

North East Derbyshire District Council

Planning Committee

5 November 2019

Development Management Applications

Report No PM/13/19-20/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.

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APPLICATION NO. 18/01170/OL

APPLICATION Outline application for the erection of up to 250 dwellings (Major Development/Contrary to development plan/Affecting a Public Footpath)(Amended Plans)(Amended Title)

LOCATION Land east of Williamthorpe Road and south of Tibshelf Road, Holmewood

APPLICANT Mr Cliff Richards

CASE OFFICER Adrian Kirkham

DATE RECEIVED 22nd November 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Barker

REASON: To assess the impact of the development on the area given the number of dwellings recently granted permission in Holmewood

A site visit will be undertaken by the Site Inspection Group to assess the highway impacts of the scheme and its environmental and visual impacts from public vantage points, including the five pits trail.

1.0 SITE DESCRIPTION

- 1.1 The application site covers an area some 11.3 hectares and is bound by properties to the north-west that front Williamthorpe Road and to the east by properties on Meadowview and Tibshelf Road. The remainder of the site is bordered by open countryside to the south and west, including, in parts, by the Five Pits Trail.
- 1.2 The application site is predominantly made up of agricultural fields that appear currently to be used for arable production. To the east of the application site, close to Tibshelf Road, there are a number of agricultural sheds that are proposed to be demolished, as well as the site incorporating sections of the extended rear gardens of Lynn Croft, The Willows and Glencairn.
- 1.3 There is a significant change of levels across the application site, with a high point in the north east corner and the land then dropping away in both an easterly and westerly direction, with a significant reduction in levels in the final field when heading east.
- 1.4 Two footpaths cross the application site, North Wingfield 13, which runs from Meadowview in a south-westerly direction and links into North Wingfield 14, which runs from Williamthorpe Road and links to the Five Pits Trail. There is also a network of other footpaths to the south, from which there are views back toward the site.
- 1.5 Whilst the majority of the site is open, given its current agricultural use, there are a number of mature trees in the field boundaries, which are hedgerow lined.

2.0 PROPOSAL

- 2.1 The application is submitted in outline with all matters reserved. However, the principle of site access does need to be considered and a new vehicular access would be taken from Tibshelf Road and a visibility splay of 2.4m by 47m is proposed based around a priority junction but with no right turn feature for vehicles looking to access the site when heading along Tibshelf road in a southerly direction.
- 2.2 As part of the application it is indicated that up to 250 (originally up to 300) dwellings would be erected and whilst no indicative layout has been submitted a drawing identifying site opportunities and constraints has been submitted.
- 2.3 For the avoidance of doubt, the application site falls within the parish of North Wingfield, with the boundary to Heath and Holmewood running along Tibshelf Road to the immediate east.

3.0 AMENDMENTS

- 3.1 When the application was originally submitted in November 2018 it contained limited information, save for a location plan. Numerous documents have subsequently been submitted including a Landscape and Visual Impact Assessment, Transport Statement, Travel Plan, Planning Statement, Coal Mining Risk Assessment, Flood Risk Assessment and Drainage Strategy.
- 3.2 Furthermore, following concerns expressed by Officers, the number of dwellings proposed has reduced down from the 300 originally proposed to 250, with an updated parameters plans submitted showing the areas on which residential development would occur being reduced. Re-consultation has been undertaken on the updated information and the application is considered accordingly.

Applicant's Submissions

- 3.3 The **applicant** has also submitted a short supporting statement stating there is a significant need for new housing in North East Derbyshire and permission is sought for 250 high quality residential dwellings, a mix of semi-detached and detached houses complementing the existing natural and built development and one fifth being of an affordable type.

The homes would be high quality and be constructed by local tradespeople and contractors sourcing local materials wherever possible so contributing to the local community and economy but reducing the impact on the local environment.

Approximately 2 hectares are to be reserved to create two nature reserves, improving habitats and reducing the risk of flooding. The development provides an opportunity to create an attractive built edge to the south west aspect creating high quality greenspace complementing the Five Pits Trail and creating a buffer between residential development and the surrounding environment. High quality footpaths and landscaping will complement the surrounding natural environment with connections made to the Five Pits Trail and surrounding roads and rights of way.

The applicants state they have been in contact with statutory consultees to mitigate and answer any concerns and the applicant is committed to agreeing contributions as necessary and securing a section 106 agreement as appropriate and installing the latest fibre optic technology.

The applicants believes that the development exceeds the three sustainability objectives of the NPPF and there is no adverse impacts which significantly and demonstrably outweigh the benefits of the scheme.

4.0 PLANNING HISTORY

- 4.1 18/00840/EIA – A Screening Opinion was submitted requesting to seek the view of the Local Planning Authority as to whether or not a planning application on the land in question would need to be subject of an Environmental Impact Assessment (EIA). It was determined that an application would not need to be supported by an EIA.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The application falls to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the North East Derbyshire District Local Plan (adopted 2005).

The policies of that plan considered most relevant to the determination of this application are as follows:

GS1 – Sustainable Development
GS5 – Settlement Development Limits
GS6 – New Development in the Countryside
NE1 – Landscape Character
BE1 – General Design Principles
H3 – New Housing outside Settlement Development Limits
H12 – Design and Layout of new housing
T2 – Highway Access and the impact of new development
T9 – Car parking provision
CSU4 – Surface and foul water drainage
CSU6 - Contaminated land

- 5.2 The Council is currently preparing a replacement Local Plan, The Plan, the North East Derbyshire District Local Plan (Publication Draft) is currently paused but still subject of Examination. The Plan should be given appropriate weight by the decision maker. The policies of that plan considered relevant to the determination of this application are as follows:

SS1 – Sustainable Development
SS2 – Spatial Strategy and the distribution of development
SS9 – Development in the countryside
LC2 – affordable housing
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

ID1 – Infrastructure Delivery and Developer contributions
ID2 - Provision and safeguarding of Transport Infrastructure
ID3 – Sustainable Travel
ID7 – Greenways and Public Rights of ways
ID9 – Open space, sports and recreation facilities

5.3 The National Planning Policy Framework (Feb 2019) is a material consideration in determining this application. Of particular note are chapters 2 (achieving sustainable development), 4 (decision making), 5 (delivering a sufficient supply of homes), 6 (building a strong, competitive economy), 9 (promoting sustainable transport), 11 (making effective use of land), 12 (achieving well-designed places), 14 (meeting the challenge of climate change, flooding and coastal change) and 15 (conserving and enhancing the natural environment)

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 Three site notices were erected; one on Williamthorpe Road, one on Tibshelf Road and one on Meadowview. Furthermore, direct consultation was undertaken with properties that immediately adjoined the application site.

Following receipt of additional information, further consultation was undertaken including with members of the public who responded to the initial consultation.

In total 43 direct representations have been received and all object to the application. A summary of the observations received are drafted below:

- The site floods, particularly in the western part of the application site close to the Five Pits Trail, and photographs have been supplied to prove as much;
- The flood risk assessment submitted with the application is in-accurate;
- North Wingfield and Holmewood, which are two distinct settlement, will merge, reducing in a lack of identity for both;
- Local amenities, including schools and doctors, are already stretched and cannot cope with the influx of people this will bring to the area;
- Permission has already been granted for up to 550 dwellings on the opposite side of Williamthorpe Road and any new housing should go elsewhere in the District;
- Roads in the locality are already dangerous and at capacity, this will be exacerbated by the development proposed;
- Local speed limits are not respected and this is detrimental to highway safety;
- There are a number of mines on the site and the land is prone to subsidence;
- This area is a beautiful landscape and will be detrimentally impacted, particularly when viewed from the important five pits trail;
- Water pressure is low in the area and this development will make matters worse;
- Crossing Tibshelf and Williamthorpe Road is already dangerous, if permission is granted a new crossing should be considered;
- The increased vehicle movements will have a detrimental impact on neighbouring properties, particularly on Williamthorpe Road, through increased pollution;
- Open countryside should be protected from development, particularly sites close to the Five Pits Trail, which is a valuable resource to local people;
- Residential amenity will be detrimentally impacted through noise
- Wildlife will be detrimentally impacted through the loss of trees and hedgerows;
- Crime rates are likely to increase;

- Views from existing properties will be detrimentally impacted;
- Good quality agricultural land will be lost, priority should be given to brownfield sites;
- Are vital services adequate e.g. water, gas electric
- If permission is granted the dwellings should be two-storey only;
- During the construction phase the impact on local residents will be unacceptable;
- People immediately adjacent to the application site would like to buy parts of the land to extend their gardens;
- Existing residents will have their amenity detrimentally impacted through a loss of privacy and daylight given that houses are likely to be built to the rear of existing properties;
- Wildlife seen on the site includes foxes, sparrow hawks, hedgehogs, Jay, newts and frogs;
- The proposed access is on a bend in the road and would be detrimental to highway safety;
- When development starts on HS2 there will be even more construction traffic in the area;
- Existing footpaths that cross the site should not be impacted
- Williamthorpe Road roundabout is prone to surface water flooding;
- The development is contrary to the Local Plan in that it is not allocated for residential development;

A petition has been submitted with 8 signatories expressing opposition to the application and 20 in support of the application stating it was good news for the community and would bring local jobs and services and provide for more houses.

- 6.2 The **Ward Member** (Cllr Nigel Barker (North Wingfield)) has expressed concern about the application given the number of dwellings proposed combined with that which already benefit from planning permission in the area, notably over 500 units on the opposite side of Williamthorpe Road.
- 6.3 **Cllr Suzy Cornwell** (Heath and Holmewood) objects to the application on a number of grounds including increased congestion in the area, schools, doctors, drainage and air quality, with it acknowledged that there is a national shortage of housing; however, Holmewood has had a disproportionate amount.
- 6.4 **Cllr Lee Stone** (Heath and Holmewood) objects to the application on a number of grounds including highway concerns, cumulative impacts on facilities e.g. Doctors in the area given the number of dwellings that have permission locally; North Wingfield and Holmewood will effectively merge into one settlement.
- 6.5 **North Wingfield Parish Council** objects to the application with the development outside of the Settlement Development Limit, which would erode the green space between North Wingfield and Holmewood. The site is also particularly visually prominent. Given the 500 dwellings granted permission on the other side of Williamthorpe Road there is concern over the cumulative impact of development as well as one local services e.g. Schools Doctors etc. Highway infrastructure is also a concern given existing problems in the area, parking along Williamthorpe Road, and fact the networks is a primary link to J29 of the M1.

- 6.6 The **Employment and Skills Officer** raises no objection to the application, subject to the imposition of a condition to encourage local employment and training.
- 6.7 **Bolsover District Council** raises no objection in principle but would expect to see a suitable countryside edge treatment to ensure views from surrounding countryside would not be detrimentally impacted.
- 6.8 Derbyshire County Council, as **Highway Authority**, have reviewed the submitted Transport Assessment and the additional information submitted during the course of considering the application and raise no objection to the scheme subject to a number of conditions covering the provision of a temporary access (for the period of construction), the agreement of a construction management plan, agreeing details of all roads and their future delivery and management, the provision of an onsite compound, the provision of a new junction, the delivery of a Travel Plan for the new dwellings, provision of waste disposal infrastructure and wheel cleaning facilities.
- 6.9 The **Environment Agency** note that the application site falls within flood zone 1 and is not the type of development that needs referring to them. Advice should be sought from the Lead Flood Authority.
- 6.10 The **Lead Flood Authority** originally objected to the application but following the submission of a significant amount of additional information now raise no objections to the scheme subject to the imposition of conditions covering the detailed design, management and maintenance of onsite surface water drainage and to agree details on how surface water will be dealt with during the construction phase of development.
- 6.11 **Yorkshire Water** originally objected to the application but no longer object subject to the imposition of conditions. **Severn Trent** raise no objections.
- 6.12 **Derbyshire County Council Infrastructure Team** note that given existing pupil figures combined with projected numbers, including taking into account the number of dwellings granted permission locally, there would be insufficient space to accommodate the increase in pupils created by the development at North Wingfield Primary School. Given that the development would create in the region of 60 additional pupils there would be a need for a contribution of £840,612 toward existing primary provision.
- Places for secondary education would need to be absorbed into Tupton Hall School. Whilst the school currently has capacity this would be exceeded given the projected pupil increase. As a result a contribution of £1,374,761 is sought toward secondary and post 16 education provision.
- 6.13 The **CCG (Health Authority)** seek a contribution to enhancing facilities of £120,000 to upgrade facilities at either Tibshelf or Holmewood.
- 6.14 The **Parks Officer** notes that given the number of dwellings to be erected that on-site play equipment should be provided in the form of a local equipped area of play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP). Such equipment should, where possible, be sited away from water and overhanging trees. If the Public Open Space is to be adopted by North East Derbyshire there would be a need to be a financial contribution toward the same.

- 6.15 The **Campaign to Protect Rural England** object to the application. They feel that the large scale intrusion into open countryside would result in significant harm to the landscape and rural character of the area. Furthermore, this would result in a coalescence of North Wingfield and Holmewood, which is currently only joined by ribbon development along Williamthorpe Road. Nor is the site proposed to be allocated in the Local Plan.
- 6.16 **Derbyshire County Council Countryside** note that the development is of considerable size and will have a significant impact on the character of the countryside. Careful consideration of how the application will interact with adjacent footways, which should be protected/retained, with consideration given to improvements to the five pits trail, including making it a 3m greenway.
- 6.17 **The Footpaths Societies** would oppose any attempt to remove or restrict access to any existing path or trail but otherwise raise no objection requiring that any new path or track being appropriately designed.
- 6.18 **DCC Archaeology** raise no objections.
- 6.19 **Derbyshire Wildlife Trust** have no objections in respect of ecology.
- 6.20 **Derbyshire Police** make a number observations on the application with regard to designing out crime with there a need to ensure footpaths, including the five pits trail, are overlooked to reduce possible anti-social behaviour.
- 6.21 **Environmental Health** raise no objections subject to the imposition of conditions relating to contaminated land.
- 6.22 The **Housing Officer** states there is a need for more affordable housing in the district, most recently evidenced in the Strategic Housing Market Assessment OAN Update 2017 where it is estimated that 172 units of affordable housing would be required in the district each year to meet all affordable housing need.

In this area the highest need would be for 2 bedroom (4 person) and 3 bedroom (5 person) houses and 2 bedroom (3 person) bungalows for social or affordable rent.

The affordable housing should be owned and managed by a Registered Provider, preferably one which already has stock in NEDDC district or that of a neighbouring Local Authority.

- 6.23 Following submission of a Coal Mining Risk Assessment the **Coal Authority** raise no objection subject to conditions.

7.0 PLANNING CONSIDERATIONS

- 7.1 The application is submitted in outline, although the matter of access has to be determined at this stage in principle. Therefore, the primary issue to be considered at this point is whether the principle of residential development on the site is acceptable bearing in mind the policies of the Development Plan and all other material considerations such that an acceptable and sustainable form of development is possible.

- 7.2 The Committee will also need to consider whether the technical constraints, most notably those relating to any highway safety or impact, of the site can be overcome, with or without conditions, to enable an acceptable form of development to be undertaken.
- 7.3 The impact of the development on the privacy of neighbouring property occupiers also needs to be considered.
- 7.4 Finally, the Committee will need to consider if the social impacts of the development can be satisfactorily mitigated.

8.0 PLANNING ASSESSMENT

Introduction

- 8.1 The site is located at the eastern edge of North Wingfield parish where it adjoins Holmewood. It is generally defined on two sides by existing residential development and on the other two by open countryside.
- 8.2 The applicant seeks consent for residential development on the site for up to 250 new dwellings and the associated infrastructure.
- 8.3 The site falls outside the settlement development limits as defined in the extant Local Plan and so in countryside for current planning purposes. Should consent be given for the proposal it is envisaged it would be accessed by way of a single point of access off Tibshelf Road.

Character of the Area and the Principle of Development

- 8.4 The application site falls outside of the settlement development limit (SDL) for both North Wingfield and Holmewood within both the extant and developing Local Plans. As a result the application falls within the countryside for planning purposes.
- 8.5 The countryside in this area is attractive but in the view of Officers is not otherwise special with any particular significant attributes. It falls along an existing residential edge on two sides and so is in many respects contained within an existing built form such that any development on the site (as amended) would be seen as part of the urban form rather than the rural area beyond. The scheme has been scaled back from that originally proposed due to Officer concerns on that issue and whilst still extending into the countryside is not in the view of Officers now detrimental to the wider character of the area.
- 8.6 Urban development in this location is generally continuous from North Wingfield to Holmewood along Williamthorpe Road. However, the application site would not in the view of Officers further coalesce existing settlements as the proposed development would not extend towards Holmewood rather infilling between existing development.
- 8.7 Officers, therefore conclude that the development would not have a substantial or harmful effect on the character and appearance of the area.

- 8.8 Policy NE1 of the extant Local Plan states that the varied and distinctive landscape character of the District should be conserved and/or enhanced, a policy perspective generally in line with the most up to date version of the NPPF, whilst policy GS1 seeks to ensure development is generally sustainable, including protecting and conserving the quality of the area's natural and cultural assets.
- 8.9 Policy H3 seeks to generally restrict new housing in rural areas except in certain specific instances whilst policy GS6 only permits development in the countryside where (inter alia) it would be in keeping with the character of the countryside, causes minimal environmental impacts and is not a prominent intrusion into the countryside. Policy GS6 in particular is also considered to conform generally with the NPPF in seeking to recognise the intrinsic character and beauty of the countryside. Policy NE7 seeks to protect important hedgerows or trees that make a significant contribution to the character or amenity of the area.
- 8.10 Decisions on planning application should be taken in accord with the provisions of the Development Plan (unless material considerations indicate otherwise).
- 8.11 Whilst the Development Plan ran until 2011 its policies are not necessarily out of date providing they generally conform to the stated policies of the NPPF. As such, Officers contend that policies NE1 and NE7 are not out of date and carry full weight in seeking to protect as appropriate the character of the area and important elements within it. However, Officers conclude that in their view the development would not have an overriding harmful impact on the area's character and any features found within it, in this case, could be appropriately incorporated into any final scheme granted consent on the site.
- 8.12 Policy H3 seeks to restrict housing in rural areas to specific instances and categories (changes of use, dwellings needing to be specifically located in the countryside, replacement dwellings and affordable housing). The NPPF is not so worded and in the view of Officers policy H3 is not one in this case that can be relied on or afforded weight in terms of making a decision on this application.
- 8.13 In respect of policies GS1 and GS6, these have been tested on three separate occasions at appeal over the past 12 months and found, by three different Inspectors, to be out of date and inconsistent with the Framework. For these reasons Officers contend that these policies cannot be relied on to substantiate a decision in principle to refuse to grant consent in this case.
- 8.14 As such, in line with the conclusions set out in paragraph 8.7 above, whilst policies NE1 and NE7 are ones that may be afforded weight, the impact of the development is not considered to be such that it leads to a conclusion that development of the site in principle is unacceptable.
- 8.15 The Council is in the process of preparing a new Local Plan. In respect of this site it does not form a draft allocation in the evolving Local Plan and so was not subject of a formal "objection" as such. However, it has been put forward as an alternative housing site to those proposed for housing in the Local Plan.

