gaps between the properties.
- 8.18 Officers note the comments of the LA and appreciate that the proposal would result in the loss of a number of young trees and shrub planting. These landscaping features are not protected and the trees are not considered worthy of protection, and as such could be removed from the site at any time. A scheme of landscaping can be conditioned on any decision and be placed outside the ownership of the properties.
- 8.19 Concerns have been raised from local residents regarding the negative visual impact of the proposed development when looking back towards Main Road. A supporting comment states that the land is currently unsightly scrub land.
- 8.20 Officers conclude from this evidence that it is clear that there would be some limited localised harm to the character of the area but that the proposal would be seen in the context of existing properties on Main Road and other back land development to

the east. The proposal would not encroach in to the proposed settlement gap and that in conjunction with a well-designed landscaping scheme, with trees placed outside the domestic curtilages of properties, Officers consider that the proposal would not have an overriding harmful impact on the area and would provide a positive redevelopment of the site. As such Officers conclude that the proposed development would complement the character and appearance of the site and the surrounding street scene, subject to the approval of a strong scheme of landscaping to the south and within the site.

Residential and Neighbouring Land Uses Impact

- 8.21 The proposed development would sit to the south of 70-98 Main Road, Morton. Which are predominantly two storey with upper floor windows looking back towards the application site.
- 8.22 A detached property sits to the south east corner of the application site and is served by a gravel drive, which runs through the centre of the site. A track leading from Main Road into the site also serves a range of farm buildings to the south and doubles as an informal footpath, which leads to a dismantled railway.
- 8.23 The proposed development would see three bungalows set approx. 7m from the northern boundary of the site, with existing properties on Main Road having views back towards the proposed development. Upper floor windows from the existing properties on Main Road would be set back approx. 10m from the boundary of the site. It is considered that this relationship between the proposed bungalows and existing properties on Main Road is acceptable.
- 8.24 No. 94B is located in the south east corner of the site and would be located close to plot 4. It is considered that the relationship between these two properties would be acceptable.
- 8.25 Within the development itself, each property is provided with adequate separation and private garden space that accords with the Council's Successful Places Interim Planning Guidance.
- 8.26 All of the two storey dwellings proposed include upper floor side facing windows which would face back towards other two storey dwellings. These are windows to bathrooms, landings and en suites. Windows provided to bathrooms and en suite bathrooms are high level, where Officers do not consider it necessary to require these to be obscurely glazed. Landing windows are provided at a lower level and are likely to offer views back towards blank walls and high level bathroom windows. In view of this relationship and the landings being non-habitable it is not considered necessary to require these to be obscured in nature and in other respects this relationship too is acceptable.
- 8.27 Some concern has been raised that users of the informal footpath and agricultural buildings will be adversely affected by the proposed development. There is no formal footpath serving the dismantled railway from Main Road and it is considered that this is a private drive. Users of the agricultural buildings may find that there is a slight increase in traffic movements along this track, but Officers do not consider that the proposed development would be harmful to the amenity of these neighbouring land uses.

- 8.28 Overall it is considered that the proposed development would provide adequate privacy and amenity for existing and future occupiers.

Highway Safety Considerations

- 8.29 The proposed development is for 7 dwellings served from a private drive which leads from Main Road to the north. Within the site there is a turning head to allow larger vehicles to enter and exit the site in a forward gear. Each property is served by 2 off street parking spaces and all but 1 property has a garage.
- 8.30 The Highway Authority (HA) was consulted on the proposed amended plans. It is noted that 19 parking spaces are provided within the site, with some off street parking maintained for existing properties on Main Road. Improvements to highway safety, in the form of a scheme of bollards are also proposed. The HA has no objection in principle to this scheme, but consider that details should be submitted to and be approved by the LPA. The road would not be adopted by the HA and its maintenance would be the responsibility of the developer or a management company. There is concern that larger vehicles entering and exiting the site may struggle to do so without encroaching into oncoming traffic. Should refuse vehicles not enter the site then alternative provision should be provided for refuse collection and this can be controlled by way of condition. In view of the above, no objection is raised on matters of highway safety subject to conditions.

Ecological Considerations

- 8.31 The site is mostly overgrown with a track crossing the site. The south east section of the site forms part of a garden area associated with 94B Main Road. The applicant has submitted an Ecological Appraisal.
- 8.32 The Council's consultee on these matters, DWT, considered the submitted report and concluded that sufficient information has been submitted to allow the LPA to determine the application. The submitted report makes a number of recommendations to mitigate the loss of habitat and the impact on mammals and nesting birds. DWT recommend that any existing hedgerows on site be retained and a scheme of ecological mitigation and enhancement be submitted to and approved by the LPA to secure adequate mitigation measures on site.

Ground Stability/Land Contamination Considerations

- 8.33 The Council's EHO highlighted that the site is within an area which has a coal mining legacy which can give rise to contamination. No supporting details have been submitted with the application. As such it is considered that a number of land contamination conditions be included in any permission issued by the LPA.
- 8.34 The Coal Authority (CA) considers that the risk from underground workings is negligible and that no objection is raised to the proposed development. The CA highlight that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Drainage Considerations

- 8.35 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.36 No objections were raised by statutory consultees, subject to the inclusion of foul and surface water drainage conditions on any decision issue by the LPA.

Other Material Considerations

- 8.37 Objections have been received from local residents in relation to off street parking on Main Road and potential disturbance from construction works. Matters relating to illegal or dangerous parking are not material planning matters while disturbance from construction works, in terms of the hours that the site may operate, could be controlled by condition if considered appropriate.

