

**North East Derbyshire District Council**

**Planning Committee**

**3 December 2019**

**Development Management Applications**

**Report No PM/15/19-20/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 2<sup>nd</sup> 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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WESSINGTON	NED/19/00918/RM	Reserved matters application (pursuant to 16/00749/OL) for the residential development of 8 no dwellings on land opposite Wistanes Green, Matlock Road, Wessington for Mr Robert Proctor.	<b>5 - 17</b>
ECKINGTON	NED/19/00785/FLH	Construction of a first floor extension over existing garage/utility area (Amended Plans) (Amended Title) at 24 Marsh View, Eckington S21 4EL for Mr Robertson and Mrs Reader	<b>18 - 22</b>

**APPLICATION NO.** 19/00918/RM

**APPLICATION** Reserved matters application (pursuant to 16/00749/OL) for the residential development of 8no dwellings

**LOCATION** Land Opposite Wistanes Green Matlock Road Wessington

**APPLICANT** Mr Robert Proctor

**CASE OFFICER** Aspbury Planning – Denise Knipe

**DATE RECEIVED** 12 September 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cupit

REASON: Concern over the layout of this proposed development, and concerns over whether the proposals in this application are contrary to the recently adopted Wessington Neighbourhood Plan.

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**The Site Inspection Group is to visit the site to assess the impact of the proposal on the character of the area.**

## **1.0 SITE DESCRIPTION**

- 1.1 The site is situated wholly within the open countryside being located outside of the development limits for Wessington. The site comprises a triangular shaped area of pastureland and there is an indigenous hedgerow along all three site boundaries.
- 1.2 The roadside boundary of the site is formed by a significant 3 metre high mature hedgerow. There is a grass verge adjacent to Matlock Road but no footway across the site frontage.
- 1.3 On the opposite side of Matlock Road to the north is a new residential development, Wistanes Green.
- 1.4 Immediately to the south, west and northwest of the site are fields with mature hedgerows and some mature trees.

## **2.0 PROPOSAL**

- 2.1 The proposal is seeking Reserved Matters approval for eight dwellings, comprising of 2 no. semi-detached properties and 6 no. detached properties as per below:

Plot 1 – two storey, 4 bedroom property

Plot 2 – two storey, 4 bedroom property

Plot 3 – two storey, 3 bedroom property

Plot 4 – two storey, 3 bedroom property

Plot 5 – two storey, 3 bedroom property

Plot 6 – two storey, 3 bedroom property

Plot 7 – two storey, 4 bedroom property

Plot 8 - two storey, 4 bedroom property

- 2.2 The matters for consideration relate to the layout, appearance, scale and landscaping. The entrance will be taken from the location as approved under the Outline permission 16/00749/OL.
- 2.3 The proposal provides a single point of access with spinal road to the rear of the dwellings. Plot 1 is positioned at the entrance, facing onto the estate road and side onto Matlock Road. Plots 3 – 6 will front Matlock Road but set back with landscaped areas in front. No vehicular access will be provided directly from Matlock Road as the parking and garaging is to be accessed from the internal road. Plots 2, 7 & 8 are set to the rear of the site, face on to the internal road.
- 2.4 Shared double garage blocks are to be provided for plot 1 & 2 and 7 & 8. Two parking spaces are provided for the remaining plots.
- 2.5 The boundary hedge along Matlock Road is to be retained with a footpath provided on the inside of the development site.
- 2.6 The boundary treatments along the internal road to plots 1, 2, 7 and 8 will consist of an 800mm stone wall with gated pedestrian access. The same boundary is proposed to the frontage of plots 1, 3-6. Enclosing the rear gardens of plots 2-6 a 1.8 metre high timber fence is to be installed.
- 2.7 A full landscaping scheme has been provided.