However, and again as concluded in recent appeal decisions, such is the current uncertainty in respect of the Plan and the comments made in respect of the site's

omission from the Local Plan, it should only be afforded very little weight in the determination of the application.

- 8.16 The final issue that needs to be addressed is whether or not the Development Plan is out of date on the basis that the Council cannot demonstrate a five year housing supply.

As the latest figures indicate a housing supply of in excess of 8 years, Officers consider this matter very clear and the Council is able to demonstrate a healthy housing land supply.

Although having an appropriate level of housing supply is not a ceiling to further housing the benefit accorded to the additional supply of housing is reduced accordingly and specifically on this issue the “tilted balance” is not engaged.

- 8.17 Affordable housing is proposed to a level of 20%. This meets the Council’s latest affordable housing aspirations for the area and is in line with the most up to date evidence contained in the Strategic Housing Market Area Assessment (SHMAA).

Subject to the agreement of the applicant to cover any specific affordable housing requirement and the ongoing difficulties that the Council has to deliver the high levels of affordable housing required District wide, Officers consider the contribution to affordable housing need is a benefit of the scheme which attracts significant weight.

- 8.18 There would be economic benefits arising from the scheme from the jobs that would directly and indirectly result from the construction works that will be undertaken and spending in local businesses subsequently. This attracts moderate weight in the view of Officers.

- 8.19 There will be social benefits arising from the scheme by the future occupiers of the houses using local facilities and assisting in making them more economic and supporting their future retention and enhancement, such as local schools. Officers consider this attracts a more limited weight as the evidence suggest that such facilities are already well used.

Mitigation

- 8.20 Members will note that requests towards mitigating the impact of the proposed development have been received from the education authority, the CCG (Health) and the Council’s own Streetscene team in respect of potential adoption of future open space that is to be provided on site.

- 8.21 Whilst a section 106 agreement has not yet been concluded at this point the applicant has confirmed that he will meet the entire section 106 requests in full. Therefore, subject to a section 106 agreement being concluded to cover the various requests, updated to take into account the time that has elapsed between the application’s submission and its determination, Officers conclude that the social impact of the proposal on the relevant infrastructure is mitigated in full.

Technical Issues

- 8.22 The Planning Committee will note that various issues have been raised in representations regarding technical matters as follows: air quality, footpaths, loss of agricultural land, an increase in crime, potential flooding, mine workings and impacts on ecology.
- 8.23 Comments have been received from a variety of technical consultees indicating that the development, subject to conditions as appropriate, will not have an adverse impact on footpaths, flooding or mine workings.
- 8.24 The comments received from the police merely seek to ensure that the design of any new housing is undertaken in a manner that will reduce the potential for crime. These proposals form part of the Council's own design philosophy and so Officers are confident they can be addressed at any subsequent reserved matters stage.
- 8.25 There has been no objections raised on the issue of air quality by the Environmental Health Officers and there is no substantive evidence that by granting planning consent in this case would result in an unacceptable impact on air quality. Little weight is placed on that issue therefore.
- 8.26 Similarly, the site is not identified as containing a particularly high standard of agricultural land such that that matter should be an obstacle to development.
- 8.27 Subject to conditions the issue of archaeology can be properly addressed as can the matter of ecology.
- 8.28 A number of comments about the impact of the development on the highway network have been made. The Highway Authority have commented on the various strands of information submitted by the applicant and have confirmed that there are no objections to the scheme in principle subject to conditions and that any development could be adequately served by the formation of a new access.

No substantive evidence has been submitted to identify why the highway network is currently unacceptable or how the proposed development would have a significant impact on capacity or congestion or how the development would have an unacceptable impact on highway safety as set out in the NPPF.

As such, and without any evidence to the contrary, the Highway Authority's views are considered overriding and sufficient to allow Officers to conclude that the new development, whilst adding traffic to the local highway network, would not severely impact upon it either through a substantive increase in congestion or capacity or have an adverse and unacceptable impact on safety.

Amenity

- 8.29 It is noted that existing housing development bounds the site on two sides. However, the application is submitted in outline and there is no sound reason why any new development cannot be developed in a manner that appropriately protects the reasonable amenities of the existing residential occupiers and there is no reason at this stage why the development should be specifically be restricted to two storey units.

- 8.30 Representations make the point that any new development will adversely impact on views from existing properties. This is clearly apparent with the land falling away to the south and south west. However, the impact of new development on views is not a material matter and can be afforded no weight.
- 8.31 New development will bring with it additional noise and environmental impact from building and from the subsequent movement of vehicles and people. However, this is identified as being either unacceptable as such or necessarily a reason to restrict further development.

The issue of impact during construction is appreciated. However this can be controlled by a condition that would limit construction works of any sort and all deliveries (restricting on site activities outside the permitted hours to security matters only) to Monday to Friday (7:30 a.m. to 17:30 p.m.) and Saturday morning (8:00 a.m. to 12 noon) and no working at all on any Sundays or Bank Holidays (overriding the ability to work during the week as appropriate).

Planning Balance and Conclusions

- 8.32 In conclusion, Officers conclude there would be social and economic benefits arising from the scheme along with significant benefits from an increase in affordable housing and some limited benefits from further increasing the housing supply within North East Derbyshire.

There is inevitably some environmental harm arising from the development of an existing green field site but in this case as the development is contained within an envelope of existing development and any impact could be further mitigated by appropriate landscaping this impact is not considered so harmful as to outweigh the benefits arising from the scheme.

- 8.33 As such, Officers conclude the development is acceptable and does not conflict with the provisions of the Development Plan and there are no other considerations to outweigh that conclusion.
- 8.34 Accordingly, it is recommended that subject to conditions and the prior completion of a section 106 agreement as per the details set out in the report that permission should be granted.

9.0 SUMMARY OF CONSULTATIONS

County Highways: No Objections

County Planning: Require appropriate mitigation

Environmental Health: No objections

Drainage: No objections

Footpath: Comments made

Neighbour: Both objection and support has been received.

Ward Member: Objections received

Parish Council: Objection received

10.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to the prior completion of a section 106 (legal) agreement in accordance with the Heads of Terms set out below and conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Section 106 Heads of Terms:

Education Contribution for primary and secondary education: £2,215,373

Health contribution: £120,000

Open space contributions: (as appropriate)

Conditions as follows

General conditions

1. Details of access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and be approved in writing by the local planning authority before any development is begun and the development shall then be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

As appropriate and including the submitted parameters plan.

Land contamination

3. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale(s), to remediate the site to render it suitable for the approved development shall have been submitted to and approved in writing by the local planning authority before the development is commenced. The site shall be remediated in accordance with the approved measures and timescale(s) and a verification report shall have been submitted to and approved in writing by the local planning authority before any particular dwelling is occupied. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until provision has been made for additional remediation measures in accordance with details and timescales that shall first have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works, including the additional measures, shall have been submitted to and approved in writing by the local planning authority before any particular dwelling is occupied

Land stability

4. No development shall commence until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall first have been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development is begun. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted and a timetable for implementation of those measures shall be submitted to the local planning authority for approval. The site shall be remediated in accordance with the measures and timetable as approved. If, during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, details of additional measures and timescale for their remediation shall be submitted to the local planning authority for approval. The remediation of the site shall incorporate the additional measures and timescale as approved by the local planning authority.

Tree and hedgerow protection

5. No site clearance, preparatory work or development shall take place until tree and hedgerow protection measures have been put in place in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Within the protected areas shown in the approved details there shall be no alteration to ground levels, no compaction of the soil, no stacking or storage of materials and any service trenches shall be dug and back filled by hand. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of the development.

Biodiversity

6. No development shall commence until a Biodiversity Enhancement Strategy [BES], to achieve a net biodiversity gain and to include bird and bat boxes, connectivity for wildlife and ecologically beneficial landscaping, has been submitted to and approved in writing by the local planning authority. The BES shall include timescales for implementation and details (with timescales) for ongoing management and maintenance of all areas of open space within the development. The BES shall be implemented in accordance with the approved details and timescales and the ongoing management and maintenance measures, as approved, shall be adhered to for the life of the development.

Drainage

7. No development shall commence until a scheme of arrangements for surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (i) Details of the design of the scheme which shall be a sustainable drainage scheme unless an assessment of ground conditions has shown that to be impracticable;
 - (ii) Details of the assessment of ground conditions undertaken;
 - (iii) A timetable for implementation; and
 - (iv) A management and maintenance plan which shall include the arrangements for adoption by any public body or statutory undertaker, and/or any other arrangements to secure the effective operation of the drainage scheme throughout the lifetime of the development.

The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the details and timetable as approved.

8. No development shall commence until details of measures for the avoidance of surface water run-off from the site during the construction phase and a timescale for implementation have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the details and timescale as approved and shall remain in place for the duration of the construction phase of the development.

Construction management

9. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoardings/fencing;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from construction works;
 - (viii) delivery and construction working hours;
 - (ix) access to the site for construction traffic.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

10. There shall be no site working/construction or maintenance of any sort (save to provide for essential on site security) except between the hours of 7:30 a.m. to 17:30 p.m. on Monday to Friday and 8:00 a.m. to 12 noon on Saturday. There shall be no working on any Sundays or Bank Holidays (overriding weekday working where there is any conflict).

Levels

11. No development shall commence until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Landscaping

12. The landscaping scheme, to be submitted pursuant to condition 1 above, shall provide for new planting; and shall include indications of all existing trees and hedgerows on the land and identify those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in accordance with a timescale that shall first have been submitted to and approved in writing by the local planning authority. Any trees or plants which, within a period of 5 years from implementation, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Design

13. The details to be submitted pursuant to condition 1 above shall incorporate the principles for housing layout and design set out in Successful Places (interim planning guidance).
14. Details of the internal access road(s), to be submitted pursuant to condition 1 above, shall include details for their design, geometry and materials of construction. Prior to the laying out of the internal access roads timescale(s) for their completion and details for their ongoing maintenance and management shall have been submitted to and approved in writing by the local planning authority. The internal access road(s) shall thereafter be constructed in accordance with the approved details and timescales and shall be managed and maintained as approved for the lifetime of the development.
15. Before occupation of any dwelling a scheme of boundary treatments shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation. The scheme shall be implemented in accordance with the approved details and timetable and retained as such thereafter.
16. Concurrent with the submission of the first reserved matters application a scheme for the storage and collection of refuse and recycling bins, and a timetable for implementation shall be submitted to the local planning authority for approval. The scheme shall be implemented in accordance with the details and timetable as approved and shall thereafter be retained.
17. No particular dwelling shall be occupied until space has been provided within its site curtilage for the parking and manoeuvring of vehicles and secure cycle parking in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the vehicle and cycle parking space(s) shall be retained and kept available for use for their designated purpose.

18. Any external lighting shall be provided only in accordance with an external lighting scheme which shall first have been submitted to and approved in writing by the local planning authority.

Materials

19. No works for the erection of any dwelling shall take place above damp proof course level until a scheme of facing materials to be used for the construction of the dwellings and their hard surfaced areas (drives, paths, patios etc), has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No particular dwelling shall be occupied until its hard surfaced areas have been provided in accordance with the details as approved.

Travel plan

20. No part of the development shall be occupied until a full Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include specific proposals for:
 - (i) Immediate, continuing and long term measures to promote and encourage alternatives to single-occupancy car use;
 - (ii) A timetable for implementation;
 - (iii) Travel plan targets; and
 - (iv) Measures for monitoring and review.

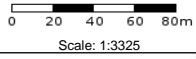
The Travel Plan shall be implemented and operated thereafter in accordance with the approved details and timetable.

Training and Employment

21. No development shall commence until a scheme for recruitment of employees for the construction period of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be operated in accordance with the approved details.

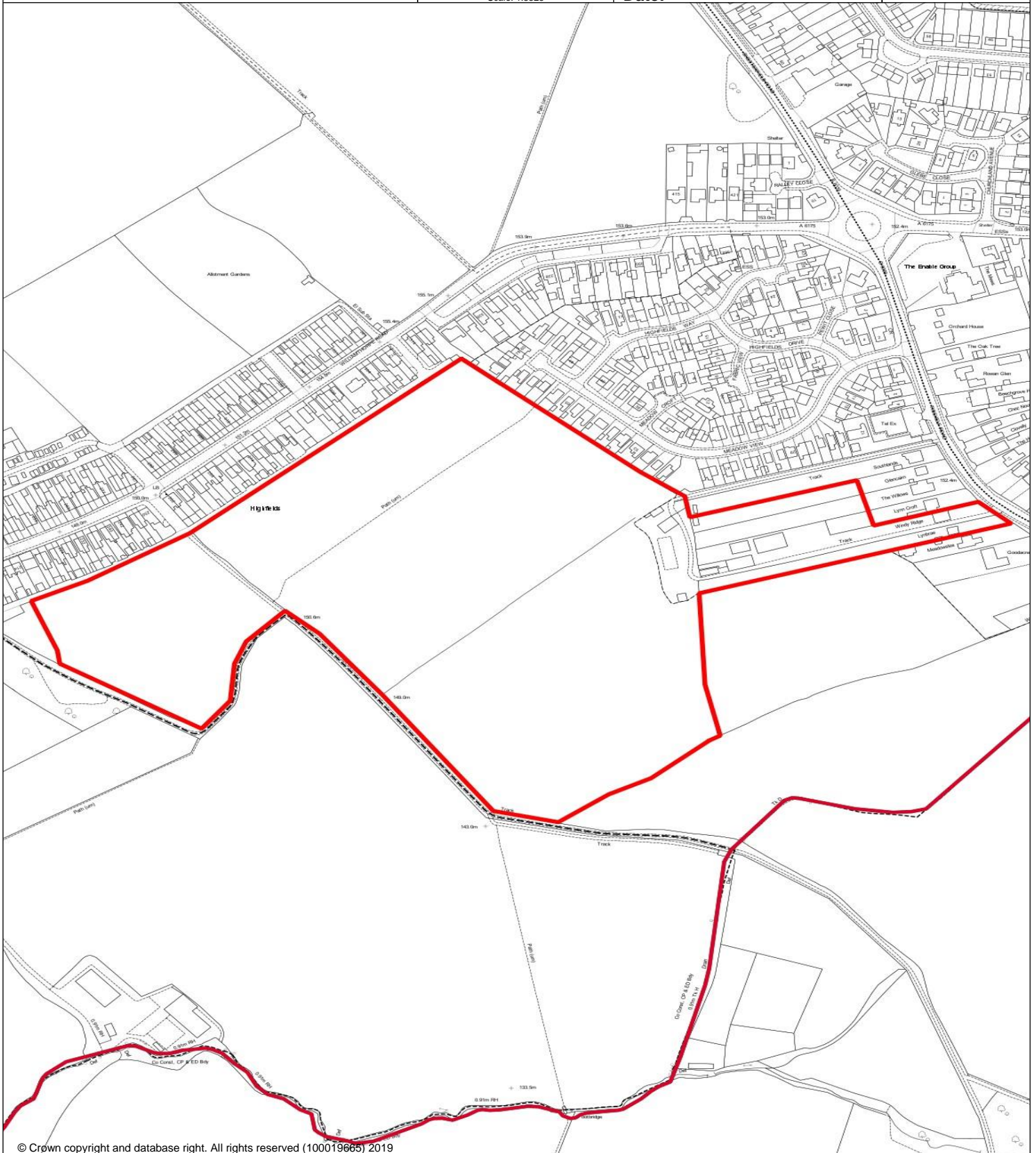
Public Art

22. No development shall commence until a scheme for the provision of public art, including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and timetable and shall be retained as such thereafter.



Author: K. Spelman

Date: 18/10/2019



APPLICATION NO. 19/00809/FL

APPLICATION Application to vary conditions 5 (method statement) and 7 (implementation plan and timetable) pursuant of 14/00901/FL (amended title/amended plans)

LOCATION Land to The Rear Of 14 To 22 Green Lane And 4 To 16 Park Avenue, Dronfield

APPLICANT Neil Twigg

CASE OFFICER Phil Slater

DATE RECEIVED 12 August 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Parkin

REASON: Serious safety concerns about allowing vehicles to use the current footpath access leading to Cliffe Park and the School Playing fields. It is necessary for the planning committee to visit the site during term time to see the extent of the issue.

1.0 SITE DESCRIPTION

- 1.1 The wider application site comprises two paddocks to the south of Park Avenue located within the Dronfield Settlement Development Limit. The site is accessed via an existing single width, tree lined, access taken from between no's 8 and 10 Park Avenue. The site is currently overgrown grassland, and is sited to the rear of properties facing on to Park Avenue and Green Lane.
- 1.2 The site is visible from a public footpath which runs along the southern site boundary. This footpath provides pedestrian access to Cliffe Park to the south and to playing fields to the east. This footpath is the subject of this variation of conditions application

2.0 PROPOSAL

- 2.1 This is an application to vary condition 5 (method statement) and condition 7 (implementation plan and timetable) pursuant of application NED/14/00901/FL.
- 2.2 Planning permission NED/14/00901/FL was granted in 2015 for the construction of 6 no detached houses, with four houses accessed via the existing access off Park Avenue to the north; and plots 1 and 2 accessed via an existing driveway directly onto Green Lane to the west. The relevant pre-commencement conditions have been discharged and a material start made on site. The application is therefore extant.
- 2.3 Condition 5 requires that construction traffic access the site via Park Avenue only; and this application proposes to vary the condition to allow access via Green Lane for the approved improvements works to the private drive only. No construction traffic for the houses would use the Green Lane access.

- 2.4 Condition 7 requires that design and construction details including a timetable for implementation for the works to the Green Lane access be submitted to and approved in writing by the Local Planning Authority. This application proposes to vary the condition to allow for a revised timetable for implementation initially in the October school holidays.
- 2.5 Condition 5 and 7 were previously discharged as originally applied under application reference NED/17/000989/DISCON.

