

North East Derbyshire District Council

Planning Committee

3 September 2019

Development Management Applications
--

Report No PM/9/19-20/AK of the Planning Manager – Development Management

This report is public

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

FOR THE INFORMATION OF MEMBERS

Legal and Financial Implications

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

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

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

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

Human Rights Act 1998

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

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

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

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

Environmental Considerations

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

Community Safety Implications

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

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

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

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

Background Papers

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

With reference to applications made for works to Protected Trees

Financial Implications

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

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

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

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

Legal Aspects

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

Environmental Considerations

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

Trees (Community Safety Implications)

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

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

DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

PARISH	APPLICATION NUMBER	TITLE	PAGE No.
NORTH WINGFIELD	NED/19/00430/FL	Application for the erection of one dwelling and replacement double garage (Amended Title/Amended Plans) on land to rear of 91 and 91A Chesterfield Road, North Wingfield for Mr David Cooper.	6 - 18
ECKINGTON	NED/18/01116/FL	Conversion of traditional buildings to B1(a) Office Use, A3 Café; Conversion of Farm Building to B1(c) Joiners Workshop; Demolition of existing agricultural buildings and the provision of car parking (Conservation Area/Listed Building/Resubmission of 17/01251/FL) (Amended Plans/Amended Title) at Renishaw Hall, Renishaw Park, Renishaw, Sheffield for Mrs A Hayward.	19 - 36
ECKINGTON	NED/18/01117/LB	Application for listed building consent for Conversion of Traditional Buildings to B1(a) Office Use, A3 Café; Conversion of Farm Building to B1(c) Joiners Workshop; Demolition of existing agricultural buildings and the provision of car parking (Conservation Area/Listed Building/Resubmission of 17/01251/FL) (Amended Plans/Amended Title) at Renishaw Hall, Renishaw Park, Renishaw for Mrs A Hayward.	19 - 36
MORTON	NED/18/00995/FLH	Partial demolition of outbuilding and link extension with erection of new single storey extension and detached garage at Church Farm, 2 Stretton Road, Morton, Alfreton for Mr J Funnell.	37 - 42
ASHOVER	NED/19/00667/FLH	Proposed single storey sunroom side extension (Listed Building)(Revised scheme of 18/01126/FLH) at Common Bank House, Fallgate, Milltown, Ashover for Mr and Mrs Wortley.	43 - 50
ASHOVER	NED/19/00668/LB	Listed Building Consent application for proposed single storey sunroom side extension (Revised scheme of 18/01126/LB) at Common Bank House, Fallgate, Milltown, Ashover for Mr and Mrs Wortley.	43 - 50

HOLMESFIELD	NED/18/01195/FL	Demolition of existing house, attached barn, and outbuildings to the north and south and the erection of one replacement house with attached garage (Amended Plans) at Grange Farm, Cowley Lane, Holmesfield, Dronfield for Mr and Mrs Oates.	51 - 61
-------------	-----------------	---	----------------

APPLICATION NO. 19/00430/FL

APPLICATION Application for the erection of one dwelling and replacement double garage (Amended Title/Amended Plans)

LOCATION Land to rear of 91 and 91A Chesterfield Road, North Wingfield

APPLICANT Mr David Cooper

CASE OFFICER Graeme Cooper

DATE RECEIVED 17th April 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Barry

REASON: This application has been called into planning committee so that members can consider the impact of the proposed development on highway safety.

The Site Inspection Group is to visit the site to assess the development's impact on highway safety.

1.0 SITE DESCRIPTION

- 1.1 The application site sits to the rear of numbers 77 to 91 Chesterfield Road, North Wingfield and was a former garage site which now contains a single double garage in the northern corner. This garage is used by the applicant for domestic storage purposes.
- 1.2 There appears to be unrestricted public access to the site, with numbers 75 and 77 having a driveway and garage served from the shared access. Some other properties also have hardstanding areas to the rear of their properties which allow vehicular access.
- 1.3 The site itself is gravelled and becomes more overgrown further east and south. A number of self-set trees are located to the south eastern extent of the site.
- 1.4 The access serving the site is narrow, approx. 3m wide, with low brick walls fronting onto Chesterfield Road. The road immediately adjacent to the access has a solid white line restricting off street parking. However it appears that there is a high level of on street car parking in this location.
- 1.5 Chesterfield Road is a busy road, with well used bus route, which connects Grassmoor to North Wingfield. Diagonally opposite the site to the south west is North Wingfield County Primary School.
- 1.6 To the east of the site are recently constructed bungalows on Inby Close. Some of these bungalows back onto the application site. A 2m high timber fence runs along the north eastern boundary. The south eastern extent of the site is open, with trees and shrub planting overgrown beyond the site boundary.
- 1.7 The application site is located within the Settlement Development Limit for North Wingfield.

2.0 PROPOSAL

- 2.1 The original proposal was for the erection of two dwelling and redevelopment of an existing double garage/store. The dwellings would have been of a dormer style, set at a 45° angle to properties on Chesterfield Road.

- 2.2 Each property would have been provided with a modest garden, driveway and garage. An existing garage/store on site would be retained for domestic storage purposes.
- 2.3 The application is accompanied by a Planning Statement, Preliminary Ecological Survey and Coal Mining Risk Assessment.

3.0 AMENDMENTS

- 3.1 Following concerns raised by the Highways Authority (HA) regarding the poor standard of the access and visibility onto Chesterfield Road an amended scheme was submitted reducing the proposal to one dwelling and rebuilding the double garage for ancillary parking/storage purposes.
- 3.2 The amended plans illustrate a four bedroom bungalow over one level, with replacement double garage.

4.0 PLANNING HISTORY

- 4.1 No planning history.

5.0 DEVELOPMENT PLAN POLICIES

- 5.1 The development comprises the North East Derbyshire Local Plan. The most relevant policies of the Local Plan are:-

GS1	Sustainable Development
GS5	Settlement Development Limit
NE6	Development affecting Nationally Rare Species
NE7	Protection of Trees and Hedgerows
NE9	Development and Flood Risk
BE1	General Design Principles
H2	Housing Development on Other Sites
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	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
SS7	Development on Unallocated Land within Settlements with SDL
SDC2	Trees, Woodland and Hedgerows
SDC4	Biodiversity and Geodiversity
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place making
SDC14	Land Potentially affected by Contamination or Instability
ID3	Sustainable Travel