### **3.0 AMENDMENTS**

- 3.1 A revised layout plan has been provided to address comments received by the Highways Authority and the Crime Officer.
- 3.2 For the purpose of considering this application the drawings below form the proposal:

19/768/1 – Plot 1  
 19/768/2 – Plot 7  
 19/768/3 – Plots 2 & 8  
 19/768/4 – Plots 5 & 6  
 19/768/5 – Plots 3 & 4  
 19/768/7 - Rev B – Site Plan  
 19/768/8 – Paired Garages  
 992/WVP01 - Rev C – Landscape Masterplan

### **4.0 PLANNING HISTORY**

- 4.1 00/00992/OL Outline application for Residential Development of existing engineering and plant yard for housing, site for village hall and associated open space and erection of 4 units of affordable housing (all matters reserved for future approval) (Departure): Application Withdrawn
- 4.2 07/01139/OL Outline application (all matters reserved) for a residential development of 41 dwellings (including eleven affordable units) and construction of a village hall (Major Development) (Departure from Development Plan): Refused
- 4.3 11/00743/OL Proposed outline application (means of access submitted) for residential development (comprising max 9 no. dwellings including 3 no. affordable

units) and a village hall and shop (Major Development) (Additional Information/Amended Plan/Amended Title): Section 106 Completed. 1st October 2012.

- 4.4 14/00038/AD Application for advertisement consent for one banner sign for Wessington Village Hall: Conditionally Approved
- 4.5 14/00056/RM Reserved Matters application for appearance, landscaping, layout and scale in respect of village hall and shop (not including dwellings) of outline application 11/00743/OL (Major Development/Private Drainage System): Conditionally Approved 11th April 2014.
- 4.6 14/00547/OL Outline application for proposed residential development (means of access submitted) (extension of residential development approved under 11/00743/OL utilising the approved access) (Departure from Development Plan): Subject to signing of the Section 106 Agreement.
- 4.7 **16/00749/OL Outline application for proposed residential development of up to nine dwellings with means of access submitted: Conditionally Approved**
- 4.8 16/00750/FL Outline application for proposed village hall and shop with means of access submitted: Pending Consideration – recommended for approval by Officers.
- 4.9 19/01003/DISCON Application to discharge conditions 8 (Scheme for the disposal of surface water and foul sewage), 9 (Site establishment plan), and 10 (details for a new vehicular access) pursuant of 16/00749/OL: Pending Consideration

## **5.0 PLANNING POLICY CONSIDERATIONS**

- 5.1 The development comprises the North East Derbyshire Local Plan and the recently adopted Wessington Neighbourhood Plan (July 2019).
- 5.2 The most relevant policies of the Local Plan are considered to be:

GS1: Sustainable Development

GS6: New Development in the Countryside

GS12: Access for All

H3: Housing in the Countryside

H12: Design & Layout of New Housing.

NE7: Protection of Trees and Hedgerows

BE1: General Design Principles

T2: Highway Access and the Impact of New Development

T9: Parking Provision for Development

CSU4: Foul and Surface Water Drainage

CSU6: Contaminated Land

## **5.3 Wessington Neighbourhood Plan (2019)**

- 5.4 The Plan area includes the whole of the Parish of Wessington and a small part of Brackenfield Parish. The NP has been prepared to ensure that any new development will be of a scale that reflects the village's rural character and provide houses of a size and tenure to suit the needs of local people of all ages. Any growth is to contribute to the vitality and viability of the village and help to support local facilities.

5.5 The relevant policies of the WNP are considered to be:

Policy 1: Sustainable Development and the Settlement Development Limit

Policy 2: Protecting the Natural Environment and Landscape Character

Policy 3: Design Principles

Policy 4: A Mix of Housing Types

5.6 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.

5.7 The most relevant policies contained in the Local Plan (Publication Draft) include:

SS1: Sustainable Development

SS7: Development on Unallocated Land within Settlement with defined Settlement Development Limits

SDC3: Landscape Character

SDC12: High quality Design and Place-Making

## 5.8 National Planning Policy Framework

5.9 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.

5.10 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.