3.0 AMENDMENTS

- 3.1 Following discussions with the County Highway Authority and due to the application needing to be determined by Planning Committee the October timetable is no longer achievable.
- 3.2 The proposed variation of condition 5 would result in it being worded as *“Development to be undertaken in accordance with the submitted details shown on drawing 1999-110-A Construction Plan. The plan shall be adhered to throughout the construction period and with the exception of the upgrading of the private drive off Green Lane, all construction traffic shall be via the Park Avenue access only.”*
- 3.3 Condition 7 is proposed to be amended to *“Work to the Green Lane access, incorporating widening of the driveway, raised table and construction of the footpath to be undertaken in full accordance with the submitted details shown on drawing 1999-112-C, 1999-114 and the Green Lane access works programme Ref: 1999-115. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.”*
- 3.4 Two options have been put forward by the agent for the implementation of the works:-

Option 1 - Proposing to start the works furthest from the entrance to the lane during the final week of term (w/c 16/12/19) on the assumption that students won't be accessing the field during this period, it being the final week before Christmas (both school use of the field and use of the park by children will be at its lowest at this time of year). The Agent would ensure all materials are on site (stored as indicated on the submitted drawing) prior to starting any work; and would then complete the furthest section of footpath up to the park entrance (all behind fencing). This would then leave only the raised table, and footpath works from the park entrance towards the entrance at Green Lane to be carried out during the Christmas break. This is all subject to the school's confirmation that this is acceptable. At no time would access to the playing field, or park, be prevented.

Option 2 - The second option is to split the works into 2 distinct phases (as described above), and to commence the furthest end of the footpath upon break up for the holiday, and progress in line with option 1. If at any point completion of all of the works is not likely to be achieved within the holiday period, the agent would complete to a point where the site can be left completely safe, and then return in the February 2020 half term to finish off all remaining elements.

4.0 PLANNING HISTORY

- 4.1 NED/09/00993/FL – Planning permission was granted in July 2010 for the Construction of 5 detached two storey houses at land to the rear of 4-16 Park Avenue.
- 4.2 NED/11/00361/FL – Planning permission was refused for the construction of five detached dwellings with integral garages (revised scheme of 09/00993/FL) at land to the rear of 4-16 Park Avenue. An appeal dismissed.
- 4.3 NED/11/01103/FL - Construction of 5 detached dwellings with integral garages (revised scheme of 11/00361/FL) (Amended Plans) at land to the rear of 4-16 Park Avenue. An appeal was allowed.
- 4.4 NED/13/01146/FL - Construction of 7 no. detached dwelling houses with integral garages (Revised scheme of 11/01103/FL including access off Green Lane) at land to the rear of 4-16 Park Avenue. This application was withdrawn.
- 4.5 NED/14/00901/FL - Construction of 6 No detached houses with integral garages (revised scheme of 13/01146/FL) (Amended Plans). Conditionally Approved.
- 4.6 NED/15/00437/FL - Removal of condition 5 of 14/00901/FL so that construction traffic may access the site via Green Lane. Refused
- 4.7 NED/17/00989/DISCON - Application to discharge conditions 2, 3, 4, 5, 7, 14, 15, 19, 20, 21, 22, 23, 25, 26, 27 and 28 pursuant of 14/00901/FL. Conditions discharged.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises the North East Derbyshire Local Plan. The policies most relevant in determining this application are as follows.
 - GS1 Sustainable Development
 - H2 Housing Development on other sites within Settlement Development Limits
 - H12 Design and Layout of New Housing
 - T2 Highway Access and New Development
 - T9 Car Parking Provision
- 5.2 Other relevant policy documents include “Successful Places Interim Design Guide”.
- 5.3 At the time of writing this report the Dronfield Neighbourhood Plan is due to be subject of referendum on Thursday 24th October and, if adopted, would carry full weight in the determination of the application at its decision date. In such circumstances the relevant policies form it would be:-
 - HOU1: Windfall Housing Development
 - HOU2: Housing Mix
- 5.4 The evolving Local Plan: the North East Derbyshire Local Plan: Publication Draft (PD) (2014-2034) is also relevant to this application and it defines Dronfield as a Level 1 Town.

5.5 The Council is at an advanced stage in the production of its 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 at the end of May 2018 and is currently under examination. 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. As it is currently paused and so its future is uncertain Officers consider it may be afforded very little weight

5.6 Notwithstanding that, the following policies are considered those most relevant to this application:

SS1 – Sustainable Development
LC4 Type and Mix of Housing
SDC12 High Quality Design and Place Making
ID3 Sustainable Travel

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on the 12 August 2019 with a determination date of 06 October 2019. An extension of time has been agreed until the 08 November 2019.

A site notice was posted on the footpath adjacent to Green Lane and consultation letters were sent to all properties which adjoined the application site

6.2 One **Ward Member** has objected the application and requested a committee determination and site visit. He has commented:-

- Previous planning permission has stated that the access from Green Lane footpath cannot be used for any construction traffic as the footpath doesn't meet highway standards in terms of visibility and safety is compromised when accessing Green Lane.
- Serious safety concerns about allowing vehicles to use the current footpath access leading to Cliffe Park and the School Playing Fields to access properties. There are frequent families and lone children walking this route to and from the park and as a means to go to and from school from the public footpath leading from Stonelow Road.

6.3 **Dronfield Town Council** has objected to the removal of condition 5 for the following reasons:- .

- Previous planning permission has stated that the access from Green Lane footpath cannot be used for any construction traffic as the footpath doesn't meet highway standard in terms of visibility and safety is compromised when accessing Green Lane.
- The Council have serious safety concerns about allowing vehicles to use the current footpath access leading to Cliffe Park and the School Playing fields to access properties.
- The Council have concerns about the work taking place during school term time.

- 6.4 The **County Highway Authority** (HA) have commented in respect of the additional information that has been submitted by the agent. With regards to condition 5 the details shown on drawing 199-110-A Construction Plan are considered to be acceptable by the Highway Authority.

The agent's state that a dividing fence be maintained between the land and the fields to provide division between the Lane and the overall site. There is an existing fence in this location that has previously been proposed to be removed so that the smaller of the two fields be used as turning space for vehicles, however it is proposed that heras fencing be provided to maintain a division between the turning area and the field as a whole. The HA have confirmed that this would be acceptable.

With regards to condition 7, the HA have commented that the details are not in accordance with the 6C's design guide, and the surface course in respect of the driveway widening should be increased to 40mm and the binder course to 70mm. With regards to the table top detail the surface course should be increased to 40mm and binder course to 70mm. in addition the concrete blocks should be 80mm thick and sand/concreate 30mm minimum.

The HA have commented that the timetabling is preferable during school holidays and option 1 (see above) would be preferable rather than leave a considerable gap between start and completion of the works. Subject to the above the HA would have no objection to the variation of the condition.

The agent has submitted revised drawings which includes the recommended changes and compliance with 6C's design guide. The HA have been consulted and any final comments will be reported to Members in the late comments report.

- 6.5 **The Police Force Designing Out Crime Officer** has raised no comments
- 6.6 **NEDDC Streetscene** have commented that NEDDC operate an alternate weekly collection scheme. If the road won't be adopted by DCC and if the road is not built to a standard for vehicles to access, then the bins must be presented on the adjoining road by 6.30am on the day of collection and then returned to the properties after emptying. If the development stays unadopted, and the developer wishes the Council to access the development to undertake refuse collection, the developer may propose an alternative solution to ensure that the private/un-adopted road in question is of a suitable construction and is approved and signed off by the highway authority (Derbyshire County Council) rather than the developer; this will be of a satisfactory standard to ensure that damage will not be incurred to any refuse vehicles and/or the road surface.
- 6.7 **8 objections** have been received from local residents and have raised the following comments (in summary):-
- This in no way addresses the various safety concerns which led to the condition that all the construction traffic would have to use the Park Avenue access.
 - If this construction is allowed it will then lead to another application to use this access for construction of the properties since the owners of Park Avenue are unlikely to allow access over their private road. This would

lead to the reversal of the original decision. (*officer note: this is not a planning consideration in this case*)

- The path is used by residents in wheelchairs from the nearby nursing home.
- The path is used by students to gain access to their playing fields and also as a route to and from school in mornings and evenings and at lunchtime
- The route is use by children of all ages, especially in school holidays when this work is planned. The plan Identifies days when various tasks are to be completed not identifying the hours to be worked. (*Officer note: - there is a condition on the original consent that controls hours of working*)
- The noise and disruption could well be 24hrs per day. (*Officer note: - there is a condition on the original consent that controls hours of working*)
- This access not suitable for construction traffic which is why the original conditions were imposed
- The school has commented that it believes it is unlikely that the construction company would be able to have tight control of delivery by suppliers.
- Concerns from school PE staff
- Grounds maintenance staff require access to the playing fields several times a week.
- The first application to remove condition 5 (NED/15/00437/FL) was refused and Highways raised concerns. (*Officer note: this application proposed construction traffic for the construction of plots 1 and 2 which is materially different from the current application*)
- In view of the previous refusal comments, fail to see how anything has changed, in fact lorries and pantechnicons to and from Callywhite Lane Industrial Estate has become worse. Green Lane is a B road not constructed for heavy vehicles where the speed limit is regularly flaunted.
- In school holidays MORE children and parents use the park and these children may be unsupervised, unlike the school situation.
- Previously the proposal was refused due to liaison being neither sufficient nor enforceable. This would be even worse in school holidays.
- There are 3 junior and I infant schools, not to mention Dronfield Henry Fanshaw, within a few minutes' walk form the park, consequently, in holiday times, there is an endless stream of people using the Cliffe Park I Green Lane access.
- The additional traffic that would result from construction vehicles being on the site would cause further congestion on Green Lane, which is already an extremely busy thoroughfare, and so increase the probability of accidents.
- It is possible that the Developer may attempt to use and extend the Green Lane access route to serve the additional four houses on this eastern field. If this was allowed to happen, the amount of traffic on this access route (see estimates above) would be extremely detrimental to the environment, school children and residents of Dronfield in general. (*officer note – this is not a planning consideration in this case*)
- As a consequence of access to the school site, the development will have a major impact on the locality regarding an increase in traffic, greater risk for existing users and creates an additional road entrance within an already busy area. Green Lane forms the main boundary of the school and this in itself causes inherent health and safety issues given that there is no viable walkway at all on the eastern side, immediately adjacent to the campus.

- In addition, access to our sole sports field, which borders the property development scheme and involves direct use of the right of way which is being converted, will be severely impacted on.
- Concerns about the unsuitability of the proposed access onto Green Lane, which cannot be regarded as safe. [*Officer note – the access has already been approved under NED/14/00901/FL and is therefore not under consideration*]
- The condition was imposed and considered “necessary” (this being the appropriate, relevant test from planning guidance) at the time when planning permission was granted and there is no change in circumstances or any justification for amending the condition as proposed, noting there is already a suitable construction access allowed for in the permission.
- Our children, frequently, use the park in holiday times and any construction traffic poses a threat to safety to our children
- Removal of these conditions will also restrict parking for the school and increase traffic build-up and jams on this very busy road. (*officer note – the application seeks to vary, not remove, the conditions*)

6.8 The agent has submitted a representation in response to the objections which comments as follows (in summary)

- Concerns regarding the general principle of development of the site, and the impact on safety for pupils and the wider community are not relevant to this application. All these matters were considered and approved within Ref 14/00901/FL
- During the works, safety of pupils is not a relevant issue as they will be on half term. It is beyond debate that safety on the lane once the works are implemented will be vastly improved to everybody’s benefit.
- Large vehicles already access the lane regularly and at times when the school is open and with pupils using the lane. This surely demonstrates that our lane upgrade works, delivered outside term time can only be viewed as low risk to the pupils by comparison.
- This Variation of Condition application is a request to:
 - Vary the Timescale for implementation of works (school holidays principle already approved) to the next school holiday period.
 - To safely access the upgrade works from Green Lane for a one week work programme

7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for this application relate to any changes impacting on highway safety.

8.0 PLANNING ASSESSMENT

8.1 This application seeks to vary condition 5 (method statement) and condition 7 (implementation plan and timetable) pursuant to approved application NED/14/00901/FL. Both conditions were imposed in the interest of highway safety

8.2 Planning permission NED/14/00901/FL was granted in 2015 for the construction of 6 no detached houses, with four houses to be accessed via the existing access off Park Avenue to the north; and plots 1 and 2 accessed

via an existing driveway directly onto Green Lane to the west. The permission restricted construction traffic to be taken from Park Avenue only.

Principle of development

- 8.3 Planning permission has been granted for 6 dwellings which includes plots 1 and 2 being accessed directly of Green Lane and via the private drive. This permission is extant and a material start has been made, along with the principle of the construction works being undertaken in school holidays.
- 8.4 The proposed improvements to the Green Lane access and private drive have been approved in principle under application NED/14/00901/FL and therefore this application seeks to vary the timetable for implementation and to allow construction traffic to access Green Lane for the private drive improvements **only**. Construction of the dwellings would be via Park Avenue as originally approved.

Highway Issues

- 8.5 The Highway Authority (HA) has not raised an objection to the proposed variation of the two conditions and has commented with regards to condition 5 that the details shown on the drawing 199-110-A Construction Plan are considered to be acceptable.
- 8.6 The agent has submitted a statement addressing the HA's initial comments and with regards to the HA suggestion of a dividing fence being maintained between the lane and the fields. There is an existing fence in this location and the agent previously proposed that the smaller of the two fields be used as a turning space for vehicles to prevent the need for reversing on the lane which would require the removal of some of the fencing. The agent has confirmed he will provide heras fencing to maintain a division between the turning area and the field as a whole. The HA have confirmed that this would be acceptable.
- 8.7 With regards to condition 7 the highway authority has not raised an objection but has commented that the details are not in accordance with the 6C's design guide, and the surface course in respect of the driveway widening should be increased to 40mm and binder course to 70mm. With regards to the table top detail the surface course should be increased to 40mm and binder course to 70mm. in addition the concrete blocks should be 80mm thick and sand/concrete 30mm minimum.
- 8.8 The HA has commented that the timetabling is preferable during school holidays and option 1 (see above) would be preferable rather than leave a considerable gap between the start and completion of the works. Subject to the above the HA would have no objection to the variation of the condition.
- 8.9 The agent has subsequently submitted revised plans that incorporate the HA comments and any further final comments of the HA will be reported to members.

- 8.10 The NPPF is clear in 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 of the road network would be severe.

Officers do not consider that there is any evidence that the construction traffic using the access for the short time period involved in the upgrading of the private drive would, based on the evidence before it, result in a demonstrable harm to highway safety or that the transport impacts would be severe particularly as planning permission for the upgrading of the access and use by 2 dwellings has already been granted planning permission. Officers consider therefore that the highway impacts of the proposal can be satisfactorily addressed by the imposition of revised conditions.

Impact on Neighbours

- 8.11 The planning permission that exists has controls on the hours of operation of construction works, and there is no material changes to the proposal for the access to serve plots 1 and 2. Officer therefore consider that there would not be any significant increase in noise or disturbance as a result of the proposed variation. There may be some additional inconvenience as a result of the works access via Green Lane but this is not considered to be sufficient to warrant a refusal of the application.

Other Matters

- 8.12 A number of representations have been received some of which raise issues relating to the impact of the works on the users of Cliffe Park and the potential for more development to take access off Green Lane.
- 8.13 The use of the Green Lane access for use other than for plots 1 and 2 would require a further planning application to further amend the application and is not a matter for consideration under this application.
- 8.14 The concerns of residents are noted with regards to users of the park and impact on the school, however permission for the access has already been granted and in view of the highway authority not raising an objection officers are satisfied that the development would not have an adverse impact on access to the park or pedestrian safety.

Conclusion

- 8.15 This application seeks the variation of 2 conditions of an extant permission for 6 dwellings within the Dronfield settlement development limits. Officers consider that the proposed revised wording of the conditions would not result in a detrimental impact on highway safety and the proposals are considered to be acceptable.

9.0 SUMMARY OF CONSULTATIONS

| | |
|------------------------------|---------------------|
| <u>County Highways:</u> | no objections |
| <u>County Planning:</u> | n/a |
| <u>Environmental Health:</u> | n/a |
| <u>Drainage:</u> | n/a |
| <u>Access Officer:</u> | n/a |
| <u>Neighbour:</u> | objections received |
| <u>Ward Member:</u> | objections |
| <u>Parish Council:</u> | objections |

10.0 RECOMMENDATION

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

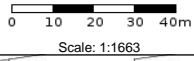
1. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - 1999-112-C Driveway widening detail
 - 1999-110-A Construction Plan
 - 1999-115 Green lane Access Works Programme
 - 1999-114 Private Drive WorksPlan approved under NED/14/00901/FL
 - 1999-101-G Site Plan
 - 1999-106-B Site Sections
 - 1999-106-A House Type D
 - 1999-107 House Type A variant
 - 1999-102-A House Type A
 - 1999-103-B House Type B
 - 1999-104-A House Type C
2. The landscaping scheme shall be carried out in accordance with the details approved under NED/17/00989/DISCON dated 16 January 2018.
3. 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.
4. The boundary treatments shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. Local Planning Authority. The approved scheme shall be completed before the first occupation of any dwelling; and shall be retained as approved thereafter.

5. Development to be undertaken in accordance with the submitted details shown on drawing 1999-110-A Construction Plan. The plan shall be adhered to throughout the construction period and with the exception of the upgrading of the private drive off Green Lane, all construction traffic shall be via the Park Avenue access only.
6. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
7. Work to the Green Lane access, incorporating widening of the driveway, raised table and construction of the footpath to be undertaken in full accordance with the submitted details shown on drawing 1999-112-C, 1999-114 and the Green Lane access works programme Ref: 1999-115. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.
8. Prior to the introduction of vehicle movements at the junction of the access with Green Lane, consequential on the development proposals, visibility sightlines shall be provided extending from a point 2.4m back from the Green Lane carriageway edge extending to the extremities of the application site boundary abutting the highway in each direction. The land in advance of the sightlines shall be cleared and retained permanently free of all obstructions above ground level.
9. Prior to the first occupation of either Plot 1 or Plot 2 the "vehicular turning area" shown on drawing No 1999/101E shall be constructed in full retained as such thereafter free of any impediment to its designated use.
10. Prior to the occupation of any of Plots 3 - 6 the vehicle turning space shown on drawing No 1999/101 E shall be constructed in full and retained as such thereafter free of any impediment to its designated use.
11. Prior to the occupation of either Plot 1 or Plot 2 the "bin collection area" shown on drawing No 1999/101 E, shall be constructed and retained as such thereafter free of any impediment to its designated use.
12. The approved garaging and car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging and parking of private motor vehicles associated with the residential occupation of the property.
13. Before the dwellings are first brought into use, the area shown on the approved plans as reserved for the parking, garaging, circulation and standing of vehicles, shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only.