Sustainability Development and Conclusions

- 8.38 The application should be determined following a consideration against the policies of the Development Plan. However, the NPPF sets out a general presumption in favour of sustainable development and that planning permission should be granted without delay where the development plan is absent, silent or relevant policies are out of date, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF when taken as a whole or specific policies in the NPPF indicates development should be restricted.
- 8.39 In economic terms, the proposal would clearly have some short terms benefits to the construction industry and the development would create 7 family dwellings, adding to the local community with some ongoing local spend from the occupiers. These same families would help support the local community and provide much needed bungalow accommodation for the village. Therefore the proposal would also clearly have social benefits to the local community. Both the economic and social benefits accruing to the scheme weigh in favour of the application.
- 8.40 As set out above, the proposal would lead to a localised harm to the character of the area, but it would be seen in the context of existing residential development on Main Road. The proposal would not encroach into the adjoining settlement gap, contained in the ELP and would link to the exiting built framework of Morton and, in Officers opinion, not be detrimental to the local historic environment. The localised landscape harm would be mitigated over time by way of landscaping within the site.
- 8.41 Overall, Officers consider that the overall benefits of the scheme would outweigh the localised landscape harm and represent sustainable development.
- 8.42 Having taken into account all these material matters, it is considered that the proposed development would be in keeping with the character and appearance of the site and the surrounding street scene and so would comply with the policies contained in the Local Plan that area most important in determining the application and NPPF. The proposed development would have a localised landscape impact, but the public benefits of the scheme outweigh that harm.

- 8.43 The proposed dwellings would be of a design which complements the prevailing traditions of the area, furthermore it would not be detrimental to the privacy and amenity of existing and future residents.
- 8.44 In highway safety terms the HA has raised no objection and as such the proposed development would not lead to an unacceptable impact upon highway safety, and the residual cumulative impact on the road network would not be severe enough to refuse the application on highway safety grounds.
- 8.45 Matters relating to ecological mitigation, land contamination, ground stability and site drainage can be addressed by suitably worded conditions.
- 8.46 For the reasons above, it is considered that the proposed development should be conditionally approved.
-

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Severn Trent Water:</u>	Comments
<u>Refuse Team:</u>	Comments
<u>Derbyshire Wildlife Trust:</u>	Raised comments in relation to ecological matters
<u>DCC Infrastructure:</u>	No contributions sought
<u>LLFA:</u>	No comments
<u>DCC Landscape Adviser:</u>	Comments
<u>Drainage Engineer:</u>	Comments
<u>Neighbour:</u>	10 objections to proposal 1 supporting letter
<u>Parish Council:</u>	Objections
<u>Ward Member:</u>	Concerns raised and request that the application be considered by members of planning committee

10.0 RECOMMENDATION

That planning permission is **CONDITIONALLY APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

CONDITIONS

Time Limit/Scale of Development

- The development hereby approved shall be started within three years from the date of this permission.
- The development hereby approved shall be carried out in accordance with the details shown on the following drawings 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:

- 100 Rev B (Existing Site Layout, Block Plan & Location Plan)
- 101 Rev F (Proposed Site Layout & Location Plan)
- 102 Rev B (Proposed Layouts & Elevations – Plots 1 & 2)
- 103 Rev A (Proposed Layouts & Elevations – Plot 3)
- 104 Rev B (Proposed Layouts & Elevations – Plots 4, 5 & 7)
- 105 Rev A (Proposed Layouts & Elevations – Plot 6)

Details

13. Before 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.
14. Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site 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.

Landscaping and Boundary Treatments

15. Before above ground works start, 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.
16. 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.
17. Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of that dwelling and shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Drainage

18. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. 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.

Highway Safety

19. Before any other operations are commenced, 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 detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
20. Before any other operations are commenced (excluding Condition 9 above), the existing access to Morton Road shall be modified in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4 metres x 40 metres in the easterly direction and 2.4 metres x 37 metres in the westerly direction, the area in advance of the sightlines being maintained clear of any object greater than 1 metre in height relative to the adjoining nearside carriageway channel level.
21. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked, including the replacement parking, and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
23. There shall be no gates or other barriers on the access road or within the development.

24. The access to Morton Road shall be no steeper than 1:20 for the first 5 metres from the nearside highway boundary and 1:14 thereafter.
25. Before development starts, details for the storage of refuse bins and collection of waste 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 and the facilities retained for the designated purposes at all times thereafter.
26. Prior to occupation of any dwelling the subject of this application, the developer shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority, a scheme for the provision and installation of bollards within existing highway at either side of the access. The approved scheme of bollards shall be installed/implemented prior to the first occupation of any dwelling and retained as approved thereafter.
27. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Ecology

28. Prior to building works commencing above foundation level, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing to the Local Planning Authority. Mitigation and enhancement measure shall include (but not be limited to):
 - Details of tree/hedgerow planting, including species composition and densities (native species shall be used where possible),
 - Location and extent of features such as boundary hedgerows, with appropriate protection measures,
 - Details of any other habitat creation, including planting schedules where relevant,
 - Location, number and type of bird and bat boxes/bricks; and
 - Details of the location, number and design of hedgehog gaps in fencing.The approved Ecological Mitigation and Enhancement measures shall then be implemented prior to the occupation of each dwelling and fully implemented prior to the occupation of the 7th dwelling. The approved scheme shall be retained as approved thereafter.

Land Contamination

29. 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:

- o the likely presence of potentially hazardous materials and substances,
- o their likely nature, extent and scale,
- o whether or not they originated from the site,
- o a conceptual model of pollutant-receptor linkages,
- o an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- o 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.

30. 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.