## 5.11 Other Considerations

5.12 Successful Places Interim Design Guidance

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The Reserved Matters application was valid on the 12 September 2019. An extension of time has been mutually agreed until the 6 December 2019 to allow consideration by the Planning Committee.



- 6.2 A site notice was put up on frontage of the site on 25 September 2019 advertising the Reserved Matters application for eight dwellings by the applicant.
- 6.3 **Ward Councillors: Councillor Cupit** has requested that the application be considered by the Planning Committee, raising concerns on the layout, design and the proposals compliance with the recently adopted Wessington Neighbourhood Plan.
- 6.4 **Councillor Liggett and Councillor Roe** have not commented.
- 6.5 **Wessington Parish Council:** Objects to this development as it falls outside the settled development boundary as defined in the adopted Wessington Neighbourhood Plan
- 6.6 **Highways Authority:** The Highway Authority is in receipt of e-mail communication of 18 October 2019 from the agent and a landscape masterplan (Number WVP 01 Revision C). The parking for Plot 6 has been amended and is now considered acceptable. In regards to 'visibility splays' from private drives, 2m x 2m x 45° pedestrian intervisibility splays are being referred to and demonstrated. These are indicated as/where appropriate and is considered acceptable.
- 6.7 Previous mention has been made regarding increased pedestrian movement and provision and installation of a signalised crossing and a review of the speed limits. A Section 106 Agreement under the Town and Country Planning Act 1990 which was entered into in respect of a previous application securing the sum of £50,000.00. The Highway Authority would still require these monies. If not still secured, it is suggested that a new Section 106 Agreement should be entered into as previously. (See comments in 'Other Considerations')
- 6.8 **Environment Health:** There are no further comments to make in respect of the reserved matters. Condition 14 of the outline permission remains applicable.
- 6.9 **Severn Trent Water Authority:** No objection subject to a condition being imposed requesting details of the foul and surface water drainage to be submitted and approved.
- [Details are currently being considered under the discharge of conditions application 19/01003/DISCON]
- 6.10 **National Coal Authority:** Confirmation has been given that the site is not within a High Risk Development Area and no further action required.
- 6.11 **Force Designing Out Crime Officer:** The application has been supported with a Crime Prevention Measure statement and the contents have been noted. Concerns have been expressed in regards to the boundary treatment around the parking areas and amended plans were submitted. The officer has commented that the boundary treatment dividing plots 4 and 5 parking areas would not allow interaction with neighbours however it has been incorrectly identified as being the front of the house. The parking areas are incorporated within the rear garden areas and therefore surveillance of the parking will be possible. No further comments have been received.

6.12 **Interested Third Parties:** 10 letters of objection from 9 separate households have been received. The objections are summarised below:

- Impacts upon existing infrastructure – more development will add to the problems. (*Officer Note: this is not a material consideration as the outline permission established the principle of development.*)
- No more capacity in the village for future residents. (*officer note: this is not a material consideration as the outline permission established the principle of development*)
- Village school oversubscribed. (*not a material consideration under the reserved matters application*)
- Increase in traffic – adding to dangers. (*not a material consideration as means of access was dealt with at outline stage*)
- Matlock Lane is already dangerous, a further access and additional traffic will add to this. (*means of access are not a consideration under this application*)
- Wessington has exceeded its allocation – the development is no longer needed. (*not a material consideration as the principle of development has already been established*)
- It is outside of the Wessington Neighbourhood Plan SDL. (*not a material consideration as outline permission was granted prior to the NP*)
- Contrary to the Wessington Neighbourhood Plan.
- The layout plan is for 8 dwellings yet the description states 9 dwellings – inconsistent. (*Officer note: the plans and the application title are for 8 dwellings*)
- Planning appeal on Back Lane Wessington (ref 17/00038/REF) stated that there is enough development within Wessington – site is not needed. (*Not a material consideration as principle of development was established by the granting of the outline.*)
- Lack of ecology information. (*Not a material consideration as ecology was dealt with through the outline application.*)
- Impacts upon the character of the village.