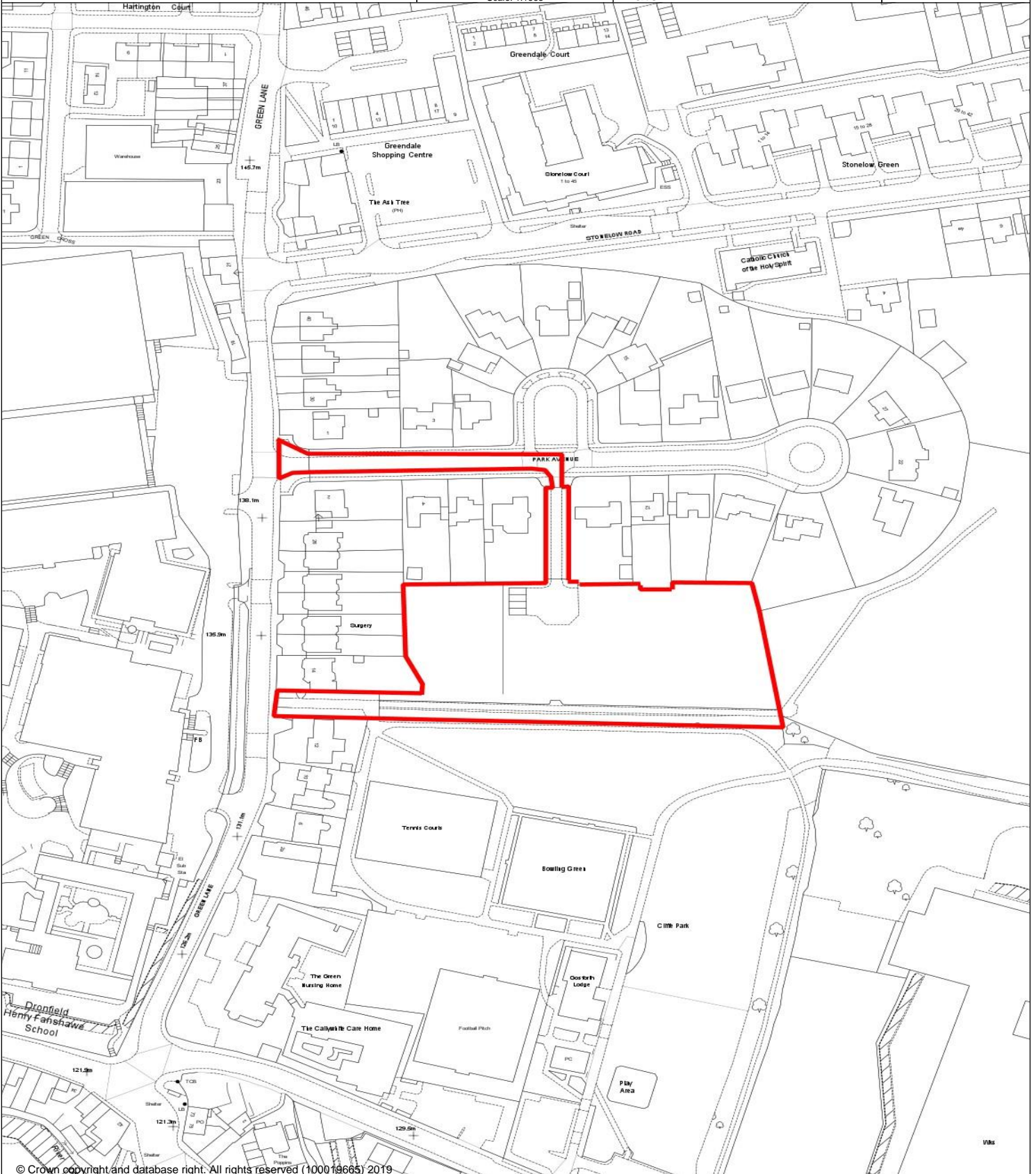
14. The roofing and walling materials shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full; and shall be retained as approved thereafter.
15. The finished floor levels of the dwellings and finished ground levels of the site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full and shall be retained as approved thereafter.
16. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
17. There shall be no building or other obstruction located over or within 3.0 metres either side of the centre line of the 450mm sewer which crosses the site.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. The surface water drainage site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018.. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
20. The foul drainage site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
21. The Mitigation strategy for amphibians and reptiles shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018.. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
22. The construction environmental management plan shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018.. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
23. The permanent wildlife corridor shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018.. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
24. No site clearance works associated with the development of this site including removal of trees, hedgerows or other vegetation shall take place during bird breeding season (March to August) unless otherwise agreed in writing by the Local Planning Authority following the submission of detailed surveys and method statements.

25. The external lighting shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018.. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
26. The bat and bird mitigation for trees to be felled shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
27. The mitigation measures timetable shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
28. The biodiversity enhancement scheme shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
29. If during construction works associated with the development hereby approved, any areas suspected of being contaminated are discovered, 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. The assessment shall take the form of a Phase I contaminated land assessment (desk-study) and shall detail the site investigation strategy required to deal with the contamination identified. Any investigation required shall be undertaken in accordance with the scheme submitted and shall comply with current Government Guidance. The local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Upon completion of the remediation works carried out in accordance with the site investigation strategy; 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: 18/10/2019



APPLICATION NO. 19/00577/FL
APPLICATION Change of use of land from agriculture to a natural burial ground including access, car park, landscaping and associated works.
LOCATION Land South Of Cricket Ground, High Street, Apperknowle
APPLICANT Mr Stephen Parkin - Peace Funerals, Gleadless Mount, Sheffield S12 2LN
CASE OFFICER Ms Susan Wraith
DATE RECEIVED 31st May 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Dale

REASON: In order that Planning Committee may consider highway impacts, impacts arising from car parking, the operation of the car park and drainage issues (including potential health impacts).

The Site Inspection Group will visit the site to assess the impact of the proposal on the character of the area and the openness of the Green Belt.

1.0 SITE DESCRIPTION

- 1.1 The site is located beyond the settlement development limits for Apperknowle and, therefore, within countryside for planning policy purposes. It is also within the North East Derbyshire Green Belt.
- 1.2 The site is positioned to the south west side of High Street, just beyond the point where the road leaves the settlement and heads towards Hundall with the Travellers Rest PH to its northern corner on the opposite side of the road. The land slopes downwards towards the south west. To its north west boundary the site is abutted by a cricket ground and agricultural land. To the south west and south east is a belt of woodland with fields beyond to the south east. To the opposite side of the road, to the north east, is agricultural land which rises to the brow of the hill.
- 1.3 The site is surrounded on its north east and north west boundaries by substantial native hedgerows. It is presently used as grazing land.

2.0 PROPOSAL

- 2.1 It is proposed to change the use of the land to a natural burial ground. It is expected burials would take place on average once a week. The site has potential to accommodate some 2068 burial plots. Thus, potentially, the site could operate as an active burial ground over a time period of around forty years before reaching capacity.
- 2.2 Essentially the land would retain its character and appearance as open meadowland surrounded by hedgerows with a tree belt and additional native broadleaf tree and shrub planting to its lower slopes and an area of orchard to its south east corner. The burial plots would be marked by small stones, laid flat, within a rich grassland meadow and within the woodland burial areas.

- 2.3 A new access would be formed to a car parking area for 25 vehicles plus 2no. spaces for mobility impaired visitors and 4no. hoops for cycles. The car park would be 3 metres offset from the existing boundary hedgerow at a lower level to the road with the intervening strip seeded with conservation grass mix and planted with low native shrubs. The car park would be formed of a reinforced surface (Grasscrete or similar) with grass covering.
- 2.4 The volume of visitor traffic, over much of the time, is expected to be low with the full extent of the car park only being needed for funerals and at other busy times. An internal gateway to close off part of the car park is proposed, and would be kept locked at other times, although 4 spaces together with 2 disabled persons spaces and cycle parking would be available for visitors at all times.
- 2.5 There would be a separate pedestrian access at the position of the existing field gate (modified for pedestrian use only). A new stretch of public footpath would be provided from the bus stop (opposite the Travellers Rest PH) linking to the pedestrian access.
- 2.6 Pathways would be formed within the site of 2.5m width to a maximum gradient of 1:20, with a level break every 30m, which would be suitable for wheelchair users and also for the transportation of coffins by a hand pulled coffin bier. The paths would be surfaced in self binding gravel framed by timber edging.
- 2.7 Towards the bottom end of the site there would be a small oak framed shelter for use as a ceremonial space and for gatherings. A sitting area with benches is proposed towards the top of the slope providing views across the valley. It is intended that the site would be available as a peaceful space for the community as well as those visiting graves and attending burials.
- 2.8 The application is accompanied by:
- Landscape and Visual Appraisal
 - Application Statement
 - Transport Statement
 - Tier 1 Risk Screening: Assessment of Groundwater Pollution
 - Outline Landscape and Ecology Management Plan [OLEMP]
 - Preliminary Ecological Assessment
- 2.9 The OLEMP indicates that, if permission is granted, a detailed LEMP would be drawn up to provide details of the short, medium and long term management arrangements for the site. Options for the long term (once burials have ceased) could include returning the land to agricultural use (grazing and/or hay cropping for example) or partnership arrangements for ongoing public access and community use.

3.0 AMENDMENTS

- 3.1 Following an initial consultation response from DCC Highways the proposed access has been repositioned further towards the north (previously within a dip in the road where visibility of oncoming vehicles was restricted). DCC

Highways now have no objection to the proposal (as amended) subject to the imposition of planning conditions.

- 3.2 A revised Landscape Masterplan has been received showing continuous hedgerow to the north west boundary. The original plan had shown a small gap in the hedge for purposes of providing pedestrian access from the cricket ground for ball retrieval.

4.0 PLANNING HISTORY

19/00021/EIA – Screening opinion for change of use of land from agricultural to natural burial ground. No EIA required - 29/01/19.

5.0 DEVELOPMENT PLAN AND OTHER POLICIES

5.1 North East Derbyshire Local Plan

The North East Derbyshire Local Plan is the development plan for the purposes of this determination. The application is to be determined in accordance with the development plan unless material considerations indicate otherwise. The most relevant policies are:

- GS1: Sustainable Development
- GS2: Development in the Green Belt
- GS6: New Development in the Countryside
- NE1: Landscape Character
- NE3: Protecting and Managing Features of Importance to Wild Flora and Fauna
- NE7: Protection of Trees and Hedgerows
- T2: Highway Access and the Impact of New Development
- T5: Walking and Cycling
- T9: Car Parking Provision

5.2 North East Derbyshire Local Plan 2014-2034 Publication Draft – as submitted

The Council is in the process of preparing a new Local Plan which has been the subject of examination and has progressed to the stage of the Inspector's Interim Findings. Weight should be attributed to it as appropriate and the policies considered most relevant to the determination of the application are considered to be as follows:

- SS9: Development in the Countryside
- SS10: North East Derbyshire Green Belt
- SDC2: Trees, Woodlands and Hedgerows
- SDC3: Landscape Character
- SDC4: Biodiversity and Geodiversity
- SDC12: High Quality Design and Place Making
- SDC13: Environmental Quality
- ID3: Sustainable Travel

5.3 The National Planning Policy Framework [NPPF]

The NPPF is relevant to the determination of the application and the most pertinent elements of it are considered to be as follows:

Chapter 12: Achieving well-designed places

Chapter 13 Protecting Green Belt Land

Chapter 15: Conserving and enhancing the natural environment

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 Comments received as follows:

| | |
|-----------------------------|---|
| NEDDC Drainage | No comments received. |
| NEDDC Environmental Health: | No objections. |
| DCC Highways: | No objection subject to conditions. The access (as amended) meets current safe minimum criteria. The footpath connection to the bus stop is welcomed. |
| DCC Flood Risk | No comments received. |
| DCC Archaeology | No archaeological work is required. |
| Yorkshire Water: | No implications for Yorkshire Water. |
| Derbyshire Wildlife Trust | No objections. Potential for net biodiversity gain. Mitigation measures to be implemented in full to avoid potential impact on species. Planning conditions recommended to require the submission of a Landscape and Ecology Management Plan. |
| Environment Agency | No objection. The Hydrogeological Risk Assessment shows that the proposal meets the EA required criteria. |
| The Coal Authority | No objection. Although a High Risk Area a Coal Mining Risk Assessment is not required due to the nature of the proposal. Advisory note suggested. |
| Unstone Parish Council: | No objection. |
| Ward Councillor: | Has requested that the application be determined by Planning Committee. |

6.2 Site Notices were posted on 14/06/19 and 02/07/19. The application was publicised in the local press on 04/07/19.

6.3 13 objections have been received raising the following matters:

- Vehicular access is down a single track road with speed limit of 60mph; concerns over safety of vehicles turning into the site.
- Access onto the site is a considerable drop in height, requiring a slow turn. Could be dangerous especially in bad weather.
- Unsuitable pedestrian access – no footpath from the nearest bus stop.
- Pedestrian access from cricket pitch should not be allowed as hedging is being grown to fill the gap. Permission would need to be given by the owner of the land not the cricket club.

- The slope on the site is considerable and the winding paths on the plan would not be safe for everyone and especially in winter.
- Apperknowle experiences harsher winters than surrounding towns due to its elevation and exposure. This would create an unnecessary risk for people accessing the site.
- The material proposed for the paths is unsuitable for the elderly and infirm due to the severity of the slope. Would be dangerous for wheelchair users.
- Considerable water run-off from the lane down the field in heavy rain would compromise conditions for burials particularly when the ground has recently been disturbed.
- The site is near an active badger set. There are risks of animals disturbing graves. Foxes could also cause a problem to the burial sites.
- The rock underlying the site is permeable and run off from decomposing bodies could add to the pollution of the stream at the bottom of the valley.
- No provision for maintaining waste soil. On the plans this appears to be placed at the bottom of the site. Run off from topsoil could be considerable and damage the woodland at the bottom of the site, not owned by Peace Funerals.
- No provision of toilets for the mourners.
- Loss of a local amenity – the views of the valley currently enjoyed by the local community from the lay-bys.
- No benefit to the community of Apperknowle, only a loss of amenity and increased traffic on the narrow dangerous lane.
- No provision for long term care of the site should the application be allowed.
- Disruption and pollution caused by construction, traffic flow and movement of earth.
- Directly opposite a recreational area where families eat, drink and enjoy the views.
- A burial site will destroy the spirit of Apperknowle which lies in the land and listed buildings surrounding the village.
- Access to the site from any direction would cause problems especially the T junction at The Traveller's Rest.
- Many residents park cars on both New Road and High Street, narrowing the access from both these roads.
- Snow makes access difficult on the roads at the top of the hill. Not the best site for a burial ground.
- Residents' windows overlook the site and they do not wish to see the activity of burying bodies from their homes.
- It is unfair to impose a burial ground in such close proximity to a small community.
- People eating and drinking at the pub like to enjoy the views and would not want to see a burial ground and car park.
- Concerns over financial stability of the applicant and the future upkeep of the site as it cannot be returned back to agriculture.
- Unacceptable to expect the Council to take up future maintenance of the site.
- The reports from both transport and environment are a gross simplification of reality.

- The traffic levels traversing New Road, High Street and Moor Top Road are comparable to an A category road all day.
- Levels of wildlife are considerably more plentiful and diverse than stated in the report with badgers in particular roaming around the village all night.
- The Travellers Rest PH is also a home and the upstairs windows look directly over the site.
- The PH toilets would be used as a public facility by users of the site.
- Youth's will enter the site, as it is not gated, to race cars, drink and leave litter at night.
- There is a variety of pond life, including newts and frogs that could be affected by the use.
- The car park at The Travellers Rest is small and would be further compromised by people attending funerals.
- There is constant traffic already passing through Apperknowle between Marsh Lane and Unstone. With the busy pub and parked cars there is a danger to cyclists and pedestrians.
- In the woodland at the foot of the field there are active badger sets, roe deer, foxes and numerous squirrels.
- Other wildlife seen on the site include rabbits and hares.
- Birds are frequently seen circling and nesting in the field and woodland including Buzzard, Kestrel, Sparrow Hawk, Tawny and Little Owl, Wood Pigeon and Thrush. Pheasants and Sky Larks are seen nesting in the field's verges.
- When the planted trees mature the view will be obscured.
- Reduction of local house prices in Apperknowle due to negative impact the site will have on the local area.
- This change of use is against the policy of the Green Belt which is to maintain agricultural land.
- Concerns over when the site will attempt to expand.
- The Company's site at Ulley has inadequate and poorly drained parking and pathways. In Apperknowle these issues would have a greater impact.
- The proposed pedestrian entrance has a bus stop stage a few metres away, could pose a further risk to pedestrians accessing the site.
- No CCTV, lighting or security is planned for the car park.
- The Ulley site has a locked gate with access only for funerals and a small layby allows visitors to the burial sites. This system would cause problems in Apperknowle as visiting cars would have to park on the busy narrow road.
- Any trees planted for screening purposes would take years to reach maturity.
- Apple trees are not native to the natural landscape. What guarantee is there that residents would take care of the mature orchard?
- The site at Ulley is different in many ways to the Apperknowle site – it is further away from the village, no buildings overlook the site and the ground is flat and grassed.
- The burial ground is too closely located to the village.
- The Cricket Ground owner objects to the use of the Cricket Ground as public access to the site and requests the applicant removes this and amends the plans accordingly.
- There are more suitable locations close by for a natural burial ground.

- Risk of contamination to the land and houses south and south-west of the site.
- Risk of contamination of food grown on the land to the south and south-west.
- Risk of contamination to the animal grazing areas.
- The environmental report states there would be a risk of contamination to the south-west of the site where there are houses on New Road.
- This is a commercial venture to make profit out of exploiting our village for financial gain without regard for the people who live here.

7.0 PLANNING CONSIDERATIONS

- 7.1 Whilst the site is within the Green Belt the NPPF (para 146 e)) states that material changes of use of land that preserve openness and do not conflict with the Green Belt's purposes are not inappropriate. It specifically cites "cemeteries and burials grounds" as falling within this exception. NPPF para 145 b) states that the provision of appropriate facilities (in this case a small open sided shelter) for cemeteries and burial grounds (amongst other things) are not inappropriate so long as they preserve the openness of the Green Belt and do not conflict with its purposes. Similarly engineering operations fall as an exception under para 146 b). That would include the access, paths and minimal changes to land levels.

Therefore, it is considered that the development is "not inappropriate development" in the Green Belt when taking into account national planning policy. There is no need to consider Green Belt issues further.

- 7.2 Thus the main issues for consideration in this application are the effects of the development upon landscape and the character and appearance of the area, highway and traffic issues, effects upon wildlife and potential for pollution of the water environment.