- 5.4 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 17th April 2019 and was due to expire on 7th July however an extension of time was agreed until 6th September to allow amendments to the scheme and for the application to be heard at planning committee. A site visits was undertaken by the case officer on 21st May and a site notice placed at the site entrance which expired on 10th June.
- 6.2 The **Parish Council** raised an objection to the original scheme for two dwellings, raising concern regarding the heavily congested road, especially around the primary school at start and finish times. They also considered that the exit onto Chesterfield Road from the site over a well-used public footpath had limited visibility for vehicles and was unsafe for pedestrians. The visibility splay was also considered to be inadequate.
- 6.3 No comments were made by the **Parish Council** in relation to the amended scheme.
- 6.4 A **Local Ward Member** raised concern about the entrance and exit of the site along a narrow single track which exits onto the busy Chesterfield Road. Cars are parked on either side of the road and it is difficult to see traffic coming, which will endanger lives. This is exacerbated by the proximity of the access to the primary school and at certain times of the day the situation is even more unsafe. It is requested that an independent highways engineer review the access to help the HA make an informed decision. The same ward member raised the same concerns regarding the amended scheme for one dwelling and requested that it be heard at planning committee.
- 6.5 Another **Local Ward Member** raised similar concerns and requested that the application be considered by members of planning committee.
- 6.6 The **County Highways Authority** (HA) was consulted on the proposed development and initially raised an objection to the erection of two dwellings and retention of the garage/store building. The HA considers that the proposal would result in an increase in vehicular activity from the site which would be served by an access which is substandard in terms of geometry and emerging visibility. It is considered that the minimum visibility splays for a 30mph road are 2.4m by 47m. This cannot be achieved without third party land and the access should be 5.25m wide, this access would only measure approx. 3m in width. The HA therefore recommended refusal of the proposal for two dwellings and the retention of the garage/store.
- 6.7 Amended plans were submitted for one 4 bedroom bungalow, with associated double garage. The HA considered these amended plans and note that the walls either side of the access are 1.1m high, with views over third party land. However the HA note that the proposal would not be likely to significantly increase vehicular activity to the site. The revised layout is therefore considered acceptable in highway safety terms and as such no objection is raised.
- 6.8 The **Councils Environmental Health Officer** (EHO) was consulted on the proposed development and raised no objections, subject to the inclusion of a number of conditions relating to land contamination.
- 6.9 **Yorkshire Water** raised no comments.

- 6.10 **Derbyshire Wildlife Trust** (DWT) noted the submission of a Preliminary Ecological Appraisal prepared by Chase Ecology, dated April 2019. DWT consider that the submitted report provides sufficient information to allow the Local Planning Authority (LPA) to determine the application, subject to the inclusion of conditions requiring the submission of a biodiversity enhancement plan.
- 6.11 The **Coal Authority** raised no objection to the proposed development subject to the inclusion of a condition ensuring that intrusive site investigations take place and inform any remedial works before development starts.
- 6.12 **One objection** has been received raising the following material concerns:
- Access is only 3m wide which is unsuitable for large vehicles and 2 dwellings
 - Narrow access is difficult to navigate, especially for emergency services
- 6.13 **Two letters of support** has been received in relation to the proposal, raising the following points:
- Redevelopment of site would enhance its appearance
 - Site is in need of tidying up
 - Site attracts gangs of youths and drug users
- 6.14 **One neutral** letter was received just confirming that something positive should be done with the site.

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 stability, land contamination, drainage and highway safety.

8.0 PLANNING ASSESSMENT AND SUMMARY

Principle of Development

- 8.1 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 users.
- 8.2 Local Plan Policies H2 states that planning permission will be granted within the Settlement Development Limits for residential development on smaller previously developed sites identified through the Urban Capacity Study. However the housing policies and figures are out of date.
- 8.3 The Emerging Local Plan (ELP) supports the redevelopment of land that is not allocated provided that the proposal development is appropriate in scale, design and location to the character and function of the settlement and does not result in the loss of valued facilities or services and is compatible with, and does not prejudice an intended use of adjacent sites and accords with other policies in the Plan. It should be noted that the ELP is a working document which carries moderate weight in the decision process.

- 8.4 The National Planning Policy Framework (NPPF), para 117 and 118 state that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Furthermore decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.5 In view of the above, it is considered that the principle of the development may be acceptable, subject to assessing the impact of the proposed development on the site and the surrounding street scene, its impact on residential amenity, its ecological impact, land contamination, land stability, drainage and highway safety.

Street Scene Considerations

- 8.6 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.
- 8.7 The site is a former garage site and is located to the rear of properties on Chesterfield Road and Inby Close. Access is taken along a narrow track which leads from Chesterfield Road.
- 8.8 The proposed dwelling would be a detached four bedroom bungalow, with pitched roof. It would be positioned centrally in the site with parking provided to the north in the form of a replacement double garage and area of hardstanding. A driveway would sweep to the side of the property and be gated from the shared access. A landscaped garden would be provided to the rear of the property and include new tree planting and a grassed area.
- 8.9 The applicant has stated that bricks and concrete tiles would be used on the proposed dwelling, with samples provided to the LPA at a later date. Details of the finished floor level of the dwelling is illustrated on the proposed site plan, with the dwelling approx. 0.6m higher than the end of the access track to the south west.
- 8.10 Details submitted with the application illustrate that foul drainage would connect to existing mains drains on Chesterfield Road, with services run to the side of number 89 Chesterfield Road. A soakaway would be provided within the site for surface water drainage, however limited details have been submitted for consideration and there is no evidence that a soakaway would be suitable on this site.
- 8.11 The site would be contained to the rear of numbers 77-89 Chesterfield Road, with a 1.8m high timber fence installed along the south eastern extent of the site, details of which can be submitted to the LPA at a later date. A new vehicular gated access would be provided to the south west corner of the site adjacent to the current access track set back a sufficient distance to allow vehicular access to number 65 Chesterfield Road.
- 8.12 The proposed dwelling would be constructed on a former garage site to the rear of properties on Chesterfield Road and Inby Close away from any public viewpoints. Given the scale of development it is unlikely that any part of the proposal will be visible from the surrounding public land.
- 8.13 Consideration should also be made to the reuse of derelict land. Several local residents have commented that the site is unsightly. The NPPF is clear that the promotion of land in meeting housing demand, while safeguarding and improving the environment is important. Therefore, it is considered that the reuse of this derelict land should be given significant weight in the decision process.

- 8.14 In view of the above, it is considered that the proposed dwelling would be of a style, proportion and materials in keeping with the surrounding street scene.

Residential and Neighbouring Land Uses Impact

- 8.15 The proposal is for the erection of a single bungalow on land to the rear of existing properties on Chesterfield Road, North Wingfield. Accommodation would be provided over one level and an existing garage on site would be replaced with a new double garage that would be used by the proposed dwelling.
- 8.16 The properties most likely to be affected by the proposed development would be those immediately adjacent to the site on Chesterfield Road to the west and those on Inby Close to the east.
- 8.17 Properties on Chesterfield Road would be in excess of 18m from the side elevation of the proposed bungalow and separated by an access track, gardens and a 1m high boundary wall. It is considered that this is a sufficient separation distance which complies with the Councils Successful Places Interim Planning Guidance document.
- 8.18 A 1.8m high timber fence extends along the eastern boundary of the site screening the proposed development from bungalows on Inby Close. These properties would be approx. 11.5m from the proposed dwelling.
- 8.19 The main outlook from the proposed dwelling would be to the north and south, with large landscaped garden provided to the south. It is not considered by Officers that the proposed single storey bungalow would give rise to a loss of privacy and amenity to neighbouring residents.
- 8.20 Consideration should be made to the comings and goings of vehicles into and out of the site from Chesterfield Road. The site is a former garage site, with cars informally parked on the site. A double garage on site is used by the applicant for domestic storage, but this would be removed from the site and a single dwelling and replacement double garage erected. It is considered by Officers that the vehicle movements into and out of the site compared to the extant garage site use would be reduced if a single dwelling was to be allowed. As such, the impact of vehicular movements on neighbouring residents amenity is likely to be reduced.
- 8.21 Several local residents have commented that the site attracts anti-social behaviour. The NPPF states that decisions which ensure the safety and healthy living conditions should be supported. Furthermore the NPPF states that decisions should aim to achieve safe places, where the fear of crime does not undermine the quality of life for communities. Therefore it is considered that the social benefits of redeveloping this parcel of land should be given weight in the decision process.
- 8.22 In view of the above, it is considered by Officers that the redevelopment of this site for a single bungalow would have some social benefits to the community by removing anti-social behaviour and would not be detrimental to the privacy and amenity of neighbouring residents.