6.13 **Planners Response:** The objections received are duly noted however the principle of residential development in this location cannot be revisited by the Reserved Matters application. The parameters for development stated on the outline permission *upto* 9 dwellings it was not fixed for 9 dwellings, therefore it is acceptable to consider a lesser amount which is for 8 no. dwellings. The layout provided at the outline state was for indicative purpose only.

6.14 The matters for consideration now relate to the scale, appearance, layout and landscaping only which are assessed below.

## 7.0 PLANNING CONSIDERATIONS

7.1 The main planning consideration is whether the development conforms to the outline approval, the Development Plan and the NPPF. The key policy considerations are safeguarding the character of the area and safeguarding residential amenity.

7.2 The principle of residential development on this site has been accepted with the grant of outline consent, including the access into the site and cannot be revisited. The matters for consideration relate to the layout, scale, appearance and landscaping.

## **8.0 PLANNING ASSESSMENT**

8.1 Outline planning permission has been granted for upto nine dwellings on this site, which remains extant. The site has a history of planning approvals for residential development. Therefore the principles of the development have been considered to be acceptable and do not form the consideration of the reserved matters application.

8.2 Since the grant of Outline permission the Wessington Neighbourhood Plan has been adopted. There has been no further change to the development plan position however the Council is now in a position to demonstrate a five year land supply.

8.3 The granting of the outline permission has established that the principle of building on this greenfield site is acceptable. The principle of residential development is therefore not a material consideration in the determination of this reserved matters application.

8.4 The WNP acknowledges that the SDL has not included sites with planning permission. Therefore the application site remains outside of the SDL for Wessington.

### **8.5 Impact upon the Character of the Area**

8.6 The site is well contained on all boundaries by strong mature hedgerows which are to be retained. It is considered that the sites location relates well to the built up form of the village of Wessington and completes the extension to the west of the village.

8.7 The proposal will provide 8 no. dwellings of two storey scale. The layout of the proposal provides a single access point with an internal road layout to serve all 8 plots. The arrangement removes the need for further access points off Matlock Road and allows for the hedgerow and trees to be retained which will retain the rural feel when travelling along the A615.

8.8 Plot 1 has been designed to have a dual aspect at the site access, providing an attractive gateway into the site. The use of stone walling around the front boundaries of all the plots would be an attractive addition in keeping with the village and officers consider that this confirms with the aims and objectives of the Neighbourhood Plan Policy 3.

8.9 The semi-detached properties have been sited to the front of the site and mirror one another. It is proposed to provide a footpath into the village on the inside of the hedgerow and provide additional landscaping, along with seating. A planting schedule has been provided and it is proposed to provide a mix of shrubs and native plants to the front of the plots with additional tree planting throughout the site.

- 8.10 The design of the dwellings takes on a traditional approach evident in the village and the houses are to be constructed from red facing bricks to match the development opposite the site. The roof tiles will be either natural slate or dark pantiles. Both are found in the village and subject to samples would be acceptable materials to use. Windows and doors would be painted timber.
- 8.11 The parking has been integrated within the site providing a mix of tandem and side by side parking arrangement to the rear and side of the dwellings. The parking numbers provided is reflective of the quantum of development being provided and no objections have been raised by the Highway Authority. In respect of the parking layout the development conforms to the Council's Successful Places design guidance providing a balanced mix of parking solutions that are integrated into the layout.
- 8.12 Each plot is provided with private amenity area appropriate to the size of dwelling and waste storage areas provided in accordance with the Successful Places design guidance.
- 8.13 The submitted layout, mix of house types and the overall design of the scheme is considered to create an attractive place to live. Wessington Neighbourhood Plan (WNP) Policy 3 advises that proposals should demonstrate a high design quality that will reinforce the character of the Village having regard to the character areas defined in the Wessington Village Appraisal. The site has not been identified due to it being outside of the SDL however it is considered that the proposal responds to the village character and would not be out of keeping. Furthermore it would not be isolated and provides a logical extension to the built up edge of the village.
- 8.14 The WNP requires particular attention to be paid to boundary treatments and landscape proposals. As mentioned above the application has been supported with a full landscaping plan which includes hard and soft landscape features. The use of low stone walling with pedestrian gates is considered to meet the policy requirement and can be secured by condition.
- 8.15 Whilst the application has attracted objection from the local residents and Parish Council it is considered by the Officers that the scale and layout of the development, design and use of traditional materials is appropriate in this location.
- 8.16 Whilst there is some tension between the development outside of the SDL as defined by the Wessington Neighbourhood Plan and the Local Plan, this was a factor when considering the outline proposal and it cannot be revisited now. The reserved matters proposal has been considered to be in conformity with the remainder of the WNP, Local Plan Policies BE1 and H12 and the Council's Successful Places Guidance.
- 8.17 **Housing Mix**
- 8.18 The size of the development does not attract the need to provide affordable housing and all plots will therefore be available as market dwellings. WNP Policy 4 seeks to provide a mix of housing types to take into account the local need. The Policy identifies that there is a need for two and three bedroom smaller properties.
- 8.19 The development proposes an equal mix of three and four bedroom properties.