8.0 PLANNING ASSESSMENT AND SUMMARY

Landscape and character and appearance of the area

- 8.1 Because of the topography, surrounding hedges and woodlands the site is, to a large extent, visually contained. The main public views of the development would be from High Street at the points of access into the site, from the lay-by further along the site frontage towards the south east and along a short stretch of the lane when approaching from the direction of Hundall.
- 8.2 In these views it is possible there would be some perception of the grave marker stones and the car park and paths might also be seen although the site, otherwise, would have the appearance of meadow with woodland beyond as it presently appears. As the site slopes away downwards, Officers consider that the observer's eye, in these views, is more likely to be drawn outwards towards the expansive panorama across the valley to the south and south west rather than down into the site itself.
- 8.3 From the picnic tables, to the opposite side of the road at the PH end, the view would remain largely unchanged. From here the site is unseen behind the hedgerow with views being across the top of the hedgerow towards the

expansive landscape beyond. That would still be the case with the application development as the hedgerow is to be mainly retained. There would just be a small opening at the point of access which is a little further south and which would be seen only obliquely from the picnic tables.

- 8.4 Views from New Road to the north west would also be unchanged. In these views the site is unseen as it is screened by the hedgerow that runs along its north west boundary with just glimpses of the site being possible as New Road rises to reach its junction with High Street.
- 8.5 In more distant views from within the village (Sharman Close area) the site can just be seen but the small changes to the land resulting from the use would be barely discernible at this distance. In longer distance views from across the valley the site would simply be seen as a small component of a wider landscape with no discernible change to its character and appearance.
- 8.6 The planting proposals comprised in the application have been designed to ensure that the views across the site are preserved. Because of the site contours, and position of the new planting further down the slope, the heights that the proposed trees and planting would attain would be well below the sightlines in these views.
- 8.7 The proposed type of surfacing of the access, parking areas (Grasscrete or similar) and pathways (self-binding gravel framed by timber edging) is considered appropriate for a countryside location. Low banks of earth and planting would be used to further soften the appearance of these elements. Further details for the construction and treatment of these areas can be covered by planning conditions.
- 8.8 The only structure to be erected would be the oak framed open shelter which would be positioned centrally towards the bottom of the slope where it would be contained by existing woodland and proposed tree planting to the north. The structure would be of simple vernacular style and of modest footprint (approx. 7.0m x 4.5m) and would be barely visible beyond the confines of the site.
- 8.9 Overall it is considered that the development would assimilate well within the local landscape character of wooded hills and valleys and would protect important views. Officers believe that the development would result in only minimal change to the character and appearance of the area. That change would be mitigated by sensitive treatment and landscaping and is considered to be reasonable in the overall circumstances.

Highway and traffic issues

- 8.10 The new vehicular access is of sufficient width (6m) to allow simultaneous entry and egress of vehicles and is to an acceptable gradient. There would be turning space within the car parking area to allow vehicles to turn around, and for passengers to disembark safely. In its amended position the access is considered to meet current minimum safe criteria and no objections to it have been raised by DCC Highways subject to the imposition of conditions to cover construction details and ongoing retention of the visibility splays.

- 8.11 Based upon observations and data collected at the applicant's other natural burial sites (as set out in the Transport Statement) it is expected that volumes of traffic associated with the use are likely to be low. There are two types of traffic that would be using the site in the main - management traffic and 'event' traffic.
- 8.12 Management traffic would comprise of visits by staff for routine site management tasks such as burial ground inspection, waste collection and maintenance. The number of visits would vary throughout the year but typically would be limited to one or two visits per week. On each occasion, this would typically lead to either one or two vehicles visiting the site.
- 8.13 The second type of traffic that would be using the site is 'event' traffic, i.e. the traffic associated with people attending funerals, burials of ashes and assisted tree plantings. On the basis of the collected data it is expected that there would be one event per week on average. The amount of traffic visiting at each event (based on the data) is expected to vary between 1 and 19 cars, with the average being 5.8 vehicles per event. On this evidence it is expected that the proposed car park would be of adequate size to accommodate all associated traffic, even at busy times.
- 8.14 As part of the ongoing management of the site it is proposed to install an internal gate across part of the car park which would be unlocked when there were events and at other busy times. At other times there would be 4no, spaces together with the disabled persons' spaces and cycle parking available for the visiting public.
- 8.15 The proposal provides accessibility for pedestrians and visitors arriving by public transport as well as those travelling by private motorised transport.
- 8.16 Overall it is considered that there are no overriding highway objections or unreasonable traffic impacts and that acceptable arrangements could be achieved through the imposition of planning conditions.

Ecology issues

- 8.17 A Preliminary Ecological Assessment has been undertaken which has not identified any protected or designated habitats or protected species on the application site. The assessment acknowledges that badgers may travel through the site and the woodland is likely to be used by bats as foraging habitat and by breeding birds. The existing hedgerows are also biodiversity rich. However, as no tree work or vegetation clearance is proposed, and the woodland habitat and hedgerow are to be retained, no further habitat survey or bat roost survey is required at this stage.
- 8.18 The application proposal intends to achieve a net gain for biodiversity and includes preliminary proposals for biodiversity enhancements including hedgerow restoration, a woodland management plan, Himalayan Balsam control, installation of bird and bat boxes and ongoing sympathetic management.

- 8.19 It is proposed that a full Landscape and Ecology Management Plan (LEMP) is drawn up prior to the use commencing. The LEMP would provide for biodiversity enhancements and would include short term (construction phase), medium term (operational phase) and long term (dormant phase) management measures. For the operational phase measures would include grass cutting to promote rich grassland meadow; establishment of new tree and shrub planting, checking the health, vigour, form, ties and guards on new tree and shrub planting and management operations within areas of existing woodland.
- 8.20 Overall it is considered that there is no risk to protected habitat arising from this proposal and that the proposal provides opportunities for net biodiversity gains. It is, therefore, positive in terms of ecology.

Potential pollution issues (water environment)

- 8.21 The Environment Agency [EA] has statutory responsibility for protection of the water environment and has been consulted on this application. The EA criteria for this type of use is as follows:
- Burials to be outside of a Source Protection Zone 1 [SPZ1];
 - 250m minimum distance from potable groundwater supply sources;
 - 30m minimum distance from watercourses or springs;
 - 10m minimum distance from field drains; and with
 - No burials into standing water.
- 8.22 The Tier 1 Risk Screening: Assessment of Groundwater Pollution report [hydrogeological report] which accompanies the application has examined the proposal against the EA criteria. It confirms that the site is not within a SPZ1 and that there are no potable ground water supply sources, field drains or watercourses within the distances specified. There is a spring in the south west area of the site but the nearest burial plot is at least 30m from it.
- 8.23 In respect of the water table, the spring (which is towards the lowest part of the site) provides a reference point. The nearest burial plot would be on ground that is at least 8m higher with most of the burial areas being on rising ground and considerably higher. There will be an unsaturated zone below the base of all graves and, thus, there will be no burials in standing water.
- 8.24 The Hydrogeological report has examined the potential risk associated with contaminants released from buried corpses through the infiltration of rain water, the principle contaminant being ammonium. There would be no burials of embalmed bodies as the chemicals used in that process would potentially add to risk.
- 8.25 The report has concluded that there would be a “moderate” risk to groundwater that could infiltrate the bedrock below the site with the general flow of ground water following the site contours towards the spring in the south west area. However, when taking into account soil/ground composition, distances to drains, watercourses etc and the mechanism of flow the report concludes that the significance of risk (ground water vulnerability) is “low”. The number of burials per year (50 no. or less) is a factor taken into account in this assessment.

- 8.26 The EA, which is the statutory body responsible for the water environment, has assessed the application and accompanying hydrogeological report. It raises no objection to the proposal and acknowledges that the report demonstrates compliance with EA criteria. In the opinion of officers the EA's comments (it being a statutory consultee with statutory responsibility for water quality) should be relied upon and there is no need for the Council to take the matter further.
- 8.27 As a precautionary approach, consistent with the EA criteria, it is recommended that planning conditions be imposed to prohibit the burying of embalmed bodies, to limit the number of burials to 50 no. per year and to limit burials to within the identified areas. Subject to these conditions it is considered that there would be no unacceptable risk to the water environment arising from the proposed development.

Other matters

- 8.28 With regard to the winter weather conditions in Apperknowle, it is understood that burials would not normally take place in extreme weather conditions. This is, however, a matter for the applicant to manage and does not weigh against the proposal in the balance of the planning decision.
- 8.29 From the hydrogeological report it is seen that water run-off from the road will be absorbed into the ground. There is no need to impose any conditions to deal with highway water run-off.
- 8.30 There is no evidence to suggest that graves would be susceptible to disturbance by animals, or that such is any more likely than in any other cemetery.
- 8.31 There is no requirement for public toilets. There are no toilets at the other sites operated by the applicant, or in many other cemeteries, and there is no evidence that this has proved problematic or that it would result in unsolicited use of the toilets at the Travellers Rest PH.
- 8.32 The extent to which the burial ground could be seen in "private" views, including from the first floor living accommodation at the Travellers Rest PH, is not a consideration (in the opinion of officers) to which weight can be afforded in the overall balance of the planning decision. Whilst some residents may be able to glimpse, at a distance, burials taking place these are infrequent and take only a few minutes to complete and would not impact adversely on normal amenity. In any event this would not be a consideration that would weigh against the proposal.
- 8.33 Surplus soil (that has been dug out for graves) will be small in quantity. An area to the west corner of the site (which is visually contained) has been identified for soil storage which is to be piled to no more than 1.5 metres height. The soil will be re-used in the overall maintenance of the site.
- 8.34 Any traffic or other issues associated with the construction phase of the development are expected to be minimal given the minimal nature of the works proposed. A Construction Management Plan can be required to ensure the impacts of construction works are minimised.

- 8.35 It is not expected that the site will attract anti-social behaviour or give rise to security issues. It is not intended to provide lighting or CCTV. The locked gate across the car park will prevent unauthorised access with the remaining spaces being in view from the road. This will minimise the risk of undesirable activity occurring and is considered an acceptable measure that can be covered by a planning condition.
- 8.36 Effect upon property values is not a planning matter. Neither is speculation about future expansion of the site. That matter, if it arises, would be considered on its individual merits at the time. Notwithstanding this, it is understood from the applicant that there is no such intention to expand. Neither is there any intention that the Council or the local community would need to take responsibility for maintaining the land in the future and such a proposition does not form any part of the application proposals.
- 8.37 The benefits to be derived from the proposal must also be taken into account in the planning balance. The proposal provides a local facility, a sustainable means of burial, economic investment in the district, prospect for some local spend from visitors and ecology gains.

Conclusion

- 8.38 When taking all matters into account it is concluded that, on balance, the proposal is acceptable subject to the imposition of planning conditions and would accord with the development plan when read as a whole. In the view of Officers there are no material considerations of sufficient weight to indicate a decision other than in accordance with the development plan. It therefore follows, in the view of officers, that permission should be granted.

9.0 SUMMARY OF CONSULTATIONS

| | |
|----------------------------|------------------------------------|
| County Highways: | No objection subject to conditions |
| Environmental Health: | No objection |
| Derbyshire Wildlife Trust: | No objection subject to conditions |
| Environment Agency | No objection |
| Neighbour: | 13 no. objections |
| Parish Council: | No objection |
| Ward Member: | Called in to Planning Committee |

10.0 RECOMMENDATION

- 10.1 It is recommended that permission is **GRANTED** subject to conditions as follows, the final wording of which to be delegated to the Planning Manager (Development Management):

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan dated 14/03/2019

Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A

Proposed Car Park Security Gate received 25th September 2019

Proposed Cemetery Access E759-CHG-EX-XX-DR-C-102 rev P1

Proposed Cemetery Access E759-CHG-EX-XX-DR-C-103 rev P1

Proposed Oak Framed Shelter Dwg 01

3. No development shall commence until details of the finished contours of the site have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the contours as approved and be retained as such thereafter.
4. No development shall commence until a detailed planting and seeding schedule for the areas of new tree and shrub planting, heritage orchard, grass and wildflowers areas as shown on the Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A, together with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The planting and seeding as approved shall be implemented in accordance with the approved details and timetable.
5. No development shall commence until details for biodiversity enhancements on the site, to accord generally with the Preliminary Ecological Assessment and Outline Landscape and Ecology Management Plan, together with a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall be implemented in accordance with the approved details and timetable.
6. No development shall commence until a detailed landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall combine both the ecology and landscape disciplines and shall include the following:
 - (i) Description and evaluation of features to be managed;
 - (ii) Ecological trends and constraints on site that might influence management;
 - (iii) Aims and objectives of management;
 - (iv) Management options for achieving aims and objectives and monitoring methods,
 - (v) Prescriptions for management actions in the short term (construction phase) and medium term (operational phase), and long term options for the ongoing management of the site when no longer used for burials;
 - (vi) A work schedule including an annual work plan capable of being rolled forward for the operational phase;
 - (vii) Details of the body or organisation responsible for implementation of the plan.

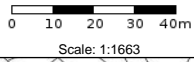
The LEMP shall be operated in accordance with the details and management arrangements as approved.

7. Within one month of the date at which the site reaches capacity or becomes dormant or before a period of 40 years from the date of this permission, whichever is the sooner, a scheme for the ongoing long term maintenance and management of the site together with details of any restoration measures and timescales for implementation shall have been submitted to the local planning authority for approval. The scheme shall be in general accordance with the measures to be set out in the “long term” phase of the LEMP. The site shall, thereafter, be restored and managed in accordance with the details as approved.
8. No site clearance, preparatory work or development shall take place until tree and hedgerow protection measures have been put in place in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of construction works on the site.
9. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - (x) the parking of vehicles of site operatives and visitors;
 - (xi) loading and unloading of plant and materials;
 - (xii) storage of plant and materials used in constructing the development;
 - (xiii) the erection and maintenance of security hoardings/fencing;
 - (xiv) wheel washing facilities;
 - (xv) measures to control the emission of dust and dirt during construction;
 - (xvi) a scheme for recycling/disposing of waste resulting from construction works;
 - (xvii) delivery and construction working hours;
 - (xviii) access to the site for construction traffic.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

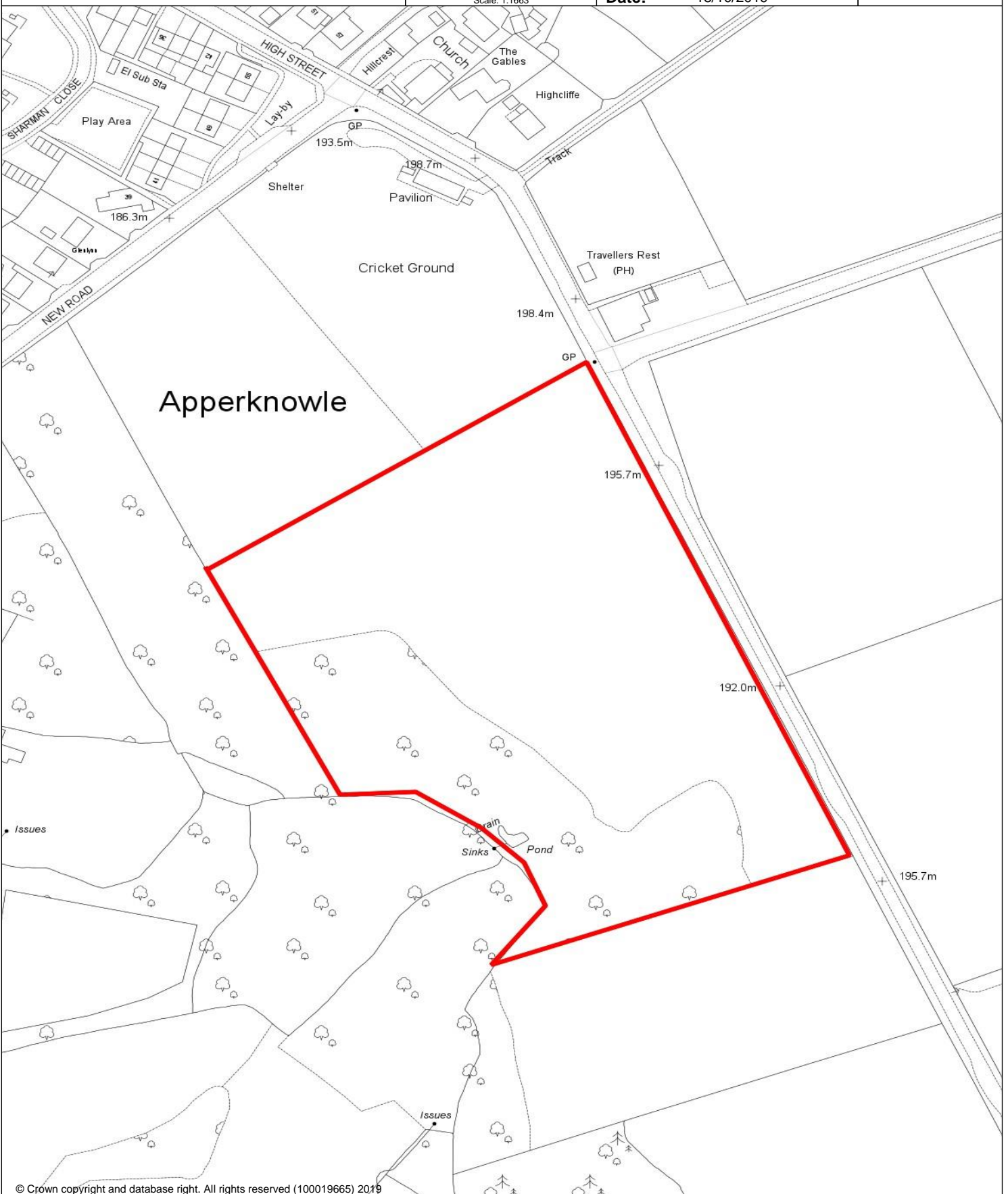
10. The hedgerows to the north west and north east boundaries of the site shall be retained (except those parts required for access) and shall be reinforced with additional planting to close gaps. The hedgerows shall thereafter be maintained to a height of 2.5 – 3.0m height measured from lowest adjacent ground level.
11. No development shall commence until construction details for the access, and proposed footway link between the site and the existing bus stop, including details of any drainage arrangements and together with a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The access and footpath link shall be constructed in accordance with the approved details and timetable.