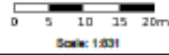
The developer shall give at least 14 days' notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

31. No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by condition 20 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

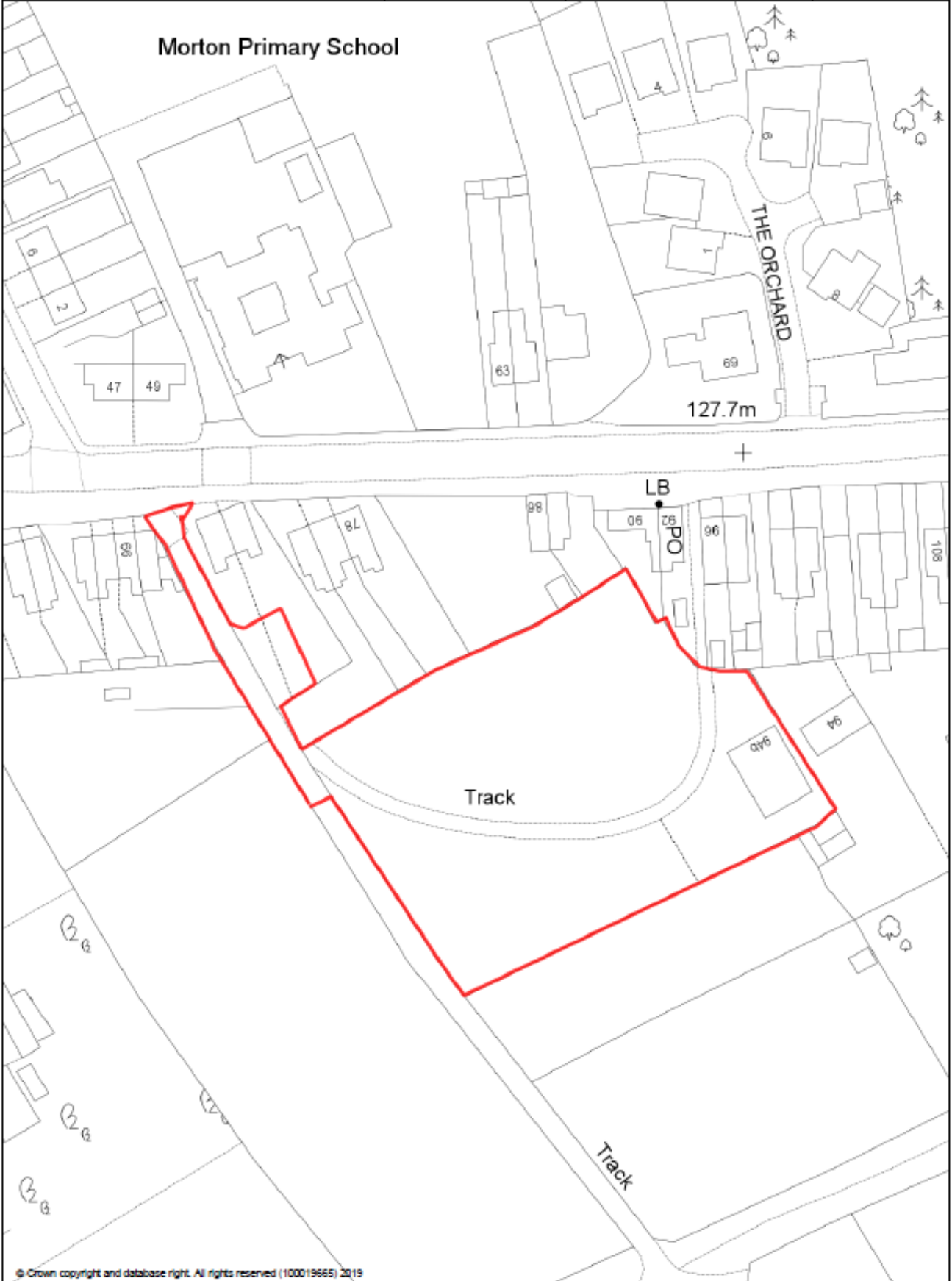
through the process described in condition 19(b) to 20 above and satisfy condition (a) above.

- c) Upon completion of the remediation works required by condition 20 and 21(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. 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.



Author: K. Spelman

Date: 16/12/2019



APPLICATION NO. 19/00940/FL

APPLICATION Application for change of use from A4 to A3 with part single storey/part two storey rear extensions, single storey front extension with roof terrace above and internal and external alterations.

LOCATION 135 Cemetery Road, Dronfield, S18 1XX

APPLICANT Mr Abul Khayere

CASE OFFICER Aspbury Planning

DATE RECEIVED 18th September 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Foster and Councillor Tait

REASON: To consider the increase in the size of the building and the impact of the development on highway safety

The Committee Site Inspection Group is to visit the site to view the location of the site relative to the locality, the impact on the character and appearance of the site and the surrounding street scene, impact upon neighbouring amenity along with highway safety and economic development matters.

1.0 SITE DESCRIPTION

- 1.1 The application site relates to a detached public house at 135 Cemetery Road, Dronfield. The pub was formerly known as the Mason's Arms and is now The Three Tuns which closed in January 2018.
- 1.2 The pub is located on the corner at the junction of Cemetery Road and Chesterfield Road to the south east of Dronfield. The building is set back to the south west of the site with car parking located to the north and east of the building.
- 1.3 Access to the site is via Chesterfield Road and Cemetery Road.
- 1.4 The north of the site is bound by Chesterfield Road. The eastern and southern boundaries are defined by Cemetery Road on the opposite side of which are residential properties. To the west of the site is a public footpath, Dronfield FP 54, beyond which is green space and residential properties.
- 1.5 The site is identified in the Dronfield Neighbourhood Plan as a Dronfield Character Building and Structure of Local Heritage Interest, reference 51. The building is described as a mock-Tudor style dating from the post-war period.
- 1.6 The site is located within the defined Settlement Development Limit of Dronfield.