Highway Safety Considerations

- 8.23 The proposed development proposes the erection of a single bungalow with double garage on a former garage site. Access for other properties on Chesterfield Road would be retained.

- 8.24 The HA was consulted on the proposed development and initially raised an objection to the erection of two dwellings and retention of the garage/store building. The HA considers that the proposal would result in an increase in vehicular activity from the site which would be served by an access which is substandard in terms of geometry and emerging visibility. It is considered that the minimum visibility splays for a 30mph road are 2.4m by 47m. This cannot be achieved without third party land and the access should be 5.25m wide, this access would only measure approx. 3m in width. The HA therefore recommends refusal of the proposal for two dwellings and the retention of the garage/store.
- 8.25 Amended plans were submitted for one 4 bedroom bungalow, with associated double garage. The HA considered these amended plans and note that the walls either side of the access are 1.1m high, with views over third party land. However the HA note that the proposal would not be likely to significantly increase vehicular activity to the site. The revised layout is therefore considered acceptable in highway safety terms and as such no objection is raised.
- 8.26 Concern has been raised by a local resident, local ward members and the Parish Council with regards to the access arrangements into the site. A local ward member requested that an independent assessment of highway safety be undertaken. Officers consider that the HA are independent and have provided comments that are sufficient to allow the LPA to make a decision.
- 8.27 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.
- 8.28 In view of the above it is considered that removing the extant use and redeveloping the site for a single dwelling would reduce the highway safety risk.

Ecological Considerations

- 8.29 The proposal would involve the redevelopment of a former garage site for the erection of one dwelling and a new replacement double garage.
- 8.30 A Preliminary Ecological Assessment was prepared by Chase Ecology, dated April 2019. The report makes a number of recommendations, including consideration to nesting birds, protection measures relating to badger/large mammals and general ecological enhancements.
- 8.31 DWT consider that the submitted report provides sufficient information to allow the LPA to determine the application, subject to the inclusion of conditions requiring the submission of a biodiversity enhancement plan.

Land Stability and Contamination Considerations

- 8.32 The site falls within the Development High Risk Area, as such a Coal Mining Risk Assessment was prepared by Baker Barnett, dated 11 March 2019. The report recommends intrusive site investigations to determine the presence or otherwise of shallow workings and for the findings to inform a suitable foundation design to mitigate any risk posed.
- 8.33 The Coal Authority (CA) was consulted on the submitted report and concurs with the conclusion and recommendations of the study. As such no objection is raised subject to the inclusion of a condition on any decision ensuring that intrusive site investigations take place and it informs any remedial works.

- 8.34 The Councils Environmental Health Officer (EHO) was consulted on the proposed development and note the supporting report prepared by Baker Barnett Ltd, dated March 2019. The report provides some information relating to the site and its previous uses. The report identifies a number of potential sources of contamination and recommends further works are undertaken to investigate potential risk to human health. The EHO highlights the potential risk from made ground and coal mining legacy. As such no objection is made subject to a number of land contamination conditions being included in any decision.

Drainage Considerations

- 8.35 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.36 The applicant states that the site would connect foul drainage into the mains drains and surface water into a soakaway. However no details have been provided as to whether ground conditions are suitable for a soakaway, accordingly it is considered that a surface water drainage condition should be included on any decision.

Conclusion

- 8.37 Having taken into account all the material planning considerations, it is considered that the proposal would represent a positive redevelopment of previously developed land that would be in line with the policies contained in the Local Plan, Emerging Local Plan and NPPF.
- 8.38 Redeveloping the site for one dwelling would be in keeping with the character and appearance of the site and the surrounding street scene. Furthermore it would not be detrimental to the privacy and amenity of neighbouring residents.
- 8.39 The proposed development would have social and site enhancement benefits that should weigh in favour of the proposed development.
- 8.40 It is considered that removing the extant use and redeveloping the site for a single dwelling would reduce the highway safety risk.
- 8.41 Matters relating to ecological mitigation, land contamination, site drainage and land stability could be addressed by suitably worded conditions.
- 8.42 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 objection subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Derbyshire Wildlife Trust:</u>	No objection subject to conditions
<u>Yorkshire Water Authority:</u>	No comments
<u>Coal Authority:</u>	No objection subject to a condition
<u>Neighbours:</u>	One objection Two supporting comments One neutral comment
<u>Parish Council:</u>	Objection to original scheme No comments to amended scheme
<u>Ward Member:</u>	Objections raised by two members Request for application to be considered by members of planning committee

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

General

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the 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:
 - 22 (Ground Floor Plan and Site Layout)
 - 23 (Elevations, Sections and Roof Plans)
 - 01 (Existing Plan)
 - Location Plan dated 28 November 2018
3. Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Boundary and Landscaping Details

4. 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
5. 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.
6. Notwithstanding the submitted details, before above ground works start a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed before the first occupation of the dwelling and shall be retained as such thereafter.

Drainage

7. 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. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.

Highways

8. Before the occupation of the dwelling hereby approved, the area shown on the approved plans as reserved for 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 and maintained free from any impediment to its designated use.
9. The replacement garage hereby approved shall be used for the purposes ancillary to the dwelling hereby approved only.

Ecology

10. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Measures shall include (but are not limited to):
- An integrated bat box, details shall include position and specification clearly shown on a plan;
 - Two integrated swift bricks, details shall include position and specification clearly shown on a plan;
 - Gaps shall be provided in boundary fencing to maintain connectivity for hedgehogs. These will be clearly shown on a plan (fencing gaps 130 mm x 130 mm).

The approved measures shall be implemented in full and retained as such thereafter. To fully discharge the condition, photographs of the measures in situ shall be submitted to the Local Planning Authority upon completion.

Land Contamination

11. Before the commencement of the development hereby approved:

A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

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.

12. 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.

13. The dwelling hereby approved shall not be occupied until the approved remediation works required by condition 12 above have been carried out in full in compliance with the approved methodology and best practice.

If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 1b to condition 12 above and satisfy condition 13a above.

Upon completion of the remediation works required by condition 12 and 13a 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.

Coal Mining Legacy

14. Before development starts, intrusive site investigations shall be carried out in order to establish the exact situation regarding ground conditions on the site. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings, details of the remedial action required to ensure the safety and stability of the development shall be submitted to and approved in writing by the Local Planning Authority. The remedial works shall be carried out in full prior to construction commencing.



APPLICATION NO. 18/01116/FL

APPLICATION Conversion of traditional buildings to B1(a) Office Use, A3 Cafe; Conversion of Farm Building to B1(c) Joiners Workshop; Demolition of Existing Agricultural Buildings and the Provision of Car Parking (Conservation Area/Listed Building/Resubmission of 17/01251/FL) (Amended Plans/ Amended Title)

LOCATION Renishaw Hall, Renishaw Park, Renishaw, Sheffield

APPLICANT Mrs A Hayward c/o Agent

FILE NO. PP-07411851

CASE OFFICER Mr Colin Wilson

DATE RECEIVED 9th November 2018

APPLICATION NO. 18/01117/LB

APPLICATION Application for listed building consent for conversion of traditional buildings to B1(a) office use, A3 café. Conversion of farm building to B1(c) joiners workshop; demolition of existing agricultural buildings and the provision of car parking (Conservation Area/Listed Building/Resubmission of 17/01301/LB) (Amended Plans/Amended Title).