12. The access shall be laid out in accordance with the details and visibility sightlines indicated on drawing numbers E759-CHG-EX-XX-DR-C-102 Rev P1 and E759-CHG-EX-XX-DR-C-103 Rev P1 and the details approved in the above condition. The area in advance of the sightlines shall remain free from any obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level, and be so maintained thereafter.
13. The parking and turning areas shall be laid out as shown on drawing numbers E759-CHG-EX-XX-DR-C-102 Rev P1 and E759-CHG-EX-XX-DR-C-103 Rev P1. The areas shall be surfaced and parking spaces marked out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The car parking and turning areas shall be provided in accordance with the details as approved prior to the burial ground being taken into use.
14. The internal gate across the car park shall be provided prior to the burial ground being brought into use, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The gate shall, thereafter, be kept locked except at times of burials, events, and peak visiting times.
15. Prior to the burial ground being brought into use the existing field gate opening to High Street shall be modified to provide pedestrian-only access, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The pedestrian-only access shall thereafter be retained.
16. Apart from the gates referred to in conditions 14 and 15 above, there shall be no other gates, chains or barriers restricting the use of the access or parking area within 6m of the nearside highway boundary and any gates shall open inwards only.
17. Before the burial ground is first brought into use a scheme for litter picking, recycling and waste management/disposal shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of frequency for litter picking and waste removal. The scheme shall thereafter be operated in accordance with the approved details.
18. No burials of embalmed bodies shall take place at the site.
19. No more than 50 burials shall take place at the site within any calendar year.
20. Burials shall take place only within the areas indicated for such purpose on the Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A.
21. Any stones marking burial plots shall be laid flat. There shall be no standing head stones.



Author: K. Spelman

Date: 18/10/2019



APPLICATION NO. 19/00453/FL

APPLICATION Proposed two storey detached dwelling with detached garage/ancillary accommodation (revised scheme of previously withdrawn 18/01277/FL) (Amended Title/Amended Plans)

LOCATION Carberry Wood, Kelstedge Lane, Kelstedge

APPLICANT Mr & Mrs Temperton

CASE OFFICER Graeme Cooper

DATE RECEIVED 13th May 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Armitage

REASON: It is requested that this application be considered by planning committee due to the scale and design which is considered to be out of proportion to its surroundings.

1.0 SITE DESCRIPTION

- 1.1 The application site forms the garden of Carberry Wood, a detached bungalow with attached flat roof garage. The dwelling sits in a large plot with a single point of access from Kelstedge Lane to the north.
- 1.2 The site is framed by a low wall around the north and eastern boundaries of the site, with a mature hedgerow planted adjacent. The hedge along the eastern boundary is approx. 3m high and dense in its appearance.
- 1.3 Kelstedge Lane runs to the north of the site which is a narrow country lane, subject to the national speed limit. This lane connects onto Amber Lane (A632) to the east which is the main road from Matlock to Chesterfield.
- 1.4 The application site is surrounded on two sides by other residential properties, including a range of outbuildings to the west and a detached traditional cottage to the south.
- 1.5 The Cottage to the south is positioned at a lower level to the application site and fronts onto Amber Lane. At first floor is a raised deck area used by the occupants as an outdoor amenity area. This space overlooks the applicant's garden to the west and has views back across the application site.
- 1.6 Land opposite the site to the north is open countryside, which is designated as a Special Landscape Area.
- 1.7 The application site is located in the Settlement Development Limit for Kelstedge.

2.0 PROPOSAL

- 2.1 The original proposal was for the erection of a large detached dwelling that would be set at a 90° angle to the existing bungalow on site. The proposal would use an amended signal point of access for both dwellings and the removal of an attached double garage.
- 2.2 Concern was raised by Officers to the scale, design and appearance of the proposed dwelling.

3.0 AMENDMENTS

- 3.1 Amended drawings were submitted illustrating a modest dwelling, with modern flat roof extension to the side and upper floor box dormers, set down from the ridge line.
- 3.2 Also included in the plans is an outbuilding that would include a library/study and garage at ground floor with ancillary accommodation above, including an open plan living space, bedroom and en-suite. An external staircase is included in the scheme. A pair of small pitched roof dormers would be included in the southern elevation of the outbuildings roof slope.
- 3.3 A Preliminary Roost Assessment was submitted by the applicant, prepared by The Bat Surveyor dated October 2019. The report concludes that there would be no effect on roosting bats and no further survey work is required.

4.0 PLANNING HISTORY

- 4.1 18/01277/FL – Application to construct second dwelling on site (Withdrawn)

5.0 DEVELOPMENT PLAN POLICIES

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

| | |
|------|--|
| GS1 | Sustainable Development |
| GS5 | Settlement Development Limit |
| H2 | Housing Development on Other Sites |
| H12 | Design and Layout of New Housing |
| NE1 | Landscape Character |
| NE3 | Protecting and Managing Features of Importance to Wild Flora and Fauna |
| NE6 | Development Affecting Nationally Rare Species |
| NE9 | Development and Flood Risk |
| BE1 | General Design Principles |
| BE2 | External Lighting |
| T2 | Highway Access and the Impact of New Development |
| 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.

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

| | |
|-------|---|
| SS1 | Sustainable Development |
| SS8 | Development in Small Villages and Hamlets |
| SDC2 | Trees, Woodland and Hedgerows |
| SDC3 | Landscape Character |
| SDC4 | Biodiversity and Geodiversity |
| SDC11 | Flood Risk and Drainage |
| SDC12 | High Quality Design and Place making |
| SDC13 | Environmental Quality |
| SDC14 | Land Potentially Affected by Contamination or Instability |
| ID3 | Sustainable Travel |

5.4 The **Ashover Neighbourhood Plan** (ANP) was adopted in November 2017 and includes the following policies:

- AP1 Development within Limits to Development
- AP3 Windfall Housing Sites
- AP4 New Housing Mix
- AP11 Design
- AP13 Landscape Character
- AP15 Important Trees and Hedgerows
- AP16 Dry Stone Walls
- AP20 Traffic

5.5 The following Council Policies and documents are also relevant:

- Sustainable Buildings SPD
- Successful Places Interim Planning Guidance (Adopted December 2013)

5.6 The overarching aims of the National Planning Policy Framework (NPPF) are a significant material consideration and include a strong presumption in favour of sustainable development.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on 13 May 2019 and was due to expire on 7th July, however an extension of time was agreed until 8th November 2019 to allow the applicant to be heard by members of the Planning Committee. A site visit was undertaken on 6th June 2019 and a site notice placed at the site entrance which expired on 26th June 2019. Amended plans were submitted on 2nd October and the parish council, ward members and highways authority were re-consulted.

6.2 The **Parish Council** raised the following concerns relating to the original proposal:

“Ashover Parish Council is concerned at the impact of the proposal on the surrounding countryside and does not consider the design to be in-keeping. The adjacent access to the proposed property is viewed as being hazardous and that those risks will increase due to proposed large developments in Matlock which will, in turn, create more traffic along the A632. Further concern is expressed by Ashover Parish Council at the loss of amenity by the neighbouring property, as the proposal will create a lack of privacy.”

Ashover Parish Council is given to understand that the neighbouring property has not received any notification of this application. Members expressed concern that new developments with Planning Permission, will exacerbate the traffic hazards on the A632 at Kelstedge. Members have requested the District Councillor to put this application forward to Planning Committee.”

6.3 The **Parish Council** raised the following comments to the amended scheme:

“Ashover Parish Council is concerned at the impact of the proposal on the surrounding countryside and does not consider the design to be in-keeping. The adjacent access to the proposed property is viewed as being hazardous and that those risks will increase due to proposed large developments in Matlock which will, in turn, create more traffic along the A632. Further concern is expressed by Ashover Parish Council at the loss of amenity by the neighbouring property, as the proposal will create a lack of privacy.

Ashover Parish Council considers that there is over-development of the site and would support comments submitted by the Highways Authority, at the lack of visibility splay onto the highway and insufficient turning space.

Additionally, Ashover Parish Council does not support the application under Ashover Parish Neighbourhood Plan Policy AP1.”

- 6.4 **The Local Ward Member** raised concern at the original scheme and noted that it was not in keeping with the area and was of a poor design and appearance that would lead to a visual impact and loss of privacy to neighbouring residents. The access into the site is also of concern.
- 6.5 The **Local Ward Member** was re-consulted on the amended proposal and raised concern at the scale and design of the proposed dwelling being out of proportion with the local area. It was requested that the application be considered by planning committee and a site visit undertaken.
- 6.6 The **County Highways Authority** (HA) was consulted on the amended drawings and note the inclusion of a second access into the site. The HA note that the new access would serve the existing dwelling and the existing access serving the proposed dwelling. The proposal would maintain a status quo situation in respect of the existing access to which the HA would raise no objection, especially with the improvements to visibility along Kelstedge Lane. The HA note that the proposed garage is of a generous scale and that the layout, access and space to manoeuvre a vehicle into and out of the garage in a forward gear is difficult.
- 6.7 The HA comment that the new access onto Kelstedge Lane is provided with appropriate visibility splays. On the basis of vehicle speeds being around 15mph, splays of 2.4m by 18m in both directions are accepted by the HA. The HA would be prepared to accept the same from the other access into the site. However this visibility falls short in the non-critical direction. Notwithstanding this, given the nature of Kelstedge Lane being single width the HA would be prepared to accept visibility splays to the centre line of the carriageway. Alterations to the boundary treatments will be required to provide adequate visibility splays clear of obstructions greater than 1m in height relative to the nearside carriageway channel level.
- 6.8 The HA presume that parking would be provided on the new driveway, but there is no space for manoeuvring to allow vehicles to enter and exit the site in a forward gear. There appears to be ample space within the site to accommodate changes to the parking arrangements. A revised plan can be submitted at a later date in order to address this matter. As such, no objection is made subject to conditions.
- 6.9 The **Councils Environmental Health Officer** (EHO) was consulted on the proposed development and are aware of historic lead and lead smelting occurring in this part of the District which would indicate there are seams of lead close to the surface and this may result in elevated levels of lead in soils as encountered on other development sites in the area. Given the sensitivity of the proposed end use and as no supporting information has been submitted with the application in relation to potential land contamination we are requesting the following pre-commencement conditions to ensure the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019.
- 6.10 The **Councils Environmental Health Officer** (EHO) also commented on the potential impact of road noise on the proposed development. The EHO notes

that a number of openings are on the Matlock Road side of the proposal and request that noise survey work is undertaken, which can be covered by way of condition on any decision issued by the LPA.

6.11 **Severn Trent Water Authority (STWA)** raised no comments to the proposal.

6.12 The **Derbyshire Wildlife Trust (DWT)** was consulted on the proposed development and noted that the ecological constraints on site are considered to be limited. However the scheme includes the loss of mature tree and shrub planting. A bat survey is also requested, prior to determination, in relation to the removal of a flat roof garage associated with the original dwelling. DWT considers that all development proposals should aim for a net biodiversity gain and that subject to the findings of any bat survey report no objection is raised subject to ecological enhancement conditions.

6.13 **DWT** were consulted on the submitted Preliminary Roost Assessment, prepared by The Bat Surveyor dated October 2019. The assessment confirmed that no bat roosts were found and that no further survey work required. Any amended comments provided by DWT will be reported to members prior to the planning committee meeting, however as detailed above, no objection is likely to be raised subject to ecological enhancement conditions being included on any decision.

6.14 5 objections were received from local residents to the original scheme raising the following material planning considerations:

- Loss of mature vegetation and garden space
- Development is too dense
- Visual aesthetics out of keeping with area
- Overbearing development
- Out of character with area
- Out of scale with other properties
- Loss of privacy to neighbouring property
- Overshadowing by virtue of scale of proposal
- Adversely affect highway safety
- Road network unsafe
- Access along lane is too narrow

6.15 4 objections were received from local residents in relation to the amended scheme, raising the following material considerations:

- Loss of mature vegetation
- Loss of wildlife
- Detailing out of keeping with local area
- Garage space for vehicles inadequate
- Poor access onto highway, with limited visibility
- Proposal is overdevelopment for the site
- Boxed dormer out of keeping with area
- Limited parking provided on site

- Kelstedge Lane is single track unsuitable for further traffic
- No bat survey has been submitted with the application
- Proposal is visually intrusive

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 located within the Settlement Development Limit of Kelstedge. Local Plan Policy GS5 states that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.2 The ELP retains the application site in the Settlement Development Limit of Kelstedge, where development, which is not allocated by a Neighbourhood Plan, will be permitted providing that the proposal is of an appropriate scale, design and location to the character and function of the settlement and does not prejudice any intended use of adjacent sites.
- 8.3 The NPPF supports sustainable development and Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development.
- 8.4 In view of the above, it is considered that the principle of development may be acceptable, subject to it according with other policies contained within the Development Plan.

Impact upon Street Scene/Countryside

- 8.5 Development should be in keeping with the character and appearance of the area, with emerging policies support development providing it is of a scale and design that would be in keeping with the character of the area.
- 8.6 The site is a garden associated with a large bungalow which sits to the west of the site. The site slopes gently from Kelstedge Lane to the south and is a prominent position in the wider street scene. A mature hedge frames the site to the northern and eastern boundaries.
- 8.7 The proposed dwelling would be set down in the slope of the site and be constructed from a mix of stone and render, with modern box dormers on the western elevation. An outbuilding is also proposed that would include a garage with ancillary accommodation above. The design when viewed from public highway is of a traditional pair of buildings which, in Officer's opinion, complements the prevailing traditions of the area, with modern elements away from key public viewpoints.

- 8.8 Plans have been submitted illustrating that the proposed dwelling and outbuilding would be of a similar overall height to the existing bungalow on site and be proportionately higher than The Cottage located to the south. Subject to a condition tying the finished levels of the proposed dwelling and those across the site, Officers consider that the proposed development would be in keeping with the character of the street scene.
- 8.9 No landscaping, boundary treatments or exact details of the materials to be used on the dwelling have been submitted so it is considered that this should be controlled by way of condition on any decision.
- 8.10 Objections have been made stating that the proposed development would be out of keeping with the traditions of the area, be overbearing and overdevelopment of the site. Officers consider that the design and appearance of the proposed dwelling is not overbearing and would complement the mixed street scene, with modern elements away from key public viewpoints. Furthermore the existing and proposed dwelling would be provided with private outdoor amenity space which would comply with the Councils Successful Places Interim Planning Guidance.
- 8.11 In view of the above, it is considered that the proposed dwelling and outbuilding would be of a style, proportion and materials in keeping with the surrounding street scene.

Residential and Neighbouring Land Uses Impact

- 8.12 The proposal is for the erection of a single dwelling, with garage and ancillary accommodation above. The site is located at the corner of Amber Lane and Kelstedge Lane.
- 8.13 The properties most likely to be affected by the proposed development would be the existing bungalow on site, which is under the applicants control and The Cottage to the south.
- 8.14 The scheme includes windows on all elevations, with upper floor windows facing west back towards the existing bungalow. An upper floor window is also included in the southern gable that would serve a hallway and bedroom, however glazing below 1.7m above the finished floor level of these rooms will be obscured in nature. This can be safeguarded by way of condition. Any outlook from windows provided in the southern gable would look back towards The Cottage which includes an outdoor, elevated seating area. This is screened to some degree by existing boundary hedgerow planting, however it is considered that the provision of obscure glazing and potential boundary treatments along this boundary sufficient to prevent any loss of amenity to neighbouring residents. Furthermore it should be pointed out that the elevated seating area borrows a view across third party land.
- 8.15 Views may also be achievable from the upper floor windows of the ancillary accommodation, however these would be angled back towards the existing bungalow on site and across the front garden of the applicant's property.
- 8.16 The proposed dwelling would have upper floor windows which are in excess of 10.5m from the southern boundary of the site and would be to the north of The Cottage, reducing the likelihood of any loss of natural sunlight. Therefore Officers conclude that the proposed development would not be of a scale that would be overbearing on neighbouring properties.

- 8.17 Consideration should also be made to future residents of the proposed dwelling. The mains garden area to the proposed dwelling is to the west, nevertheless the Councils EHO has requested that a noise assessment is undertaken to assess the impact of road noise. Therefore I consider that this is necessary in order to protect the future aural amenity of residents.
- 8.18 Residents have raised concern at potential overlooking and the overbearing nature of the proposal. Officers consider that the proposed development would not have a detrimental impact on neighbouring amenity, subject to the inclusion of conditions relating to obscure glazing, levels and boundary treatments.

Highway Safety Considerations

- 8.19 The proposed development involves the creation of a new dwelling, with a new access put in to provide access to the existing bungalow on site.
- 8.20 The HA was consulted on the amended drawings and note that a second access would be created and visibility splays can be achieved in both directions from both access points. Concern is raised that insufficient space is provided within the site of the proposed dwelling to allow vehicles to enter and exit in a forward gear, however there is sufficient space within the site to accommodate an amended parking and turning layout. No objection is made to the proposed development subject to conditions.
- 8.21 The NPPF at paragraph 109 is clear 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.
- 8.22 In view of the above it is not considered that the construction of a new dwelling, with ancillary accommodation and the creation of a new access point would result in an unacceptable impact on highway safety.

Ecological Considerations

- 8.23 The proposal would involve the construction of a new dwelling with outbuilding, which would include the removal of an attached flat roof garage to the original bungalow on site. The scheme also includes work to the site frontage to improve visibility splays and removal of a large area of garden.
- 8.24 Derbyshire Wildlife Trust (DWT) was consulted on the original scheme and noted that the ecological constraints on site are considered to be limited. However the scheme includes the loss of mature tree and shrub planting. A bat survey is also requested, prior to determination, in relation to the removal of a flat roof garage associated with the original dwelling. DWT considers that all development proposals should aim for a net biodiversity gain and that subject to the findings of any bat survey report no objection is raised subject to ecological enhancement conditions.
- 8.25 No ecological impact assessment or bat survey has been submitted at the time of drafting this report to members, however the applicant considers that the potential for there being bat roosts on site are low and a bat survey is being prepared by the applicant and any report, along with its findings and any comments of the DWT will be presented to members prior to determination at planning committee.

- 8.26 Having visited the site and discussed the proposal with DWT, it is unlikely that the attached domestic flat roof garage supports nesting birds or contains bat roosts, however it is recommend that a daytime inspection be undertaken prior to determination. A survey has been commissioned by the applicant and its findings will be reported to members at planning committee. If the report concludes that no bats are present no objection is raised by DWT to the application being determined subject to the submission of a biodiversity enhancement plan, which can be required by way of condition on any decision and will ensure that any proposed development results in a net biodiversity enhancement of the site

Contamination Considerations

- 8.27 The Councils Environmental Health Officer (EHO) was consulted on the proposed development and are aware of historic lead and lead smelting occurring in this part of the District which would indicate there are seams of lead close to the surface and this may result in elevated levels of lead in soils as encountered on other development sites in the area. Given the sensitivity of the proposed end use and as no supporting information has been submitted with the application in relation to potential land contamination we are requesting the following pre-commencement conditions to ensure the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019.