2.0 PROPOSAL

- 2.1 The application proposes the change of use of the former pub (A4 use) to a restaurant (A3 use) with part single storey/part two storey rear extensions, a single storey front extension with roof terrace above and internal and external alterations.
- 2.2 The restaurant would accommodate 160 covers.
- 2.3 The application proposes to close the existing vehicle access from Cemetery Road and provide vehicular access solely from Chesterfield Road along with a new pedestrian access via Cemetery Road. 17 standard and 2 disabled parking spaces are proposed.
- 2.4 The proposal would result in 612m² of A3 gross internal floorspace.
- 2.5 The application proposes to employ 15 part time and 15 full time staff.
- 2.6 The hours of opening are proposed as 11:00 to 23:00 Monday to Saturday, Sunday and Bank Holidays.
- 2.7 At ground floor the proposal seeks to extend the building to the north by approximately 5m depth (5 metres wide) to create a lobby. To the south, an extension is proposed with a maximum depth of 7.8m and width of 16m and a shallower extension for a further 4.9m to the west of the building. The extensions result in a floor area of 406m², an increase of 200m² from the existing layout. At first floor level the extensions include a roof terrace to the north (over the proposed lobby) and small extension to the north west to accommodate toilets. These alterations result in a first floor area of 206m² which represents a 35m² increase to the existing building.
- 2.8 On the front elevation at ground floor a glazed entrance is proposed in the centre of the building and the proposal seeks alterations to the existing window arrangement to make them full height in design. The ground floor side extensions extends circa 1.5m beyond the existing wall to the east and approx. 1m to the west. The removal of the chimney on the front elevation is also proposed. At first floor it is proposed to change the existing windows to full height glazing and provide a central terrace with glass balustrade. The wall to the rear of the terrace is proposed as brickwork. The Tudor styling on the two gables is replaced by black painted timber panelling and barge boards.
- 2.9 On the rear elevation, at ground floor level the brickwork of the extension covers the existing openings. The rear extension would have a flat roof with two lantern roof lights and 8 small roof lights. At first floor level, the existing windows are blocked up and black painted horizontal timber panelling is proposed to the east. The Tudor style pitch sections of the roof are replaced with black painted vertical timber panelling and new black barge boards.
- 2.10 The eastern side elevation again replaces the existing windows at ground and first floor with full height glazing and a central window is introduced at first floor. The ground floor side extension incorporates a flat roof, terrace, full height glazing and extends approximately 3m beyond the existing wall. At roof level the right hand gable on the existing building is removed and a new gable proposed. The existing

and proposed gable are proposed to be black painted vertical timber with black barge boards.

- 2.11 The western side elevation proposes to block up the large existing ground and first floor windows. The single storey glazed, flat roof extension with terrace is visible on this side elevation and extends approximately 3m beyond the existing wall. The ground and first floor extension extends by a maximum of approximately 5m from the existing building.
- 2.12 In terms of materials for the walls, facing brickwork to match the existing and cedar cladding to replacing the Tudor feature is proposed. For the roof rosemary roof tiles to match the existing and a standing seam flat roof with a Sarnafil membrane finish are proposed. The windows and doors are proposed as a mixture of painted hardwood and powder coated aluminium.
- 2.13 The existing hedgerow, low brick wall boundary treatments and hardstanding areas will be retained.

3.0 AMENDMENTS

- 3.1 No amendments have been made.

4.0 PLANNING HISTORY

- 4.1 07/00505/FL | Construction of a timber framed canopy to front | Conditionally Approved
- 4.2 03/00510/FL | Proposed erection of entrance porch and timber decking | Conditionally Approved
- 4.3 99/00164/FL | Proposed installation of a new entrance door and associated alterations | Conditionally Approved
- 4.4 84/00188/AD | External eaves floodlighting and internal illumination of name and brewery signs | Conditionally Approved
- 4.5 76/00266/AD | Illuminated double sided sign | Conditionally Approved

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises of the saved policies of the North East Derbyshire Local Plan (adopted November 2005) and the Dronfield Neighbourhood Plan. In addition, very limited weight may be attached to the Publication Draft Local Plan 2014-2034. The Council is now at an advanced stage in the production of this new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. It is currently paused.

5.2 North East Derbyshire District Local Plan (2005)

The most relevant policies of the North East Derbyshire Local Plan in respect of this application are:

- GS1 Sustainable Development
- GS5 Settlement Development Limits
- GS7 Change of Use and Conversions
- BE1 General Design Principles
- E8 Employment Development in Other Areas
- SH8 Loss of Local Facilities
- SH9 Hot Food Take-aways, Restaurants and Public Houses
- T2 Highway Access and the Impact of New Development
- T9 Car parking provision

5.3 North East Derbyshire Local Plan: Publication Draft (2018)

The most relevant policies of the Publication Draft Local Plan in respect of this application are:

- SS1 Sustainable Development
- SS7 Development on Unallocated Land within Settlements with defined Settlement Development Limits
- SP1 Dronfield
- SDC12 High quality Design and Place-Making
- ID3 Sustainable Travel

5.4 Dronfield Neighbourhood Plan

The Neighbourhood Plan has to be considered in determining this application. The most relevant policies in respect of this application are as follows:

- T&A1 Cycling and Walking
- T&A2 Car Parking
- E6 New Small-Scale Employment Uses
- C2 Supporting New and Enhanced Community Facilities
- D2 Dronfield character buildings and structures of local heritage interest (Building 51)
- D3 Good Design

5.5 National Planning Policy Framework

The revised National Planning Policy Framework was published on 19 February 2019 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 & July 2018. 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.