LOCATION Renishaw Hall, Renishaw Park, Renishaw, Sheffield

APPLICANT Mrs A Hayward c/o Agent

CASE OFFICER Colin Wilson

DATE RECEIVED 9th November 2018

REFERRED TO COMMITTEE BY: Cllr J Ridgway

REASON: Issues relating to the local economy, loss of employment, and impact in a rural setting.

The Site Inspection Group is to visit the site to assess the impact on the heritage assets.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises land and buildings situated within the Grade II* Listed Renishaw Hall Park and Gardens. The site is situated within a countryside location, designated as North East Derbyshire Green Belt and Eckington & Renishaw Park Conservation Area.
- 1.2 The site comprises elements of the existing Stable Courtyard, a Grade II* Listed Building situated approximately 80m to the west of the Grade I Listed Renishaw Hall. The Stable Courtyard houses a variety of uses including existing offices, a museum, café and an agricultural building used by the adjacent agricultural operation.
- 1.3 The application site also includes an aspect of the farm complex to the west of the Stable Courtyard. The farm in question is known as Hall Farm and comprises a dairy farm with a range of agricultural buildings, including a Grade II Listed arched barn to the immediate west of the Stable Courtyard. The majority of

agricultural buildings within the unit are comparatively utilitarian in their appearance. It is stated in the submitted details that the majority of the buildings were erected approximately 50 years ago.

- 1.4 The application site comprises a number of vehicular access points, with the main public access to the Hall and gardens being taken from Staveley Lane (B6053). A band of woodland identified as North Wood separates the Stable Courtyard and aspect of the adjoining farmstead forming the site of development from the main access track serving the Hall and Gardens.

2.0 PROPOSAL

- 2.1 Full Planning Permission and Listed Building Consent are sought for the conversion of buildings within the Stable Courtyard to B1(a) office and A3 café uses, conversion of a farm building to B1(c) joiners workshop, and demolition of existing agricultural buildings and the provision of car parking. The applications comprise a revised scheme of the previously withdrawn applications references 17/01251/FL and 17/01301/LB.
- 2.2 The applications seek to change the use of existing buildings within the Stable Courtyard. As amended, it is intended to convert an existing building at the northern element of the eastern courtyard from an existing workshop to new offices with WCs and a kitchen. It is stated on the plans that the material alterations to this building would comprise internal works only. No pointing or external works are proposed for this element of the scheme.
- 2.3 In addition, alterations to the existing building at the south-eastern corner of the Stable Courtyard are proposed. This would include an extension of the existing café and the creation of a new office with WCs and a kitchen. The works proposed generally comprise internal alterations to extend the café and create additional office space.
- 2.4 The proposals also include the demolition of agricultural buildings within the farm complex of Hall Farm and the creation of 50 bay car park, with a bin storage area and bicycle storage. An aspect of an existing agricultural building to the north of the proposed car park would be retained and converted to a joiner's workshop.

3.0 AMENDMENTS

- 3.1 A number of amendments to the proposals have been made throughout the processing of the application. Most notably, these include the omission of two buildings from the scheme: It was initially proposed that a threshing barn at the western element of the Stable Courtyard would be converted from its subsisting agricultural use to a museum and function room. It was also proposed that the Grade II Listed arched barn to the west of the courtyard would be converted from an agricultural use to new offices.
- 3.2 The abovementioned amendments were made in response to Officer concerns regarding the impact of the proposed conversions in heritage terms. See Assessment below for further details.

- 3.3 In addition, amendments were made to the proposed boundary treatments for the proposed car park. The initially proposed boundary treatments comprising timber fences has been revised to include estate fencing and native hedge planting. This amendment was also made in response to Officer concerns regarding the introduction of timber fences as a boundary treatment within the immediate setting of Grade II* Listed Building, within a Historic Park and Garden and Conservation Area.

4.0 PLANNING HISTORY

- 4.1 The site of application comprises a comparatively lengthy and complex planning history, which can be summarised as follows:
- 00/00072/FL – Proposed creation of a lake for use for fishing (Conservation Area) (amended plans) – Conditionally Approved.
 - 00/00201/FL – Proposed erection of open sided agricultural building for the storage of agricultural machinery at Kitchen Garden (Listed Building/Conservation Area) – Conditionally Approved.
 - 00/00205/LB – Proposed listed building consent for the erection of open sided agricultural building for the storage of agricultural machinery at Kitchen Garden (Listed Building/Conservation Area) – Conditionally Approved.
 - 01/00089/AD – Erection of two signs during the months of April to September (Conservation Area) – Refused.
 - 05/00047/FL – Alteration to main gates to allow coach access infilling of existing gateway in boundary wall and replacement of part of boundary wall with fence and hedging (Listed Building/ Conservation Area) – Conditionally Approved.
 - 05/00049/LB – Application for listed building consent for alteration to main gates to allow coach access infilling of existing gateway in boundary wall replacement of part of boundary wall with fence and hedging and removal of studded partition wall in first stable block (Listed Building/ Conservation Area) – Conditionally Approved.
 - 07/00330/CATPO – Notification of intention to fell one spruce tree and one holly tree (Conservation Area) – Approved.
 - 07/00503/FL – Erection of timber toilet block in the grounds (Listed Building/Conservation Area) – Conditionally Approved.
 - 07/00922/CATPO – Notification of intention to fell one oak tree covered by Eckington and Renishaw Conservation Area – Approved.
 - 10/00029/CATPO – Notification of intention to prune three groups of trees within Eckington and Renishaw Park Conservation Area (Conservation Area) – No Objections.
 - 10/00564/FL – Application for a new planning permission to replace an extant permission (07/00503/FL) for erection of a timber toilet block (Conservation Area) (Affecting Setting of a Listed Building) – Conditionally Approved.
 - 13/00773/LB – Application for Listed Building Consent for internal alterations to the proposed boot room/ cloak room to include removal of 3 no. redundant oil tanks and toilet facilities, installation of 2 no. unisex toilet cubicles and removal of internal boarding to allow re-use of existing access into the flower room (Listed Building/Conservation Area) – Conditionally Approved.
 - 13/01150/FL – Single storey timber outbuilding to replace two existing outbuildings used as visitor reception/ticket purchase (Conservation Area/Affecting Setting of a Listed Building) – Conditionally Approved.
 - 14/00879/FL – Installation of 2 No. biomass boilers and associated boiler house - ancillary fuel store - primary fuel store and associated Infrastructure (Listed

Building/Conservation Area) – Conditionally Approved.

14/00880/LB – Application for Listed Building Consent for installation of 2 No. biomass boilers and associated boiler house - ancillary fuel store - primary fuel store and associated Infrastructure (Listed Building/Conservation Area) – Conditionally Approved.

15/00829/AD – Application for advertisement consent for additional signage (Conservation Area) (Affecting setting of listed building) – Conditionally Approved.

15/00969/LB – Listed building consent application for the erection of additional signage – Conditionally Approved.

16/01061/FL – Application to install a single storey timber outbuilding for use as a toilet block (Conservation Area/Affecting the setting of a Listed Building) (Amended Plans/Information) – Conditionally Approved.