Drainage Considerations

- 8.28 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.29 The applicant states that foul and surface water will be discharged into mains drains.
- 8.30 It is considered that discharging surface water into the mains drains is not a sustainable method and as such it is considered that a surface water condition be included on any decision to ensure that all attempts have been made to reduce outfall of surface water into the mains drainage system.

Conclusion

- 8.31 Having taken into account all the material considerations, it is considered that the proposed development would be in keeping with the character and appearance of the site and the surrounding street scene, which would comply with the policies contained in the Local Plan, ANP and NPPF.
- 8.32 The proposed dwelling 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.
- 8.33 The creation of an additional access onto Kelstedge Lane, with appropriate exit visibility splays is not considered to be harmful to highway safety. Subject to the compliance with conditions and the submission of an amended parking scheme it is considered that vehicles will be able to enter and exit the site in a forward gear.
- 8.34 Matters relating to ecological mitigation, land contamination and site drainage could be addressed by suitably worded conditions.
- 8.35 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>Yorkshire Water:</u> | No comments |
| <u>Derbyshire Wildlife Trust:</u> | Raised comments in relation to ecological matters |
| <u>Neighbour:</u> | 5 objections to original proposal 4 objections to the amended proposal |
| <u>Parish Council:</u> | Objection to both schemes |
| <u>Ward Member:</u> | Concern raised and request that the application be considered by members of planning committee and a site visit undertaken |

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:-

CONDITIONS

Time Limit/Scale of Development

1. The development hereby approved 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 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:
 - 01-00 Rev B (Amended Site Location Plan)
 - 01-01 Rev D (Amended Proposed Plans)
 - 11-00 Rev B (Amended Proposed Plans)
 - 11-01 Rev D (Amended Garage Plans)
 - 21-00 Rev B (Amended Proposed Elevations)
 - 21-01 Rev D (Amended Proposed Garage Elevations)
 - 21-02 Rev D (Amended Proposed Street Elevation)
 - 99-00 Rev D (Amended Visibility Splays)

Privacy

3. Prior to the first use of dwelling hereby approved, the feature upper floor window shown on the southern gable on the approved plans to a bedroom and hallway shall be fitted with obscure glazing up to 1.7m above the finished floor level of those rooms. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range and shall be non-opening in its design. The windows shall then be retained as such for the lifetime of the development.

Details

4. The garage with accommodation above shall not be occupied at any other time than for the purposes ancillary to the residential use of the dwelling hereby approved.
5. Before any above ground works start, precise specifications or samples of the walling (including finished colour of any rendered areas) and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
6. 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 new doors or window openings shall be installed in the building other than those shown on the approved plans.
7. Notwithstanding the submitted details, before development starts details of the existing ground levels, proposed finished floor levels of the dwelling and outbuilding, along with 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.
8. Notwithstanding the submitted details, before any 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. Boundary screening should be included along the southern boundary to avoid any overlooking conflict with The Cottage. The approved scheme shall then be completed before the first occupation of the dwelling and shall be retained as such thereafter.
9. Notwithstanding the submitted details before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme

10. 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.
11. The hedge along the north and eastern boundary shall be maintained at a minimum height of 2.5m between the points A and B on the attached plan.

Highways

12. Before occupation of the proposed dwelling, the existing access to Kelstedge Lane shall be modified in accordance with the revised application drawing, laid out, constructed and provided with 2.4m x 18m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to nearside carriageway channel level.
13. Before any work commences on the dwelling hereby approved, a new vehicular and pedestrian access shall be formed to Kelstedge Lane in accordance with the revised application drawing (01_01 Rev D and 99-00 Rev D) and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 18 metres in both directions measured along the nearside carriageway edge in the critical direction and the centre line in the non-critical direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
14. Notwithstanding the submitted details, before above ground works start a revised drawing shall be submitted and approved in writing by the Local Planning Authority showing vehicular parking and manoeuvring areas, along with details of surfacing. Details to be provided shall illustrate adequate manoeuvring space to allow vehicle to enter and exit the site in a forward gear. Space shall also be provided to allow vehicles to exit the garage. Before the dwelling is first brought into use the approved parking and manoeuvring scheme shall be implemented in full and thereafter the areas provided shall not be used for any other purpose other than for the parking and manoeuvring of vehicles.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) 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.

Ecology

16. Prior to development commencing, including any demolition works, a Biodiversity Enhancement Plan should be submitted to and approved in writing by the Local Planning Authority. The plan should take into account the findings of any bat survey work and include features such as bat and bird boxes, hedgehog gaps in fencing and replacement native tree and shrub planting where practicable. The approved Biodiversity Enhancement Plan shall then be implemented in full prior to the occupation of the dwelling and features retained thereafter.

Environmental Health

17. 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:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - 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,
 - 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.

18. 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.

19. The dwelling hereby approved shall be occupied until:

a) The approved remediation works required by condition 18 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 17(b) to 18 above and satisfy condition 19(a) above.

c) Upon completion of the remediation works required by condition 18 and 19(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.

Noise

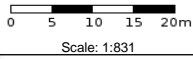
20. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full prior to the first occupation of the relevant dwelling and retained thereafter.

Drainage

21. Notwithstanding the submitted details, before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. All attempts should be made to prepare a suitable drainage scheme for the site to limit water being discharged into the mains sewers. The approved surface water drainage scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.



Author: K. Spelman

Date: 18/10/2019



APPLICATION NO. 18/01281/FL
APPLICATION Conversion of the former public house into 4 dwellings, with associated off street parking (Amended Title/Amended Plans)
LOCATION Gladstone Arms, Morton Road, Pilsley
APPLICANT Mr Buldev Ubha
CASE OFFICER Graeme Cooper
DATE RECEIVED 24th December 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cooper

REASON: This application should be considered by members of planning committee due to there being concern regarding parking and highway safety, particularly due to its close proximity to Pilsley Primary School. A site visit is also requested.

This application has been brought back to planning committee following efforts of Officers to seek amendments to the proposed development. Members will recall that the application was deferred to allow negotiations on the following matters:

- **The number of units**
- **Some apartments being too small**
- **Bringing back into use the front door onto Morton Road**
- **Parking provision being substandard**
- **Levels between the access drive and parking area requiring clarity**
- **Surface water issues being exacerbated between application site and neighbouring properties**
- **Requested that a screen fence be erected between the parking area and number 2 Morton Road**

Amended plans have been submitted in order to address the above concerns. The applicant has reduced the number of units from 5 down to 4, provided details of internal space, brought back into operation the front door, provided 4 parking spaces, improved site drainage, increased area of bin/cycle storage and confirmed a fence screen will be introduced between the application site and number 2 Morton Road.

1.0 SITE DESCRIPTION

- 1.1 The application site is a former public house and sits close to the junction of Morton Road with Church Street. The building is an attractive natural stone building with slate roof. Elevational detailing on the building includes attractive heads and cills to the windows, and feature upper floor quoins.
- 1.2 Access into the site is taken from Morton Road to the south which is shared by another residential property to the north. To the west of the access road is a small beer garden which is framed by a simple dry stone wall.

- 1.3 The site is within a residential area, with a detached property sitting in large grounds to the north east. To the south west is a row of three cottages which are set back a good distance from Morton Road, with long front gardens.
- 1.4 Opposite the site is a charity shop with associated parking and Pilsley Primary School. The school is framed by an attractive red brick wall, with feature piers. To the rear of the charity shop is The Elm Centre, a modern community building.
- 1.5 The site fronts onto Morton Road, close to the junction with Church Street to the north. A short distance to the north of the site is a public car park, which has no parking restrictions and unmarked bays. The car park can accommodate approx. 20 cars.
- 1.6 The application site is located in the Settlement Development Limit for Pilsley.

2.0 PROPOSAL

- 2.1 The original proposal sought permission to convert a former public house into five apartments. Accommodation would be provided over two floors. Five parking spaces and bin storage would be provided to the south of the building on the site of a former beer garden.
- 2.2 The five apartments would have includes a single one bedroom apartment and four, two bedroom apartments. External changes to the building would include the installation of a new window to the front elevation, five new Velux windows, all new windows and the removal of redundant external features on the building associated with its use as public house, including signage and ventilation unit.

3.0 AMENDMENTS

- 3.1 As discussed above, amended plans have been received to overcome Officer and member concerns in relation to the proposed development. The changes can be summarised as follows:
 - Reduced number of apartments from 5 to 4
 - Internal space for each unit no lower than 64sqm
 - Brought back into use front door onto Morton Road
 - Reduced parking to 4 spaces
 - Increase refuse/cycle storage area
 - Surface water details included on scheme, including Aco drain and soakaway
 - Screen fence included between parking area and number 2 Morton Road
- 3.2 The amended scheme now proposes four, 2 bedroom apartments. Two apartments will be provided over two levels, with another utilising the original front door of the public house and the final apartment sharing a side entrance and having accommodation at first floor.

4.0 PLANNING HISTORY

- 4.1 91/00797/AD - Illuminated sign scheme **(Conditionally Approved)**
- 4.2 07/00436/FL - Erection of a timber pergola with a polycarbonate roof and timber decking floor within existing beer garden to side **(Conditionally Approved)**

5.0 DEVELOPMENT PLAN POLICIES

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

| | |
|------|--|
| GS1 | Sustainable Development |
| GS5 | Settlement Development Limit |
| GS7 | Change of Use and Conversion |
| H12 | Design and Layout of New Housing |
| NE6 | Development Affecting Nationally Rare Species |
| NE9 | Development and Flood Risk |
| BE1 | General Design Principles |
| BE2 | External Lighting |
| SH8 | Loss of Local Facilities |
| T2 | Highway Access and the Impact of New Development |
| 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.

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

| | |
|-------|---|
| SS1 | Sustainable Development |
| SDC4 | Biodiversity and Geodiversity |
| SDC9 | Non-designated Local Heritage Assets |
| SDC11 | Flood Risk and Drainage |
| SDC12 | High Quality Design and Place making |
| SDC13 | Environmental Quality |
| SDC14 | Land Potentially Affected by Contamination or Instability |
| ID3 | Sustainable Travel |

5.4 The following Council Policies and documents are also relevant:

- Sustainable Buildings SPD
- Successful Places Interim Planning Guidance (Adopted December 2013)

5.5 The overarching aims of the National Planning Policy Framework (NPPF) are a significant material consideration and include a strong presumption in favour of sustainable development.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on 24th December 2018 and due to expire on 17th February 2019, however an extension of time was agreed until 8th November 2019 to allow the applicant to overcome Officer and member concerns to the original scheme and for the application to be heard by members of the Planning Committee. A site visit was undertaken on 7th February 2019 and a site notice placed at the site entrance which expired on 11th January 2019. On receipt of amended plans the Parish Council and local ward members were re-consulted for 14 days.

6.2 The **Parish Council** raised the following objections to the proposal:

- The development anticipates provision of 5 off-street parking spaces to serve the five proposed dwellings. This is felt to be an over-intensification of use for

the site both in terms of the manoeuvring of vehicles within the site and also their access to/egress from the site onto a busy highway in too close a proximity to an existing 'T' junction and primary school access. The parish council is concerned generally regarding the negative impact the provision of 5 dwellings would have in this location on the local highway and traffic network;

- The parish council also has similar concerns regarding the adverse impact on the local highway and traffic network the development would have during its conversion into 5 dwellings in terms of the delivery and management of materials on site; and
- The scarcity of space within the site for the permanent storage of waste receptacles.

6.3 The **Parish Council** raised no comments to the amended proposal.

6.4 **The Local Ward Member** raised concern about the proposed development and the lack of parking and highway safety, particularly due to its close proximity to Pilsley Primary School. The ward member called this application into planning committee and requested that a site visit be undertaken prior to the meeting.

6.5 The **Local Ward Member** raised no comments to the amended proposal.

6.6 The **County Highways Authority** was consulted on the proposed development and note that the previous use of the building was as a public house, with no on-site parking. The proposal would include 5 on-site parking spaces and a designated bin storage area adjacent to the highway. The highways officer considers that the proposed development would provide suitable parking spaces which would have space to allow vehicles to enter and exit the site in a forward gear. In order to maximise visibility in the critical direction (to the south), the land between parking space 1 and Morton Road should be kept clear of any objects greater than 1m in height. An updated plan submitted by the applicant also confirms that the proposed parking area is adequate and would not impede 2 way traffic on the driveway. Therefore, taking into account the previous use of the building, there are no objections from a highway safety viewpoint, subject to a number of conditions.

6.7 The **County Highways Authority** was consulted on the amended plans and raised no objection and noted that their initial comments still stand.

6.8 The **Councils Environmental Health Officer (EHO)** was consulted on the proposed development and initially raised concern regarding the amenity of future occupants fronting onto Morton Road. The issue is the proximity of the windows to the main road being impacted by traffic noise if the windows have to be opened. Following the submission of ventilation mitigation the EHO raises no objection subject to conditions.

6.9 The **Derbyshire Wildlife Trust (DWT)** was consulted on the proposed development and considered the submitted bat survey. The report included a preliminary bat roost assessment and dusk emergence survey, prepared by Ramm Sanderson dated June 2019. The DWT considers that the report contains sufficient information to determine the application and no roosting bats were recorded. Should the Council be minded to approve the scheme the DWT recommend a biodiversity enhancement condition be included on any decision.

6.10 10 objections were received from 7 local residents raising the following material planning considerations:

- There is insufficient space for parking 5 vehicles clear of the highway (objectors consider that 8.5 spaces should be provided);
- Storage of bins would conflict with parking;
- Plans submitted are inaccurate [Officer Note: Amended plans have been submitted which confirm measurements on site];
- Resident and visitor parking would be displaced onto the public highway, which is already overcrowded and has parking restrictions close to a school;
- Dangerous road junction close to the site;
- Access to the site is close to a school which is dangerous;
- Road network is already congested, especially during school drop off/pick up times;
- Increase in surface water draining onto neighbouring properties by virtue of enlarged parking area;
- Increase in foul waste entering local system;
- Not enough space on site for refuse bins;
- Pressure on local facilities, including schools, and doctors surgery;
- Road is busy and unsafe;
- Loss of wall for parking would be harmful to the character of the area;
- External lighting and plumbing would be detrimental to character of area;
- Development would have detrimental impact upon safety of school users;
- Development harmful to the character of the building;
- Overlooking concerns from Velux roof lights;
- Views from the access onto Morton Road are obscured;
- Proposal is in close proximity to road junction and vehicles overflowing from the site would be harmful to the safe use of this access.

6.11 One further correspondence was received from a local resident in relation to the amended plans. They raised material comments relating to on site drainage, levels, parking, materials and screening which were discussed with the case officer during the application process.

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 the character of the site and the surrounding street scene, the privacy and amenity of neighbouring residential properties and land uses along with highway safety issues.

8.0 PLANNING ASSESSMENT AND SUMMARY

Principle of Development

8.1 The application site is located within the Settlement Development Limit of Pilsley. Local Plan Policy GS5 state that development will be permitted provided it would not be detrimental to the character and appearance of the site

and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.

- 8.2 Local Plan Policy GS7 states that planning permission for the conversion or change of use 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 of the original building and it has regard to the local distinctiveness of the area and the proposed curtilage created would not have an adverse effect on the character of the area or neighbouring land uses.
- 8.3 The NPPF supports sustainable development and includes three overarching objectives, these being economic, social and environmental objectives. Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development.
- 8.4 In assessing sustainability the NPPF provides a three stranded definition. This covers economic, social and environmental factors. Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development. Pilsley is considered to be a Level 2 settlement in the District of North East Derbyshire. It has good public transport connectivity to the local area, with a bus stop a short walk from the application site. The application site is only a short drive or bus journey from Clay Cross which is one of the main four towns in North East Derbyshire, which is home to a number of major employers and a wide range of services. The proposal would also result in the re-use of an empty premises. In view of this, it is considered that the site is considered a sustainable location.
- 8.5 Furthermore, the NPPF supports the re-use of previously developed land (brownfield land), where vacant buildings are being re-used or redeveloped.
- 8.6 In view of the above, it is considered that the principle of development may be acceptable, subject to assessing its compatibility with the Councils conversion policy, its impact on the surrounding street scene, its ecological impact, as well as that on residential amenity and highway safety.

Loss of Local Facility

- 8.7 The existing building is the former Gladstone Arms public house, with accommodation above. It is unclear from the application when the public house ceased trading.
- 8.8 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.
- 8.9 Pilsley is a level 2 settlement, as defined in the Emerging Local Plans Settlement Hierarchy. Pilsley has two public house, these being the application site and The Willow Tree Inn which is located a short distance to the north of the application site in the heart of the village.

- 8.10 There are also two other public houses, The Shoulder at Hardstoft and the Star Inn within a 1 mile radius of the application site. Furthermore, Clay Cross is only a short drive from the site which has a number of public houses. Therefore it is considered that there is adequate alternative provision in the local area.
- 8.11 It should be noted that the building is not on the Councils List of Assets of Community Value, so does not have any protected status.
- 8.12 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 Councils policy on loss of local facilities.

Conversion Considerations

- 8.13 As considered above, conversions or the change of use of existing buildings will only be permitted where the building is of a permanent and substantial construction, the form, scale, massing, materials, general design and appearance of the development respects the character of the original building and it has regard to the local distinctiveness of the area and the proposed curtilage created would not have an adverse effect on the character of the area or neighbouring land uses.
- 8.14 Whilst the building has been derelict for a number of years, it appears in good order and of a permanent and substantial construction. The proposed external changes to the building to convert it into four apartments would be minimal, with one new window being proposed in the front elevation, two public house signs being removed, a vent being removed from a side elevation, five new Velux roof lights being included in a roof slope and all new windows and doors being installed. Furthermore the small beer garden would be changed to car parking, refuse and cycle storage.
- 8.15 The current building has some attractive features and is constructed from natural stone with a slate roof. Unsightly UPVC windows are currently installed in the building and external flood lighting and an external ventilation unit would be removed from a side elevation. The former public house signage would also be removed from site.
- 8.16 It is considered that the removal of the unsightly public house features and modification of the windows, along with the inclusion of appropriate Velux windows would ensure that the proposed conversion would respect the character and appearance of the original building. These features are important so that the building has regard to local distinctiveness, as such further details should be requested by condition and approved by the Council at a later date.

Impact upon the Character of the Surrounding Street Scene

- 8.17 Local Plan Policy states that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.18 As considered in the assessment above, the proposed external changes to the building are limited to the inclusion of one new window to the front elevation, public house signs being removed, a vent being removed, five new Velux roof lights being included and all new windows and doors being installed.
- 8.19 The original proposal included the retention of the front door onto Morton Road, however this would be purely decorative and not functional. Members raised concern at this and amended plans were submitted reusing this entrance and having it as the main entrance to unit 3.