- 5.6 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.
- 5.7 Other policy documents that are material to the determination of this application are:
- Successful Places Interim Planning Guidance
 - Sustainable Buildings SPG

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on the 18th September 2019. An extension of time has been mutually agreed until the 14th January 2020 for the application to be considered by the Planning Committee.
- 6.2 A site notice was posted on the lamppost to the south of the site on Cemetery Road on the 18th October 2019 by the case officer during the site visit.
- 6.3 **Ward Councillors:** Councillor Foster and Councillor Tait have requested that the application be considered by the Planning Committee, raising concerns regarding the increase in the size of the building and the impact of the development on highway safety.
- 6.4 **Dronfield Town Council:** Comments have been received advising of concerns that the submitted layout plan indicated there may be a possible taxi waiting area around the back of the building on Cemetery Road, where cars would be parked or waiting. The Town Council requested that all waiting cars are directed to wait at the front of the property on Chesterfield Road. The Town Council also raised concerns that the plans show two staff car parking spaces which would be accessed off Cemetery Road and this could cause safety issues for residents that visit the nearby park and increased traffic for those already living in the area.
- 6.5 **Highway Authority (HA):** In initial comments the HA raised concerns regarding the increase in floor area, the number of staff proposed and the level of off-street parking proposed and recommended refusal of the application.
- 6.6 Additional information was submitted in response to the comments by the agent. In the final response dated the 7th November 2019 the HA commented that the level of floor space to be utilised for drinking and restaurant had been clarified and based on this it was not considered that the off-street parking provision is sufficiently substandard to warrant a recommendation of refusal. It was concluded that there were no objections to the proposal subject to imposing conditions.
- 6.7 **Environmental Health:** The officer has requested details in relation to the extraction/ventilation scheme for the proposed change of use. This can be dealt with by way of condition on any decision providing no new external facilities are proposed as this would necessitate formal agreement being given to them. No new/additional ventilation facilities are shown on the submitted plans.

6.8 **Interested Third Parties:** A number of representations have been received both in support and objecting to the proposal. The matters raised are summarised below:

Support – 4 representations received

- Creation of new jobs
- Increase the number of visitors to Dronfield
- Restaurant to serve local ageing residents
- Enhancement to the building
- Necessary facility given the development at Unstone and increased visitors to the area
- The modernisation of the building would be an improvement to the street scene
- The applicants have a well proved track record for running excellent restaurants (NB: This is not a material planning matter)
- Enhancement to the area in terms of facilities, style of building and socially
- Enjoyed visits to other restaurants owned by the applicant (NB: This is not a material planning matter)
- A restaurant in this location would benefit local residents
- The development would offer disabled access and facilities
- Good to see the former pub back in use rather than it remaining neglected and empty
- Don't wish to see the building deteriorate further

Objection – 9 representations received

- Increase in traffic
- Increased demand for parking on Cemetery Road
- Impact on accessing properties on Cemetery Road
- Highway safety issues on Cemetery Road
- Traffic flows of Cemetery Road
- Obstruction for emergency vehicles as a result of parking
- Concerns regarding noise impact due to the opening hours and air pollution
- Taxi's waiting on Cemetery Road
- Insufficient parking provided on site for the extended size of the establishment
- Chesterfield Road/Cemetery Road and Cemetery Road/Hallows Rise are busy junctions
- Cemetery Road is a busy road used by HGV's, main bus route to Sheffield & Chesterfield, and emergency services, with the Fire Station at the western end of the road.
- Residents of Cemetery Road park on street
- Additional on street parking will impact on visibility
- Impact of the development on the access to the park
- Increased likelihood of accidents
- Chesterfield Road is already overcrowded by residents parking
- Chesterfield Road and Cemetery Road are bus and commuter routes
- Disturbance to residents
- Display of the site notice
- Dramatic increase in the floor area
- Already highway issues in snow
- Obstruction and health and safety issues to the footpath

- The car park was insufficient for the previous business
- The proposal isn't in keeping with the surrounding area which is domestic dwellings
- Inappropriate location for a restaurant
- Impact on safety/security of restaurants
- Impact on property values [NB: Not a material consideration]

7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for the application are the principle of the development in this location, impact on the character and appearance of the area, the amenity of neighbouring uses, highway safety and economic development considerations.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 The application site is situated within the Settlement Development Limit of Dronfield. Policies GS1 and GS5 of the North East Derbyshire Local Plan (2005) and Policies SS1 and SS7 of the North East Derbyshire Local Plan: Publication Draft (2014-34) support proposals within the Settlement Development Limits, providing that they would not result in a detrimental impact on the character and appearance of the site and the surrounding area and would not negatively impact on the amenity of neighbouring occupiers.
- 8.2 Policy GS7 of the North East Derbyshire Local Plan relates to change of use and supports development provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses. The policy states that planning permission for the conversion of an existing building will be granted provided that the building is of a permanent and substantial construction, the form, scale, massing, materials, general design and appearance of the development respects the character and appearance of the original building, the site and its surroundings with particular regard to local distinctiveness in design; and the proposed use of the curtilage of the building does not have an adverse effect upon the character of the area or neighbouring land uses.
- 8.3 Local Plan Policy SH8 states that the change of use of a public house which serves the local community will not be permitted unless there are adequate alternative facilities elsewhere within the vicinity of the site or it can be demonstrated that there is no demand for such a facility in the area which it is located.
- 8.4 Policy SH9 of the North East Derbyshire Local Plan supports the development of restaurants providing that the scale is appropriate to the locality and the proposal would not adversely affect the amenity of residents as a result of odours, noise, light, traffic movements and servicing arrangements.
- 8.5 Policy SP1 of the North East Derbyshire Local Plan: Publication Draft (2014-34) specifically relates to Dronfield and encourages the efficient reuse of previously developed land.
- 8.6 Dronfield Neighbourhood Plan (DNP) Policy E6 supports development proposals for new small scale employment uses providing that it will not generate unacceptable

noise, fumes or smells, will respect and is compatible with local character and uses; and would not be harmful to the living conditions of neighbouring residents or cause serious harm in terms of road safety severely impede or the free flow of traffic.