16/01107/FL – Application to provide new vehicular access gates and estate fencing with pedestrian gate set back from existing main entrance (Affecting Setting of a Listed Building/Conservation Area) (Amended Plans) – Conditionally Approved.

17/01251/FL – Application for the conversion of stables to B1 (A) office use, conversion of farm buildings to B1(C) light industrial and B8 Storage. Demolition of agricultural buildings and provision of car parking (Listed Building/Conservation area) – Withdrawn.

17/01301/LB – Application for listed building consent for the conversion of stables to B1 (A) office use, conversion of farm buildings to B1(C) light industrial and B8 Storage. Demolition of agricultural buildings and provision of car parking (Listed Building/ Conservation area) – Withdrawn.

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.

5.2 The Local Plan policies most relevant to the proposals are:

- GS1 Sustainable Development
- GS2 Development in the Green Belt
- GS6 New Development in the Countryside
- GS7 Change of Use and Conversions
- BE1 General Design Principles
- BE7 Alterations and Works to Listed Buildings
- BE8 Change of Use of a Listed Building
- BE9 Development in the Vicinity of a Listed Building
- BE11 Development Within and Adjoining Conservation Areas
- BE12 Demolition of Unlisted Buildings and Structures Within a Conservation Area.
- BE13 Historic Parks and Gardens
- E10 Tourism Developments
- T2 Highway Access and the Impact of New Development
- T9 Car Parking Provision
- CSU4 Foul and Surface Water Drainage

- NE6 Development Affecting Nationally Rare Species

Emerging Local Plan

- 5.3 The Council is now at an advanced stage in the production of a new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018 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 some weight in decision making.
- 5.4 The following Local Plan: Publication Draft policies are relevant to this application and are a material consideration:
- SS1 – Sustainable Development
 - SS9 – Development in the Countryside
 - SS10 – North East Derbyshire Green Belt
 - WDC6 – Visitor Economy and Tourism Development in the Countryside
 - SDC1 – Re-use of Buildings in the Green Belt and Countryside
 - SDC3 – Landscape Character
 - SDC4 – Biodiversity and Geodiversity
 - SDC5 – Development Within Conservation Areas
 - SDC6 – Development Affecting Listed Buildings
 - SDC8 – Registered Parks and Gardens
 - SDC12 – High Quality Design and Place-Making
 - ID3 – Sustainable Travel

National Planning Policy Framework

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

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was publicised by way of neighbour letters and the display of a site notice. 29 letters of representation were received and are summarised below:
- The farm provides a livelihood for the tenant farmers and is a family run business, which contributes to the local economy.
 - The proposals will preclude the existing agricultural enterprise operating from Hall Farm.
 - The farm is part of the local community and forms part of the landscape of Eckington.
 - The proposals represent an overdevelopment of the local area, which falls within a Conservation Area, with a number of existing office and function spaces being available to rent in the local area.
 - Factual inaccuracies in the submission and concerns regarding the site visit, specifically regarding access to Hall Farm. Officer Note: A site visit was

undertaken on 07.12.2019 and Officers were able to view all aspects of the application site.

- Matters relating to the tenancy agreement and potential financial compensation measures. *Officer Note: Matters relating to the agricultural tenancy agreement and financial arrangements would not form a material planning consideration but rather a private matter between the parties involved. The application has been assessed by Officers solely on its planning merits.*
- The Landlord has acknowledged that this proposed development would have a devastating impact on the farm business but is still proceeding with the application at the cost of the Tenant's dairy and beef enterprises.
- The removal of the buildings and yard from this tenancy would require the termination of both the dairy herd and the beef cattle enterprise as there would be no buildings left with which to carry out the enterprises.
- The proposals would fail to comply with Policy GS7 in the sense that it could not have a more adverse effect on the land use of Hall Farm.
- The removal of the crucial core dairy and livestock buildings from this farm cannot be accommodated by changes to the management of this business.
- The Landlord is seeking planning permission so that they can then seek use a Schedule 3 Case B Notice to Quit under the Agricultural Holdings Act (AHA) 1986 to regain possession of part of the farmyard. This provision is used, in the vast majority of cases, by landlords taking back minor parts of farm holdings and unused buildings for conversion. The Act does not provide for the Landlord to provide replacement buildings or compensation for consequential loss beyond a compensation based on 5 or 6 times the rental value of the area of the holding lost. It is assumed therefore that the planning process will correctly evaluate the merits of the planning application and only grant planning permission where the Landlord's proposed development is justified. *Officer Note: Matters relating to the Agricultural Act and tenancy agreement would not form a material planning consideration.*
- Hall Farm is a commercial viable agricultural business which has been in situ for many years preceding the tourism use at Renishaw Hall.
- The agricultural buildings proposed for demolition are an essential component of the farm's infrastructure.
- The farm has co-existed amicably alongside the Hall throughout its history and has served to enhance its bucolic character, its loss would not only impact on the community and the long serving tenant farmer and his family, it would destroy an important part of the heritage of Renishaw Hall.
- The development of the car park could be accommodated elsewhere.
- Biodiversity impacts caused by demolishing a viable livestock farm.
- This development would see a deterioration of and impact upon the historic parkland and gardens of Renishaw Hall, which is already on the Heritage at Risk List.
- This development would result in the irreversible loss of local agricultural heritage, as the long established farm management from the resident dairy herd would be lost. In addition, the fully working utilised traditional historic stone built threshing barn (The Barn) and arched face barn (Cart Shed Listing No: 1054806) are currently viable and used daily by the farm for agricultural purposes.
- The Grade II Listed Buildings are currently used daily by the farm for agricultural purposes, and can be maintained by the landlord of Renishaw

Hall Estate at any time without the need to change the use, or develop them into commercial offices, as their current use is viable and effective.

- The proposals will destroy the last dairy herd in the area.
- Highway safety concerns, including the cumulative impact on the road network when taken with other developments in the vicinity.
- There is no need for an additional car park, in light of existing car park provision in the town.
- Landscape impacts. Farming the land and the farm goes a long way towards maintaining the landscape and for that matter natural flora and fauna.
- At present there is a viable farming business at the site of the proposed development which contributes to the local economy via employment, training and trade.
- NPPF 123 c) states 'local planning authorities should refuse applications which fail to make efficient use of land'.
- The application is in a Green Belt location, therefore offices and car parking would damage the form and character of the area.
- It seems that the two planning applications to change the use of the Listed Buildings to offices and industrial units are intended to remove livestock from the farm.
- If there were a demonstrable need, then no assessment has been undertaken in relation to the traffic impact of vehicles associated with the additional parking.
- As a Parish, the loss of local agriculture for car parking would not be maintaining settlement identity as there has been a farm in the location for over 100 years. The farm pre-dates the Conservation Area listing.
- Representations contesting the applicant's correspondence regarding the viability of the agricultural enterprise.

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

The Ward Member requested that the application be determined by NEDDC Planning Committee on the basis of issues relating to local economy, loss of employment and impact in a rural setting,

The Parish Council raised objections to the proposed development on the following grounds:

- The proposals represent an overdevelopment of the site that will be detrimental to the Conservation Area.
- The threshing barn is listed and still in use.
- The land is Green Belt and there would need to be special circumstances to justify the development.
- The proposals would adversely impact on a viable farm, resulting in economic and ecological impacts.