- 8.20 The existing building includes a number of unsightly features, such as poor quality UPVC windows, an unsightly vent, flood lighting and public house signage. The submitted plans show these features being removed and new windows being installed. Externally, the small beer garden would be changed to car parking for the apartments.
- 8.21 It is considered that the proposed changes to the external appearance of the building would be in keeping with the character and appearance of the site and the surrounding street scene. Furthermore, the redevelopment of a redundant building would have a positive impact upon the character of the area.

Privacy and Amenity Considerations

- 8.22 The proposed development seeks to convert a former public house into four, two bedroom apartments. Some would be provided over two levels. Within the former beer garden, parking for four cars along with a bin/cycle storage area would be created.
- 8.23 The properties most likely to be affected by the proposed development would be the property abutting the building to the north, Gladstone Cottage, a row of cottages (numbers 2, 4 and 6 Morton Road) to the south and 9 Church Street to the north east.
- 8.24 The proposed development would see a former public house converted into four apartments. Access is shared with Gladstone Cottage, 2 Morton Road and a range of outbuildings to the north west. The former beer garden would be removed and four parking spaces created. This would lead to the number of vehicle movements increasing to the front of these properties, however the movements associated with the public house would be removed, including deliveries, staff and patron movements. On balance, it is considered that the proposed movements associated with the conversion would not result in a detrimental impact on neighbouring amenity, over and above that of the lawful use of the site.
- 8.25 The new apartments would utilise existing window openings and also include one new ground floor window overlooking Morton Road and five new Velux to the north east roof slope.
- 8.26 The outlook from windows facing to the south west would be across the shared access track and front gardens of cottages to the south. These would include elevated first floor views from several bedrooms, dressing and living room, however it is noted that the first floor of the public house was accommodation. As such, it is not considered that this arrangement would be detrimental to the privacy and amenity of neighbouring residents to the south. However it is considered that windows to any bathrooms should be obscured in nature to protect the privacy of future residents.
- 8.27 The front elevation of the conversion would include a number of front facing windows, including one additional ground floor window. Any outlook from these windows would be onto Morton Road and towards a charity shop, its car park and school. Given the existing circumstances, it is not considered that one additional window would give rise to a loss of privacy and amenity to neighbouring residents and land uses.

- 8.28 The north eastern elevation of the building is currently blank, but the proposed development includes five new Velux roof lights included in the small projecting ground floor elements, these would be high level, providing a light source into three bathrooms, one bedroom and a kitchen/living area. Views from these windows would be skywards and not have a detrimental impact upon residents at 6 Church Street.
- 8.29 The NPPF at paragraph 127 states that decisions should create spaces with high standards of amenity for existing and future users. Planning policies may also make use of nationally described space standards, where the need for an internal space standard can be justified. No such space standards have been, or are intended to be, adopted by the Council. Nevertheless, the proposal would create four reasonably sized apartments over two levels. It is therefore not considered that the level of accommodation is cramped or unsuitable; in fact it has the potential to offer a good standard of living accommodation in what is considered to be a sustainable location.
- 8.30 No outdoor amenity space is proposed for these apartments. The Councils Successful Places Interim Planning Guidance considers that usually 25sqm of outdoor amenity space should be provided per flat; however this may be relaxed and is considered on a case by case basis. Whilst it is noted that no outdoor amenity space is provided with the conversion, the site is only approx. 300m from the nearby recreation ground and a public footpath lies opposite the site which leads out into open countryside. Given the distance of a formal recreation area and easy access into the countryside, it is considered that refusing the scheme for the lack of private outdoor amenity space would not be justifiable. Furthermore, not all residents want a garden, with the current available space better used for car parking.
- 8.31 Consideration should also be given to the future occupants of the apartments given the site fronting directly onto a busy road. The rooms mostly affected in the proposed apartments would be bedrooms and living space. The Councils Environmental Health Officer raised some concern about the proposed conversion due to windows opening out onto Morton Road. Although Morton Road is not a major road, due to the proximity of the property to the carriageway concern was raised to the loss of amenity to future occupants from traffic noise if they were to open windows for ventilation purposes. Following discussions with the applicant regarding ventilation and noise mitigation the EHO raises no objection subject to a number of conditions.
- 8.32 Concern was raised by a local resident and raised at the last planning committee meeting regarding the outlook from number 2 Morton Road towards the on-site parking area. The applicant has agreed to install a boundary screen in this location to avoid any loss of amenity. Details of which are included on the revised site plan and can be tied by way of condition on any decision.
- 8.33 In view of the above, it is considered that the proposed development would not have an unacceptable impact upon the privacy and amenity of existing and future residents.

Highway Safety Considerations

- 8.34 The proposed development would result in the conversion of a former public house into four apartments. Four parking spaces would be created off a shared road, which leads onto Morton Road. Amended plans were submitted to accurately illustrate the proposed parking arrangements on site.

- 8.35 The Highways Authority was consulted on the proposed development and they note the previous use of the site. Officers consider that the proposed development would be provided with a sufficient number of parking spaces that would allow vehicles to enter and exit the site in a forward gear.
- 8.36 The submitted amended block/parking plan confirms that the proposed parking area is adequate and would not impede 2 way traffic on the driveway. As such, no objection is made by the Highways Authority providing the land between the parking space and Morton Road is kept clear of obstructions greater than 1m in height.
- 8.37 Concerns have been raised by local residents at the safety of the local road network given that a school is nearby and the lack of on-site vehicular parking. Whilst these concerns are appreciated, the site would only be developed for four dwellings and the comings and goings associated with these would be small. Furthermore there is a parish owned, unrestricted, car park only a short distance from the site that could be utilised by future residents of the site to park their vehicles. As such, given the extant use of the site as a public house it is not considered that the conversion of the site to four apartments would be detrimental to highway safety and the associated comings and goings would not have an unacceptable impact on highway safety or result in a residual cumulative harm on the surrounding road network.

Ecological Considerations

- 8.38 The proposed development would involve the conversion of a redundant public house and is likely to involve a number of internal and external changes to the building. A Bat Building Assessment and Dusk Emergence Bat Survey was submitted, prepared by Ramm Sanderson dated June 2019.
- 8.39 Derbyshire Wildlife Trust (DWT) was consulted on the proposed development and considered the submitted bat survey work. The DWT note that the report included a preliminary bat roost assessment and dusk emergence survey. The DWT considers that the report contains sufficient information to determine the application and no roosting bats were recorded. Therefore should the Council be minded to approve the scheme the DWT recommend a biodiversity enhancement condition be included on any decision.

Other Material Considerations

- 8.40 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.41 The proposed development would utilise existing foul and surface water drainage system associated with the public house.
- 8.42 Amended plans have been submitted illustrating that there would be a fall from the parking area onto the shared access. A new Aco channel would be placed across this shared access and drain into a soakaway within the application site.
- 8.43 No comments have been received from Severn Trent Water Authority.
- 8.44 Officers consider that the submitted details suggest that the site can be safely drained of surface water without exacerbating this on neighbouring properties. However the details submitted do not full clarify the adequacy of site surface water drainage. Therefore Officers consider that this technical matter can be addressed by way of condition on any approval, including confirmation of site levels, details of the surface water drainage, the capability of the soakaway draining water and the design of any materials associated with the parking area.

Conclusion

- 8.45 Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the proposal complies with the NPPF and the Councils policies.
- 8.46 The proposed development would involve the conversion of a permanent and substantial construction, with the proposed changes to the external appearance of the building being in keeping with the character and appearance of the site and the surrounding street scene.
- 8.47 It is considered that the loss of this local facility, in what is a sustainable location with alternative adequate facilities in the local area would not be harmful to the vitality of the local area. Furthermore, the building does not have any protected status.
- 8.48 The conversion would not result in an unacceptable impact upon the privacy and amenity of existing and future residents. The lack of private outdoor amenity space is not considered to be an appropriate reason to refuse the proposal.
- 8.49 Furthermore, it is not considered that the proposed development would have an adverse impact upon on highway safety or result in a residual cumulative harm on the surrounding road network.
- 8.50 Matters relating to aural amenity, car parking, drainage and bird/bat mitigation can be controlled by condition on any approval issued by the Council.
- 8.51 The proposed development is therefore considered to be acceptable.
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9.0 SUMMARY OF CONSULTATIONS

| | |
|-----------------------------------|--|
| <u>County Highways:</u> | No objections subject to conditions |
| <u>Environmental Health:</u> | No objections subject to conditions |
| <u>Yorkshire Water:</u> | No comments |
| <u>Derbyshire Wildlife Trust:</u> | No objection subject to conditions |
| <u>Neighbour:</u> | 10 objections from 7 local residents |
| <u>Parish Council:</u> | Objection |
| <u>Ward Member:</u> | Concern raised and request that the application be considered by members of planning committee and a site visit undertaken |

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:-

CONDITIONS

Time Limit/Scale of Development

1. The development hereby approved 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 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:
 - PL/01 Rev A (Excising and Proposed Elevation and Floor Plans)
 - PL/02 Rev A (Plan of Parking Area and Refuse Storage)

Privacy

3. Prior to the first use of apartment 4 hereby approved the window shown on the approved plans to the bathroom on the building's south eastern elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. Any opening parts must be in the upper half of the window. The window shall then be retained as such for the lifetime of the development.
4. Prior to the first use of any of the apartments hereby approved, a 1.8m high screen fence shall be erected between the points A and B on the attached plan and retained as such for the lifetime of the development.

Details

5. If, during the conversion works, any brickwork or slate repair work is necessary, this should be done in materials to match that of the existing building.
6. Notwithstanding the submitted details, before any external works start on the conversion hereby approved, detailed plans or specifications of the following, including the finished design, colour and appearance shall be submitted to and approved in writing by the Local Planning Authority:
 - o Replacement external doors;
 - o Replacement windows;
 - o Proposed rooflights.
7. Prior to the occupation of any apartment hereby approved, the improvements identified on the principle elevation to the new ground floor window of the building shall be implemented in accordance with the approved details outlined on the approved drawing PL/01 Rev A and in accordance with the details approved as part of condition 6 above. The approved details shall then be retained as such for the lifetime of the development.
8. 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 new doors or window openings shall be installed in the building other than those shown on the approved plans.

9. Prior to the first occupation of any apartment hereby approved, the original signage and ventilation equipment of the public house shall be removed from the building. For the avoidance of doubt this shall include the removal of the external features illustrates on the approved plan, drawing number PL/01 Rev A.

Highways

10. Throughout the construction phase, 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.
11. Prior to occupation of any apartment, the existing vehicular access onto Morton Road shall be provided with a visibility sightline measured from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremity of the site frontage abutting the highway in the south western direction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
12. No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted drawing (Drawing Number PL/02 Rev A) for 4 cars to be parked and for vehicles to turn so that they may enter and exit the site in forward gear. These facilities shall be retained free from impediment for the life of the development. For the avoidance of doubt, the parking spaces shall measure a minimum of 2.4m x 4.8m.
13. The apartments hereby approved shall not be occupied until details of arrangements for the storage and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the refuse facilities retained for the designated purposes at all times thereafter.

Ecology

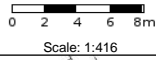
14. Prior to the first occupation of any apartment hereby approved, a scheme of bird and bat mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, location and number of bat and bird boxes to be provided on the building. The approved mitigation scheme shall then be implemented in full prior to the occupation of any apartment and retained as such thereafter.

Environmental Health

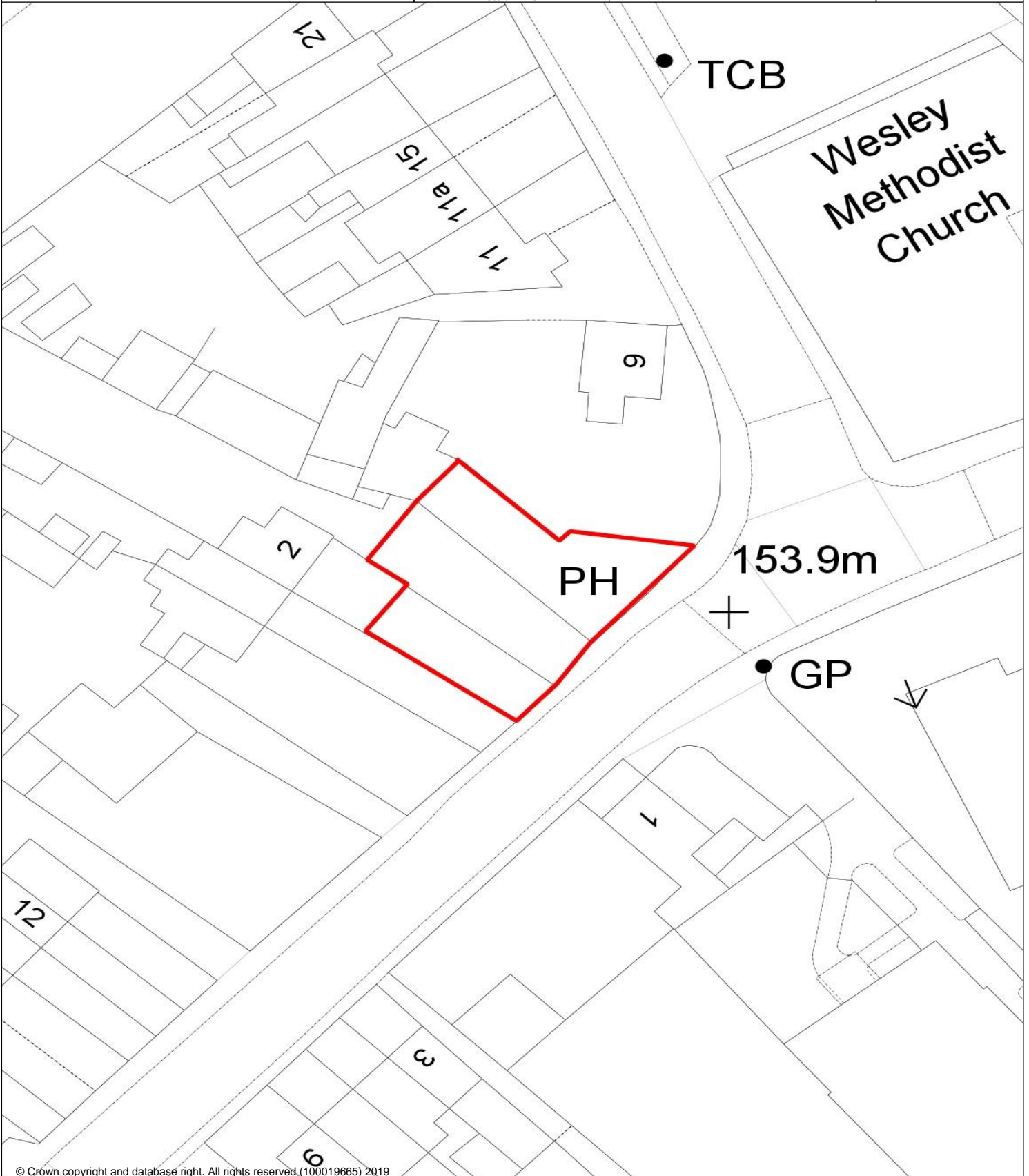
15. Prior to the occupation of apartments 3 and 4 identified on the approved drawing PL/01 Rev A, a Mechanical Heat Recovery System as specified in the email from Thomas Wood, dated 4th July 2019 shall be installed in accordance with the manufacturers specification and shall be retained as such thereafter.
16. Prior to first occupation of apartment number 3 and 4, the openings onto Morton Road shall be fitted with acoustic glazing as specified in the email from Thomas Wood, dated 4th July 2019 and retained as such thereafter.

Drainage

17. Notwithstanding the submitted details, before work starts on the conversion hereby approved, a scheme for the provision of surface water drainage from areas of hardstanding within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
18. Notwithstanding the submitted details, prior to work commencing on the external drainage works hereby approved by condition 17 above, details of the existing ground levels, proposed finished ground levels of the site, along with an off-site datum point 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 retained as such thereafter.
19. Notwithstanding the submitted details, prior to work commencing on the external drainage works hereby approved by condition 17 above, details of materials to be used in the construction of the parking spaces, illustrated on drawing PL/02 Rev A, shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed from a porous material capable of reducing surface water run-off. The parking spaces shall then be implemented in accordance with the approved details and retained as such thereafter.



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



| | | |
|------------------------|---|-----------------------------|
| 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 Site Inspection Group is to visit 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 a two-storey semi-detached 'Airey' style dwelling, 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

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

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

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 [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].

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, impact of the proposal 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 Based on the submitted and previously approved plans, the amended scheme of extensions differ from the previously approved scheme as follows: the two-storey element of the front extension is 200mm wider and 200mm deeper; the single-storey front element is 300mm higher and 200mm deeper; the rear extension, following the (agreed but as yet not implemented) removal of the parapet wall but not including the roof lanterns, would be 100mm higher and 100mm deeper, but is set back from the shared boundary with number 8 by an additional 300mm. The current scheme also includes first floor patio doors to the rear elevation but access onto the flat roof of the rear extension would be restricted by the installation of 1.0m high glass panels across the existing

openings whilst its meaningful use would be restricted by the two lanterns placed within it.

- 8.4 The two-storey element of the front extension as built projects 200mm further beyond the front elevation 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.
- 8.5 The single-storey rear extension as built, not including the canopy, projects 100mm further from the rear elevation of the dwelling than the previously approved plans and (prior to the agreement to reduce it) 300mm 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 (a reduction in 300mm) 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 100mm more than that previously approved. It is this proposal that the Council have been asked to consider.
- 8.6 The adjacent ground floor window at number 8 serves the living room at that property and is located to the east of the rear extension at number 6. It is not considered that the extension as amended would appear significantly more overbearing or have an appreciably greater impact on the outlook from this habitable room window when compared to the previously approved extension. Following the guidance given in the Successful Places Interim Planning Guidance document (December 2013), it has been determined that the amended extension 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 would be no significant overshadowing or reduction in natural light. Officers consider that, under these circumstances and taking into account that the rear of these properties faces south/south west, the impact on the amenity of the occupiers of the adjoining property is acceptable.
- 8.7 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, due to its location to the east of the amended extension, sits below the level of the extension and which would be overshadowed from mid-afternoon onwards. However, whilst this does impact on the levels of amenity that will be enjoyed Officers do not consider that this would be significantly more harmful to the amenity of the neighbouring residents than the previously approved scheme.

- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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

- 8.12 Overall, Officers are satisfied that the retention of the as built extension, 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 and guidance within 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: Received comments.

Others: N/A

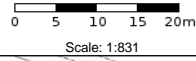
Ward Member: Received comments.

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.



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