- 8.7 Policies C1 and C2 of the DNP identifies important community facilities and supports new and enhanced community facilities. The pub is not on the list of important community facilities, however the provision of new or enhanced community facilities will be supported where there are no significant adverse residential or other environmental impacts and no severe adverse transport impacts.
- 8.8 Policy D2 of the DNP considers character building and structures of local heritage interest. To be supported development proposals relating to these assets must take into account the character, context and setting of the building or structure including important views towards or from the asset. To be supported development must be designed to take account of local styles, materials and details. The loss of, or substantial harm, to a Dronfield Character Building and Structure of Local Heritage Interest will not be supported unless it is demonstrated that any loss or harm cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development.
- 8.9 Policy D3 considers good design and considers that development proposals must respond positively to the character and historic context of existing development. Contemporary and innovative materials and design will be supported where improvements can be robustly demonstrated without detracting from the historic context.
- 8.10 In view of the above, it is considered that the principle of the development may be acceptable, subject to assessing the impact of the proposed development on the site and the surrounding street scene, its impact on residential amenity and highway safety.

Loss of Local Facility

- 8.11 Local Plan Policy SH8 states that the change of use of a public house which serves the local community will not be permitted unless; there are adequate alternative facilities elsewhere within the vicinity of the site or it can be demonstrated that there is no demand for such a facility in the area which it is located.
- 8.12 The public house has been closed for some time and there are a number of other public houses in the town centre, a short walk from the site. Therefore it is considered that there is adequate alternative provision in the local area.
- 8.13 The building was put forward by the Friends of The Three Tuns as an Asset of Community Value, however it was unsuccessful in its nomination. The decision-maker was not satisfied that it was realistic that there could continue to be non-ancillary use of the building or land which would further (whether or not in the same way) the social wellbeing or social interests of the community.
- 8.14 In view of the above, it is considered that there is adequate alternative facilities elsewhere within the vicinity of the site and that the proposed conversion would accord with the Policy SH8 of the North East Derbyshire Local Plan.

Conversion/Change of Use Considerations

- 8.15 Whilst the building has been derelict for a number of years, it appears in good order and of a permanent and substantial construction. The proposal includes a number of extensions and alterations.
- 8.16 Extensive works are proposed to extend the building on all sides, with the original roof being amended to accommodate the enlarged building. On the front elevation a flat roof entrance with balcony over is proposed.
- 8.17 The Tudor cladding would be removed and replaced with new cedar cladding, a more contemporary feel would be created to the building. The roof materials would match the original building and new flat roof extension created to the rear. Windows and doors would be a mix of painted hardwood and powder coated aluminium.
- 8.18 It is considered that the proposed development would accord with Policy GS7 of the North East Derbyshire Local Plan.

Impact on the Character and Appearance of the Area

- 8.19 The application site is identified in the Neighbourhood Plan as a Character Building and Structure of Local Heritage Interest. Policy D2 of the Neighbourhood Plan is therefore relevant and requires development proposals to take into account the character, context and setting of the building including important views towards or from the asset. The building is identified as a Stone's brewery public house in mock-Tudor style dating from the post war period.
- 8.20 Furthermore to be supported development must be designed to take account of local styles, materials and details. The loss of, or substantial harm, to a Dronfield Character Building and Structure of Local Heritage Interest will not be supported unless it is demonstrated that any loss or harm cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development.
- 8.21 The application site is prominently located on the corner at the junction of Cemetery Road and Chesterfield Road and is currently vacant.
- 8.22 The application proposes the change of use of the former pub (A4) to a restaurant (A3) with part single storey/part two storey rear extensions, single storey front extension with roof terrace above and internal and external alterations.
- 8.23 The external alterations to the building are of a contemporary design. Buildings in the surrounding area include some of contemporary design, for example the residential properties on the opposite side of Chesterfield Road. It's not considered that the proposed changes result in substantial harm to the existing building and the proposal offers merit in the reuse of a vacant building.
- 8.24 In terms of materials for the walls, facing brickwork to match the existing and cedar cladding to replace the Tudor feature is proposed. For the roof, rosemary roof tiles to match the existing and standing seam flat roof with a Sarnafil membrane finish is proposed. The windows and doors are proposed as a mixture of painted hardwood

and powder coated aluminium. The materials proposed are considered to be commensurate with the character and appearance of the area.

- 8.25 In this regard, it is considered that the changes to the building, including the contemporary additions to a building of local heritage interest would lead to a substantial change to the character of the original building, but these changes are not considered alien to the character of the area. Even if there is some harm identified Officers consider that that harm would clearly be outweighed by the benefits of bringing back into use this redundant public house. In view of this, it is considered that the proposal would accord with Policies GS5 and BE1 of the North East Derbyshire Local Plan (2005), Policies SS7 and SDC12 of the North East Derbyshire Local Plan Publication Draft (2018) and Policies D2 and D3 of the Dronfield Neighbourhood Plan.