8.20 The proposal does not provide for two bedroom properties however the three bedroom properties provided are not excessive in size having a floorspace of 80 square metres. The smallest of the three bedrooms could double up as a home office/study as the ground floor does not provide an opportunity for this use.

#### **8.21 Impact upon Neighbouring Properties**

8.22 Residential development has been constructed opposite the site however Matlock Road forms a barrier between the two. The dwelling have been positioned set back from the road and a considerable separation distance will exist and the arrangement is considered to be acceptable.

8.23 To the southeast of the site along the northern boundary of Matlock Road. There is a small cluster of dwellings however there is a parcel of land which separates them from the location of the site. Planning permission exists for the construction of a village hall and it is therefore considered that there would be no adverse impact upon residential amenity.

8.24 The layout of the proposal provides spacious plots with adequate separation between the dwellings. It is considered that a satisfactory relationship will exist ensuring that no overlooking or loss of privacy will be gained.

8.25 The proposal is considered to be in conformity with the Local Plan Policies BE1 and H12 and the design guidance, Successful Places.

#### **8.26 Highway Safety**

8.27 The proposal is seeking to provide the access into the site in accordance with the details approved on the outline consent. Whilst objections have been raised in regards to highway safety, this matter cannot be revisited by the reserved matters application.

8.28 The Highway Authority has been consulted in regards to the provision of the parking and internal layout only. Comments have been received that related to the size of garaging and parking spaces. These have now been incorporated into the layout via an amended plan.

8.29 Notwithstanding the comments received by the residents there are no highway safety matters which prevent this application from being approved.

#### **8.30 Other Considerations**

8.31 The Highways Authority are seeking contributions of £50,000 for investigation into, and potential provision of pedestrian crossing facilities. This figure has been taken from the previous applications (11/00743/OL) however the signed S106 agreement has now lapsed. A further S106 Agreement was signed under Outline permission 14/00547/OL however this latest application would supersede the development if constructed and the S106 would no longer be relevant or enforceable. As this application is a reserved matters application which deals with the approval of details; it is not possible to require a s106 agreement for the highways monies, as

such matters should have been considered and requested in the determination of the outline planning permission.

8.32 Developer contributions are required to meet the tests of Community Infrastructure Levy (CIL) Regulation 122 in that the request is relevant, necessary and reasonable in scale and kind to the development site. There is no lawful reason for requesting the Developer to enter into a S106 Agreement.

### 8.33 **Conclusion**

8.34 The principle of the development has been established by the outline permission, and the reserved matters application for the means of access has already been approved.

8.35 The appearance, layout, scale, and landscaping are considered to be acceptable and it is an Officer view that the proposed scheme would deliver a high quality sustainable development and that this reserved matters application should be approved.