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, ultimately raising no objections to the proposals from a highway safety perspective, subject to the inclusion of planning conditions and notes. See Assessment below for details.

- 6.4 **NEDDC Environmental Health Officers** were consulted on the application, raising no objections to the proposed development subject to the imposition of planning conditions relating to land contamination mitigation measures.
- 6.5 **Historic England** were consulted on the application, raising detailed comments. As regards the amended scheme, Historic England raised no fundamental objections. See Assessment below for more details.
- 6.6 Relevant **Listed Building Consultations** were undertaken – no comments were received.
- 6.7 **Derbyshire County Council Archaeology Officers** were consulted on the application, raising comments advising that the Local Planning Authority commission independent historic building specialists to review the proposals.
- 6.8 **Derbyshire Wildlife Trust Officers** were consulted on the application, ultimately raising no objections to the proposed development from a biodiversity viewpoint, subject to conditions. See Assessment below for more details.
- 6.9 **The Coal Authority** were consulted on the application advising that whilst the application site is within the defined Development High Risk Area, the application type is listed as exempt from Version 4 (2017) of The Coal Authority's Resources for Local Planning Authorities. Accordingly, there is no requirement for an assessment of coal mining legacy issues in this instance.

7.0 PLANNING CONSIDERATIONS

- 7.1 Whilst a number of the representations, as summarised above, raise concerns regarding the loss of a subsisting viable agricultural enterprise, it is considered that the main considerations for this particular application comprise Green Belt considerations, compliance with the Council's conversion policy, impact on the character and appearance of the area, impact on the heritage assets affected by the development, highway safety and biodiversity considerations. Each of these matters have been assessed in turn in the Planning Assessment below:

8.0 PLANNING ASSESSMENT

Principle (Green Belt)

- 8.1 Paragraph 133 of the National Planning Policy Framework (NPPF) sets out that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.2 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. That being said, Paragraphs 145 and 146 of the NPPF identify a number of defined exceptions to inappropriate development in the Green Belt.
- 8.3 Paragraph 146 sets out that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with

the purposes of including land within it. One such exception, set out under Paragraph 146 (b), comprises engineering operations.

- 8.4 Officers are satisfied that the proposed car park represents an engineering operation that would not detract from the open character of Green Belt in this location. The proposals include the removal of existing substantial agricultural buildings within the farm complex. It is considered that the removal of said buildings would sufficiently mitigate the impact of the proposed engineering operation, as regards its impact on openness and the purposes of including land in Green Belt. Overall, it is considered that, at worst, the proposed car park would have a neutral visual impact on the openness of the Green Belt in this location. In spatial terms, the proposals for the car park are considered to result in a net gain in terms of openness, in light of the existing site circumstances.
- 8.5 Paragraph 146 (d) sets out that a further exception to inappropriate development in the Green Belt comprises the re-use of buildings, provided the buildings are of permanent and substantial construction. In this instance, Officers consider that the buildings to which the proposed conversions relate are permanent and substantial and appropriate for the proposed uses:
- 8.6 The Stable Courtyard comprises a range of buildings constructed from ashlar and coursed rubble coal measures sandstone, with moulded eaves cornice and slate roof coverings. The buildings have been in situ since construction circa 1795. On this basis, Officers consider that the buildings are permanent and substantial.
- 8.7 The existing agricultural building earmarked for change of use to a joiner's workshop comprises a comparatively modern agricultural building and whilst it would not necessarily be considered as permanent and substantial as the buildings within the Stable Courtyard, it is deemed to be an appropriate building for the proposed re-use (joiner's workshop).

Council Conversion and Change of Use Policy

- 8.8 Policy GS7 of the North East Derbyshire Local Plan relates to change of use and conversions. The Policy states that outside Settlement Development Limits conversions are acceptable provided that the building is capable of conversion without the requirement of major rebuilding or extension. Additionally, GS7 states that the proposed use and curtilage of the building should not have an adverse effect on the character of the area or neighbouring land uses.
- 8.9 In this instance, it is considered that the proposed development accords with the fundamental requirements of Policy GS7 in the respect that the proposals comprise the reuse of existing buildings, and the works proposed to undertake the conversions would not amount to significant alteration or extension:
- 8.10 The existing buildings within the Stable Courtyard are substantial stone built buildings that have been in situ for a considerable amount of time (1795). The proposed material alterations to the buildings would result in minimal variations to the external appearance of the existing buildings.

- 8.11 The proposed conversion of an existing agricultural building (Building G) to a joiners workshop is generally considered by Officers to accord with the requirements of Policies GS2 and GS7, in the sense that the proposals seek to reuse an existing building without the requirement of significant extension or alteration.

Impact of Development on Heritage Assets

- 8.12 As amended, the proposals comprise the demolition of existing, comparatively modern, agricultural buildings and the creation of a carpark, the conversion of an existing agricultural building to the north of the proposed carpark to a joiners workshop, alterations to an existing workshop building within the courtyard to form office space, and the change of use of an existing aspect of the museum (also within the courtyard) to form an extension to the existing café and additional office space. The aspects of the initial scheme which sought to convert the threshing barn and arched barn (to a museum/ function room and offices respectively) have been removed from the proposals and therefore do not form part of the assessment of this application. The heritage impact of each aspect of the proposed development is assessed below:

Building I (Museum/Café)

- 8.13 Historic England raised no objections in principle to the alterations proposed to building I (Sitwell Museum). That being said, objections were raised in regards to some of the material alterations proposed to the building, namely the proposed opening of 'blind windows'. The scheme was amended accordingly and Historic England Officers advised that the retention of the 'blind windows' has significantly reduced the impact of the proposal on the historic fabric of the buildings. Historic England therefore raised no objections to this element of the proposal, subject to detailed design.
- 8.14 Officers are of the view that the proposed alterations to the building in question would satisfactorily preserve the character of the building and would not detract from the wider character of the Conservation Area, and Listed Park and Gardens.

Building B (New Office)

- 8.15 The proposals seek to convert an existing workshop into office space, comprising a small kitchen and toilet.
- 8.16 In their consultation comments relating to this aspect of the scheme, Historic England set out that the proposed conversion of this building will result in change, requiring clear and convincing justification.
- 8.17 Historic England initially raised concerns in relation to proposed dry lining and the need for investigative works in relation to the proposed repair of the feeding niches. Historic England added that, whilst an annotated plan has subsequently been submitted in relation to the proposed repairs to the rear wall, and the overall intention to repair/restore the feeding niches which are important historic features is welcomed, the plans submitted only provide limited information to understand the nature and extent of the proposed repair/restoration work to the stable block (e.g. no specification of work/ method statement provided). Historic England

advised that they are however content to defer to The Council's Conservation Specialist on this issue.

- 8.18 Having sought the views of heritage specialists, Officers are of the view that the principle of this aspect of the scheme is acceptable. No material alterations to the exterior of the building are proposed. Moreover, Officers are of the view that a specification of work/ method statement could be secured by way of a condition of approval, to ensure that the extent of the proposed internal works satisfactorily preserve the heritage asset in question.

Building G (Joiner's Workshop)

- 8.19 The proposed reuse of an agricultural building is considered to have neutral impact on the character of the Conservation Area, Park and Gardens, and setting the Listed Buildings in the vicinity. It is considered that the proposed alterations would respect the existing character of what is a comparatively utilitarian building.