Impact on Neighbouring Land Uses

- 8.26 The application site comprises a detached public house at 135 Cemetery Road, Dronfield. The pub was formerly known as the Mason's Arms and is now The Three Tuns.
- 8.27 The pub is located on the corner at the junction of Cemetery Road and Chesterfield Road to the south east of Dronfield. The building is set back to the south west of the site with car parking located to the north and east of the building.
- 8.28 The application proposes to close the existing access from Cemetery Road with vehicle access being taken solely from Chesterfield Road and proposes a new pedestrian access from Cemetery Road. The closure of the vehicle access from Cemetery Road reduces the impact of disturbance from vehicles accessing the site in this location.
- 8.29 The north of the site is bound by Chesterfield Road. The eastern and southern boundaries are defined by Cemetery Road on the opposite side of which are residential properties. To the west of the site is a public footpath, Dronfield FP 54, beyond which is green space and residential properties. The Public Footpath is not affected by the proposal.
- 8.30 Whilst it is acknowledged that the site is located in a residential area, its existing use is a public house. Whilst the building isn't currently operational as a pub, the building could be reopened as a public house, with associated food offering.
- 8.31 The application proposes to extend the existing building and would provide 160 covers with opening hours from 11am to 11pm which again are comparable to opening hours of a public house.
- 8.32 Environmental Health have been consulted on the application and the officer requested details in relation to the extraction/ventilation scheme for the proposed change of use. This detail is not currently part of the application but providing no additional external apparatus is required this can be dealt with by condition and it is considered that an appropriate scheme could be designed for the restaurant so as not to be detrimental to neighbouring amenity.

- 8.33 Whilst the property is located in a residential area, the nearest property to the west is separated from the building by the public footpath and a grassed area. Properties to the south are located on the opposite side of Cemetery Road and properties to the north are located on the opposite side of Chesterfield Road. Properties on the same side of Chesterfield Road are separated by the recreation ground.
- 8.34 Its therefore considered that, in view of its previous use and the separation distances between the application site and nearby residential properties the proposal would not result in any significant impacts on the amenity of neighbouring occupiers and ensures adequate standards of privacy and outlook for existing residents.
- 8.35 In view of the residential setting and prominent position of the building it is considered that any lighting and deliveries should be restricted. These can be controlled by way of condition on any decision.
- 8.36 Accordingly the application is not considered to be in conflict with Policies GS5, GS7, E8 and SH9 of the North East Derbyshire Local Plan (2005), Policy SDC12 of the North East Derbyshire Local Plan Publication Draft (2018) or Policy E6 of the Dronfield Neighbourhood Plan.

Highway Safety

- 8.37 In terms of the access arrangement the application proposes to close the existing vehicle access from Cemetery Road. Vehicle access is proposed solely via Chesterfield Road and a new pedestrian access via Cemetery Road. 17 standard and 2 disabled parking spaces are proposed to be provided in the car park to the north and east of the building.
- 8.38 The Highway Authority was consulted on the application and raised no objection to the application subject to conditions.
- 8.39 In view of this advice, and the previous use of the premises being as a pub, the proposal is not considered to result in any significant impact upon highway safety and therefore accords with the North East Derbyshire Local Plan Policies T2 and T9, Policy ID3 of the North East Derbyshire Local Plan Publication Draft (2018) and Policy T&A2 of the Dronfield Neighbourhood Plan.

Economic Development

- 8.40 The proposal is seeking to utilise an existing brownfield site that has historically been used as a public house. The site is currently occupied by the former public house building.
- 8.41 The proposal is seeking to extend and bring the building back into use as a restaurant. The restaurant would employ 15 part time and 15 full time staff. The NPPF advises that the planning system should do all it can to support sustainable economic growth.
- 8.42 Policy E8 of the North East Derbyshire Local Plan supports new employment development within Settlement Development Limits including changes of use and extensions to existing buildings providing the proposals do not have an

unacceptable effect on the character of the surrounding area through visual impact, noise or pollution resulting from the development or from traffic generated. Adequate parking and access provision is also required. Policy E6 of the Neighbourhood Plan has comparable requirements. The proposal is considered to meet the criteria of these policies as detailed above.

- 8.43 Policy SP1 of the North East Derbyshire Local Plan Publication Draft (2018) states that Dronfield is the social and economic focus for the North of the District. The efficient reuse of previously developed land within Dronfield is encouraged.
- 8.44 The application is considered to be in accordance with policies E8 of the North East Derbyshire Local Plan, SP1 of the North East Derbyshire Local Plan Publication Draft (2018) and Policy E6 of the Dronfield Neighbourhood Plan.

Conclusion

- 8.45 The proposal seeks to bring back into use a facility to serve the residents of Dronfield and the surrounding area. The proposal supports the night time economy and provides employment opportunities.
- 8.46 Whilst resulting in considerable changes to a building of local historic interest, it is considered that the benefits of bringing the building back into use would clearly outweigh any harm caused by changes to the character of the original building, notwithstanding the Officer conclusion on that matter.
- 8.47 Whilst it is recognised that the application site is located within a residential area, its existing use is as a public house which could be reinstated. The proposal would result in a capacity of 160 covers and the proposed opening hours are 11am to 11pm which are comparable to opening hours for a pub, opening hours of which can be controlled by way of condition on any decision.
- 8.48 The Highway Authority have been consulted on the application and their initial objection has been addressed. It is therefore concluded that the proposal is not considered to result in any significant impact upon highway safety and therefore accords with the Development Plan and the NPPF with particular reference to paragraph 109 which 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.
- 8.49 For the reasons above, it is considered that, on balance, the proposed development should be conditionally approved.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objection subject to conditions
<u>County Planning:</u>	Not applicable
<u>Environmental Health:</u>	No objection subject to conditions
<u>Drainage:</u>	Not applicable
<u>Access Officer:</u>	Not applicable
<u>Footpath:</u>	Not applicable
<u>Neighbour:</u>	9 objections and 4 representations in support
<u>Ward Member:</u>	Call In

10.0 RECOMMENDATION

That planning permission is **CONDITIONALLY APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