## 9.0 **SUMMARY OF CONSULTATIONS**

<u>County Highways:</u>	No objections
<u>County Planning:</u>	No comments received
<u>Environmental Health:</u>	No objection
<u>Drainage:</u>	No objection
<u>Access Officer:</u>	N/A
<u>Footpath:</u>	N/A
<u>Neighbour:</u>	10 objections
<u>Others:</u>	
<u>Ward Member:</u>	Councillor Cupit Call in.
<u>Parish Council:</u>	Objects

## 10.0 **RECOMMENDATION**

That Planning Permission is APPROVED subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

### **Conditions**

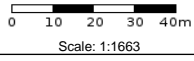
1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with plan drawing numbers:
  - 19/768/1 – Plot 1
  - 19/768/2 – Plot 7
  - 19/768/3 – Plots 2 & 8
  - 19/768/4 – Plots 5 & 6
  - 19/768/5 – Plots 3 & 4
  - 19/768/7 - Rev B – Site Plan
  - 19/768/8 – Paired Garages
  - 992/WVP01 - Rev C – Landscape Masterplan

Unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

3. The boundary treatments as detailed on drawing number 992/WVP01 – Rev C shall be constructed in accordance with the approved details prior to occupation of the first dwelling and retained as such thereafter.
4. The development shall be constructed in accordance with the finished floor levels as shown on drawing numbers 19/768/7 Rev B.
5. The measures provided within the Crime Prevention Statement, in particular the installation of security lighting and alarms shall be implemented in full prior to completion of the development, and retained as such thereafter.
6. The waste bin storage areas shall be provided in accordance with the details shown on plan drawing number 19/768/7 Rev B prior to first occupation of the dwelling and retained as such thereafter.
7. Prior to any works commencing, the developer shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority full details of means of access to the site, taking into account that this will involve crossing a 'ditch' that runs between the existing carriageway and the site.
8. No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
9. The carriageways of the proposed estate road shall be constructed in accordance with Condition 8 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
10. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accessed at [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control) constructed to base level, drained and lit in accordance with the County Council's [specification for new housing development roads](#) (see above link).