Proposed Car Park

- 8.20 Historic England advised that the existing parking in front of the hall currently detracts from its setting and that removing some parking from this area is desirable. Moreover, on the basis of details highlighting the potential areas for alternative parking, Historic England advised that, in terms of location, the proposed site would appear to have the least impact in terms of the setting of the Hall, its associated heritage assets and character and significance of the Park and Gardens.
- 8.21 Overall, the impact of the proposed car park on the setting of the Listed Buildings and character of the Conservation Area and Park and Gardens are considered to be acceptable:
- 8.22 Officers are of the view that, by virtue of its siting and design, the proposed carpark would not result in any unduly harmful impacts on the character of the Park and Gardens or Conservation Area, and would satisfactorily preserve the setting of the Listed Stable Courtyard. The additional parking would, to some degree, reduce the amount of parking in the immediate setting of Renishaw Hall. Moreover, the visual impact of the car parking would be softened by a band of woodland between the site and the main access track serving the Hall and associated Stable Courtyard. In addition, existing substantial agricultural buildings of a utilitarian appearance would be removed from the site to facilitate the car park, therefore further alleviating its visual/heritage impact.
- 8.23 Heritage advice received in relation to the car park sets out that, in terms of the fencing/boundary treatment proposed to separate the rest of the working farm from the public, an appropriate style and location of the boundary should be agreed. Historic England advised that any proposed fencing should be of a similar appearance to the estate fencing seen elsewhere within the estate and that this should be supplemented with soft landscaping where appropriate. Accordingly, the site layout plan has been amended to include estate fencing and a native hedge, as opposed to the initially applied for timber boundary fence. Officers are of the view that, as amended, the proposed boundary treatments

would represent an acceptable visual addition to the site, satisfactorily preserving the heritage assets in question. Precise details of the boundary treatments could be controlled by condition.

Highway Safety Considerations

- 8.24 Paragraph 109 of the National Planning Policy Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25 Derbyshire County Council Highways Officers were consulted on the application, initially raising comments advising that Highways Officers are satisfied with the overall conclusion of the applicant's Transport Assessment, in the sense that the development proposals are unlikely to significantly increase traffic levels associated with the site. That being said, Highways Officers advised that the site's existing vehicular access, from Staveley Lane, should be widened to a minimum of 5.5m to enable 2-way traffic in accordance with a detailed scheme first submitted to and approved by the Local Planning Authority.
- 8.26 However, Officers expressed concerns regarding the widening of an access that comprises the main gates to the site including railings and piers, which are a Grade II Listed structure. Highways Officers subsequently advised that, if the preferred widening of the existing access would not be supported, the first 10m of the driveway within the site should be widened to a minimum width of 5.5m to cater for 2 way traffic. It is considered that this widening of the driveway can be controlled by condition.
- 8.27 Overall, it is considered that the proposed development would not result in any unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network. Therefore, the proposals are considered to comply with Policies T2 and T9 of the North East Derbyshire Local Plan and the overarching aims of the National Planning Policy Framework.

Ecology

- 8.28 Derbyshire Wildlife Trust (DWT) were consulted on the application, initially advising that further bat survey work would be required in advance of the application being determined. Subsequently, further surveys were submitted. DWT were re-consulted and advised that they are satisfied with the bat mitigation proposals but would seek further amendments to the proposed swallow mitigation. Subsequently, the requested amendments were submitted by the agent and DWT advised that sufficient information has been submitted for the Local Planning Authority to determine the application, subject to conditions being imposed.

One of the conditions recommended by DWT Officers relates specifically to buildings 1, 2 and the arched barn. Two of the buildings in question have been omitted from this scheme (Building 2 and the arched barn). As such, Officers are of the view that a condition relating to these buildings would no longer be necessary.

On the basis of the above considerations, and guided by DWT consultation comments, Officers have no reason to conclude that the application would result in any unacceptable impacts in biodiversity terms.

Other Material Considerations

- 8.29 NEDDC Environmental Health Officers raised no objections to the proposed development subject to the imposition of planning conditions relating to land contamination mitigation measures.
- 8.30 The Coal Authority advised that whilst the application site is within the defined Development High Risk Area, the application type is listed as exempt from Version 4, 2017 of The Coal Authority's Resources for Local Planning Authorities. Accordingly, there is no requirement for an assessment of coal mining legacy issues in this instance.

Conclusion

- 8.31 In summary, Officers are of the view that the principle of the proposed development is acceptable, and the proposed change of use of buildings would generally comply with the Council's change of use and conversions policy. Furthermore, the proposed development is considered to represent a form development that would satisfactorily preserve the heritage assets in question and their setting. Moreover, the proposed development is not considered to result in any unacceptable impacts in terms of highway safety and biodiversity. There are no other technical objections to the proposals.
- 8.32 On the basis of the above considerations, Officers are of the view that the proposals, as amended, represent an acceptable form of development and therefore recommend that the application be **approved**, subject to conditions.

9.0 SUMMARY OF CONSULTATIONS

9.1	<u>Neighbour:</u>	Representations
	<u>Ward Member:</u>	Objections
	<u>Parish Council:</u>	Objections
	<u>County Highways:</u>	No objections
	<u>Environmental Health:</u>	No objections subject to conditions
	<u>Historic England:</u>	Comments
	<u>Listed Building Consultations:</u>	No comments
	<u>County Archaeology:</u>	Comments
	<u>Derbyshire Wildlife Trust:</u>	No objections subject to conditions
	<u>The Coal Authority:</u>	No objections

10.0 RECOMMENDATION

A. NED/18/01116/FL

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

Conditions

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the approved plans listed below, 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:
 - Revised Block Plan numbered 117357-004H and received at this office on 24.07.2019.
 - Revised Plans as Proposed (Building I) numbered 117357-016C and received at this office on 05.03.2019.
 - Plans as Proposed Building A & B numbered 117357-002C and received at this office on 12.02.2019. Note: For clarity and the avoidance of doubt, the permission hereby granted does not include the proposed alterations to Barn A (threshing barn). This element of the scheme was withdrawn formally by email and submission of a revised block plan on 10.07.2019 and 24.07.2019 respectively.
 - Alcove Details Building B numbered (117357-100) and received at this office on 12.02.2019.
 - Plans as proposed for Building G numbered 117357-013A and received at this office on 09.11.2019.
 - Location Plan numbered 117357-003A and received at this office on 09.11.2019.
- 3 Prior to commencement of development on works to convert Building B from its existing use a workshop to offices, a specification of work/ method statement, detailing the material alterations to the building, shall be submitted to and agreed in writing by the Local Planning Authority. The proposed conversion shall then take place strictly in accordance with the approved details.
- 4 Notwithstanding the submitted details, prior to the commencement of development, a plan detailing improvements to the existing vehicular access to the site from Staveley Lane shall be submitted to and approved in writing by the Local Planning Authority. The improvements shall comprise a widening of the first 10m of the driveway within the site (i.e. behind the gates/railings) to a minimum width of 5.5m to cater for 2-way traffic. The approved details shall be implemented in full prior to first use of development hereby approved and shall be retained as such thereafter.
- 5 Notwithstanding the submitted details, prior to first use of the development hereby approved, a plan shall be submitted to and approved in writing by the Local Planning Authority to show precise details of the proposed boundary treatments throughout the site. The scheme shall be implemented in full in accordance with the approved scheme and shall be retained as such thereafter.