Conditions

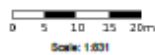
1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the drawing number 656-(P)-12, 656-(P)-13, 656-(P)-14 and 656-(P)-15, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Before development starts on the extensions hereby approved, 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.
4. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate:
 - Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes etc.
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Arrangements for turning vehicles
5. Before any other operations are commenced, 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 detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
6. Prior to the premises being taken into use, the existing vehicular and pedestrian access to Cemetery Road shall be permanently closed and the

existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

7. The premises, the subject of the application, shall not be taken into use until space has been laid out within the site in accordance with the application drawing for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The spaces shall be marked out on site to maximise off-street parking and maintained as such. Once provided, the parking and manoeuvring areas shall be maintained free from any impediment to their designated use for the life of the development.
8. There shall be no gates or other barriers on the access.
9. Prior to the first use of the restaurant hereby approved, a scheme for the extraction and dispersal of cooking odours shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and retained as such thereafter.
10. The premises hereby approved shall only be open between the hours of 11:00 and 23:00 on any day.
11. Should external lighting be required, details of the lighting, their columns, light pool, shielding and degree of illumination as expressed by Ev and Eh shall be submitted to and approved in writing by the Local Planning Authority. The floodlighting shall then be installed and retained in accordance with the approved details.
12. There shall be no deliveries taken at or despatched from the site outside the hours of 07:30 and 18:00 on Monday to Friday, 07:30 and 12:00 on Saturdays. There shall be no working on Sundays and public holidays.

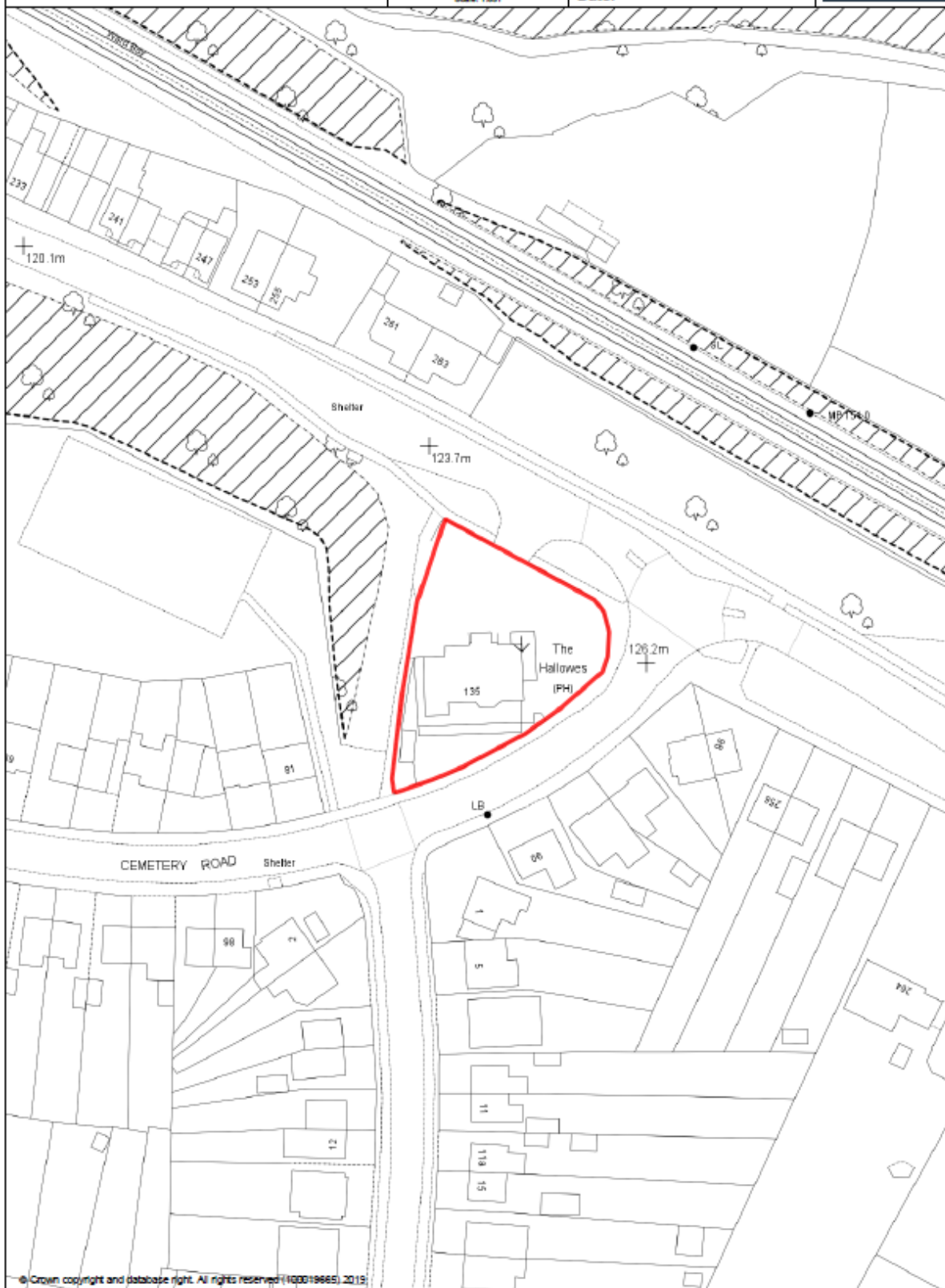
Note to any decision approving the application:

Condition 9 requires the surmising and approval of a scheme of ventilation. If that scheme involves any additional external infrastructure this cannot be dealt with by way of that condition and further planning approval will be needed to seek consent for such works.



Author: K. Spelman

Date: 16/12/2019



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