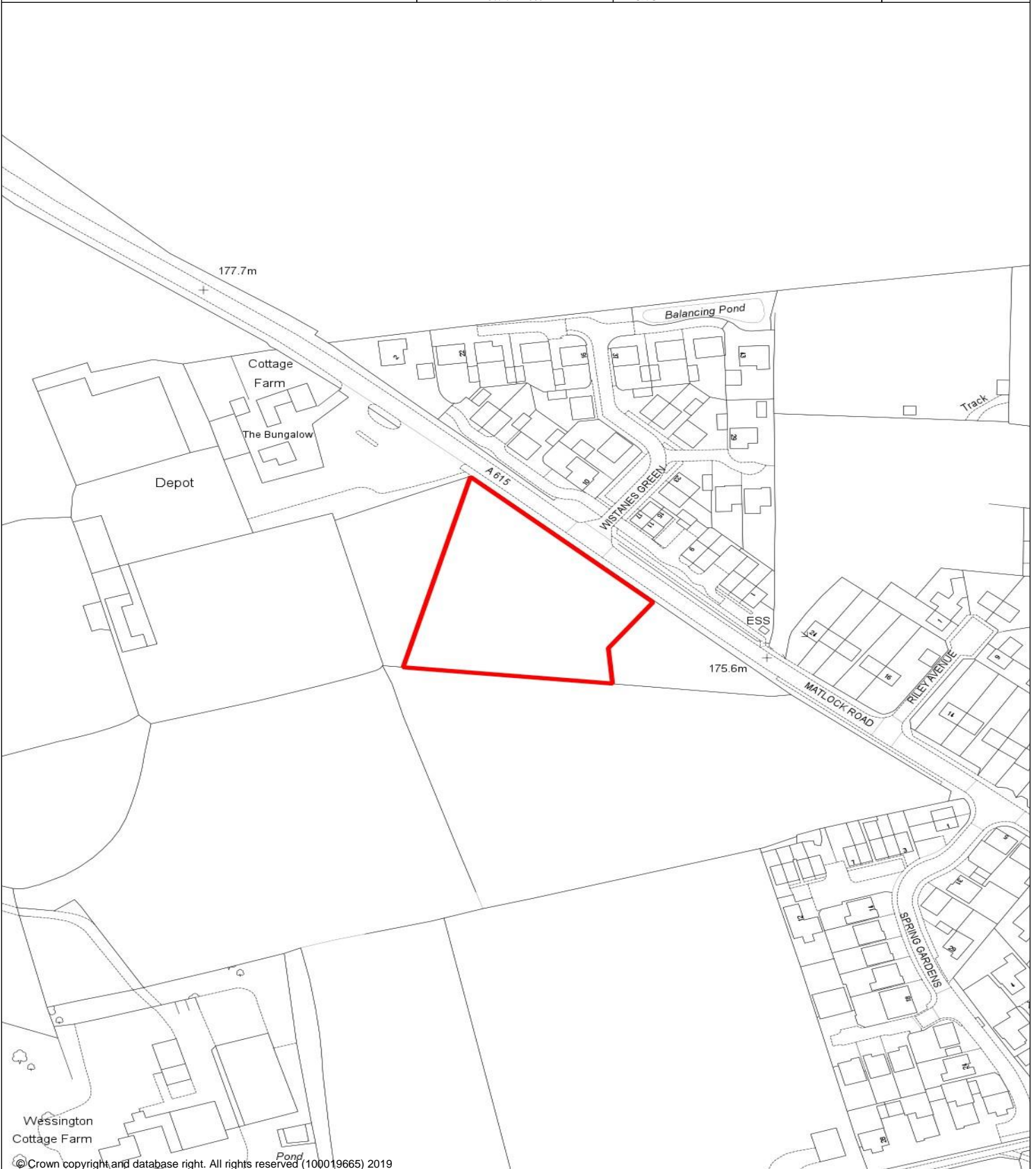
- 11.No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the parking and manoeuvring shall be maintained free from any impediment to their designated use for the life of the development. The proposed individual driveways shall be no steeper than 1:14.
- 12.No dwelling shall be occupied until such time as a 2 metre footway has been constructed across the site frontage in accordance with details first to be submitted and approved, in writing, by the Local Planning Authority in consultation with the Highway Authority.





Author: K. Spelman

Date: 18/11/2019



Wessington  
Cottage Farm

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**APPLICATION** Construction of a first floor extension over existing garage/utility area (Amended Plans) (Amended Title)  
**LOCATION** 24 Marsh View, Eckington, S21 4EL  
**APPLICANT** Mr Robertson and Mrs Reader  
**APPLICATION NO.** 19/00785/FLH **FILE NO.** PP-08011441  
**CASE OFFICER** Mr Kevin Figg  
**DATE RECEIVED** 5th August 2019

REFERRED TO COMMITTEE BY: Cllr Jeremy Kenyon and Cllr Oscar Gomez Reaney

REASON: Concerns that the proposed extension would have a potential impact on the amenity of neighbouring residents and not appear in keeping with adjacent properties.

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**The Site Inspection Group is to visit the site to assess the proposals impact on amenity and the character of the area.**

## **1.0 SITE DESCRIPTION**

- 1.1 The application property is a brick built semi-detached two-storey dwelling located in a row of similar properties linked by flat roofed attached garages and backing on to open countryside to the west.
- 1.2 There are existing single-storey extensions to the rear of the property comprising a family room and utility area.
- 1.3 The other properties to the north and eastern sides of Marsh View are predominantly single-storey bungalows.
- 1.4 The application site lies within the established Settlement Development Limits for Eckington.

## **2.0 PROPOSAL**

- 2.1 The current proposal is for the construction of a first floor extension over the existing single storey garage/utility area to the side of the property to provide an additional bedroom.

## **3.0 AMENDMENTS**

- 3.1 The original plans submitted included the addition of a rear facing dormer window within the roofspace to extend an existing second floor bedroom. However, since this dormer window appears to constitute permitted development, for clarity, this element of the proposed development has been removed from the current application.

## **4.0 PLANNING HISTORY**

- 4.1 There is no relevant planning history.

## 5.0 PLANNING POLICY CONSIDERATIONS

### 5.1 North East Derbyshire District Local Plan (adopted November 2005)

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

### 5.2 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.

5.3 The Councils Successful Places Interim Planning Guidance (Adopted December 2013) is a material consideration in the determination of this application.

### 5.4 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 the property and expired 19/09/2019. Two adjoining neighbouring properties were notified in writing. Following the submission of amended plans, a further 14 day reconsultation of Ward Member, Parish Council and adjoining neighbours was undertaken.

6.2 Two **Ward Members** have requested that the current application be decided by Planning Committee and raised concerns that the proposed extension would have a potential impact on the amenity of neighbouring residents and not appear in keeping with adjacent properties.

6.3 The **Parish Council** raised no comments.

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 proposed extension is of poor design and would be overbearing, visually intrusive and out of character with the type of dwelling;
- The extension would result in a loss of natural light and overshadowing to the rear of their property and reduce natural light to a landing and stairwell;
- The proposed rear window would overlook their garden with loss of privacy.

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for this application are the impact of the proposed extension upon the amenity of neighbouring occupiers and impact of the proposal on the character and appearance of the site and the surrounding 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, avoiding significant loss of privacy and amenity for neighbouring residents.
- 8.2 The first floor side extension now proposed would be set back from the front elevation of the property by 4.0m and would project beyond the rear elevation of the original dwelling by 2.5m with an asymmetrical pitched roof and rear facing dormer window. The proposed extension would be visible from public viewpoints along Marsh View but would be seen in the context of the application property and adjacent dwellings, and would appear subservient to the existing dwelling. In the opinion of Officers it is considered that the proposed extension would not be out of keeping with the residential character of the surrounding streetscene nor appear overbearing or visually intrusive compared to the existing situation.
- 8.3 The neighbouring dwelling at number 22 has an attached garage to the side of the property with a utility area to the rear. There is also an existing first floor side facing window which serves the landing and stairwell. The Councils Successful Places (Interim Planning Guidance) published in December 2013 states that proposals should not cause a loss of daylight or overshadowing where this would be detrimental to the residential amenity of neighbouring properties. However, this loss of light is only applicable to habitable rooms, such as kitchens, living rooms and bedrooms, and does not include non-habitable rooms such as utility areas, bathrooms and landings.
- 8.4 The adjacent dwelling at number 22 does have a rear facing kitchen window, which is set in from the shared boundary by approximately 3.0m and would be to the north of the extension now proposed. It is likely therefore that the proposed extension would result in some additional overshadowing of this window. However, following the guidance [the 45 degree rule] given in the above Successful Places document relating to overshadowing and loss of light, Officers do not consider that this window would be significantly impacted by the extension now proposed.
- 8.5 The first floor extension now proposed would feature a rear facing dormer window serving a bedroom with potential views over the rear garden of the adjacent dwelling at number 22. However, since any view would be primarily towards the bottom of the garden rather than towards the rear of the dwelling, it is not considered that this would be significantly harmful to the amenity of the neighbouring residents.

## **Conclusion**

- 8.6 Overall, Officers are satisfied that the proposal represents acceptable 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. It is therefore considered that the proposal complies with the requirements of the relevant Local Plan Policies, Successful Places Interim Planning Guidance and the National Planning Policy Framework.

## **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: Objection received.

Others: N/A

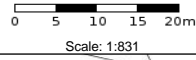
Ward Member: Received comments.

Parish Council: No comments.

## **10.0 RECOMMENDATION**

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

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the amended drawings 4FA196-01A and 4FA196-03B received 13/11/2019; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
3. The proposed materials shall match those of the existing building as closely as possible.



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