- 6 Before any above ground works start on the car park hereby approved, details of the existing ground levels, proposed finished levels of the carpark, and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 7 Before above ground works commence, 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
- 8 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.
- 9 The site shall be developed with separate systems of drainage for foul and surface water.
- 10 Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 11 Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land 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.

12 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 Division) prior to commencing works in connection with the remediation scheme.

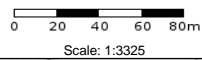
13 The development hereby approved shall not be occupied until:

a) The approved remediation works required by 11 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 11b to 12 above and satisfy 13a above.

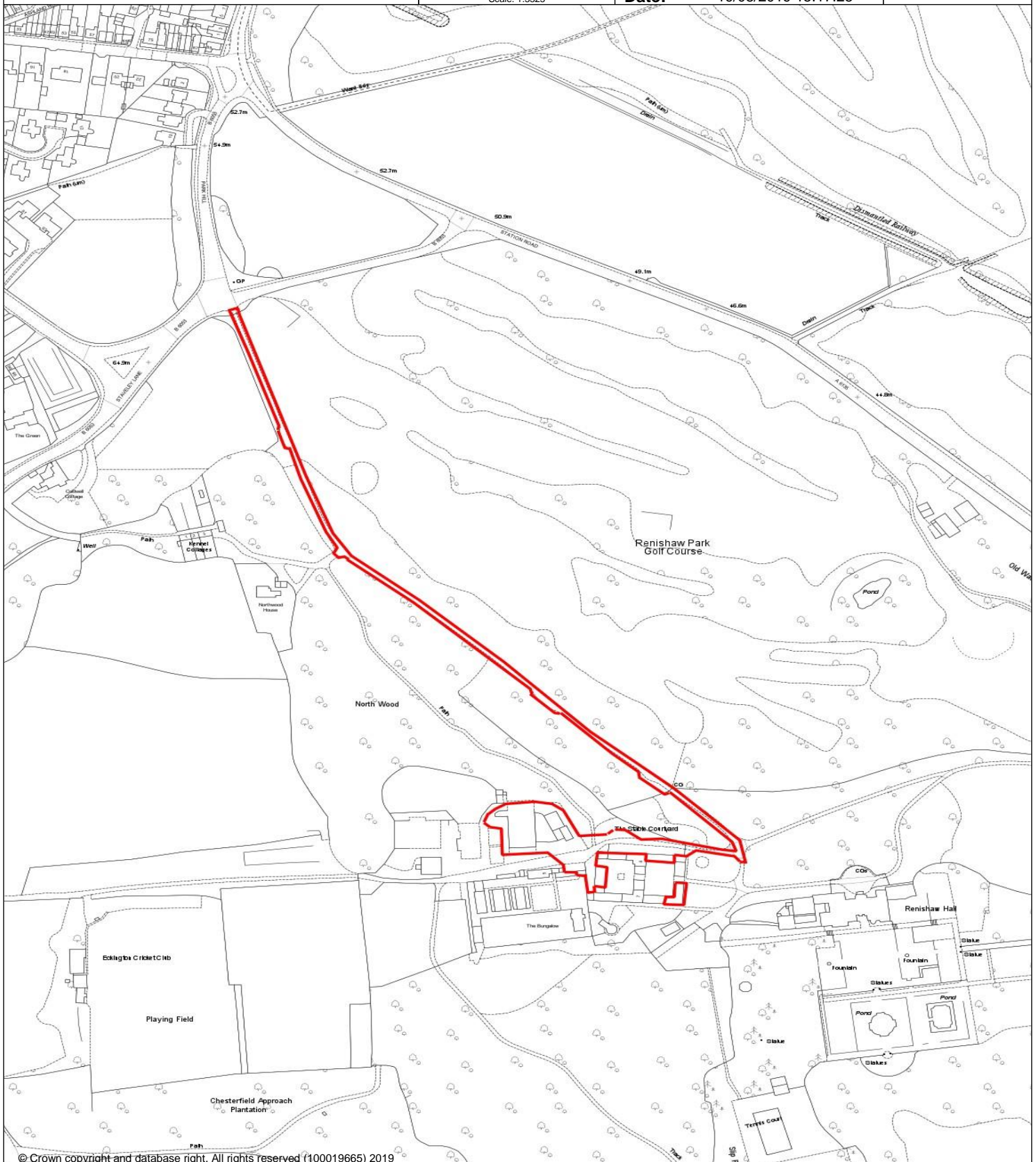
c) Upon completion of the remediation works required by 12 and 13a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality 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.

- 14 All works to Building 1 (as it identified in the submitted ecology surveys) shall take place in accordance with the mitigation strategies detailed in the following report: Renishaw Hall - Bat Survey Report (Quants Environmental, January 2019).
 - 15 Within three months of the development commencing, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard nocturnal wildlife, with particular regard to the bat mitigation works at the site. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan should be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures shall be implemented in full and retained as such thereafter.
- B. NED/18/01117/LB
- That listed building consent is GRANTED subject to conditions the content and form of which is delegated to the Planning Manager (Development Management).



Author: K. Spelman

Date: 19/08/2019 15:17:25



© Crown copyright and database right. All rights reserved (100019665) 2019

PARISH**Morton**

APPLICATION NO.	18/00995/FLH
APPLICATION	Partial demolition of outbuilding and link extension with erection of new single storey extension and detached garage
LOCATION	Church Farm, 2 Stretton Road, Morton
APPLICANT	Mr J Funnell
CASE OFFICER	Emily Roper
DATE RECEIVED	23 October 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: No Ward Member call-in

REASON: This application is being considered by planning committee due to the applicant being an elected member of this Authority.

1.0 SITE DESCRIPTION:

- 1.1 The application site comprises of a detached two storey traditional limestone dwelling, with attached former brick stable block which has been converted and redeveloped into garaging and additional accommodation.
- 1.2 Situated to the north of Stretton Road, the dwelling is set back from the highway behind a dry stone wall and mature hedging and has a gravel driveway which provides the off road parking off several vehicles and is served by landscaped gardens which surround the dwelling.
- 1.3 To the north west, and north of the dwelling are residential properties, to the north east is Morton Cricket Club, the public house Sitwell Arms is situated to the east and the Grade II Listed Holy Cross Church to the south.
- 1.4 The application site is located within the Morton Conservation Area and the defined Settlement Development Limit for Morton.

2.0 PROPOSAL:

- 2.1 Planning permission is sought for the partial demolition of an outbuilding and link extension and erection of new single storey extension and detached garage at 2 Stretton Road, Morton.
- 2.2 The existing single storey rear link extension and part of the attached outbuilding would be demolished. The end gable of the existing outbuilding would be rebuilt in facing brick salvaged from the demolition. This would allow for the proposed single storey rear extension which would measure maximum dimension of 3.5m deep, 5.8m wide with a maximum ridge height of approximately 5m. The extension would comprise of a lobby, utility and W.C served by openings within the side elevations only.
- 2.3 The detached double garage is proposed to the west of the dwelling and would measure dimensions of 6.6m deep, 6.9m wide with an eaves and ridge height of 2.2m and 5m respectively, which provide the off road parking of two vehicles.

- 2.4 The proposed extension and double garage would be constructed from coursed stone and slate roofing tiles to closely match Church Farm.

3.0 AMENDMENTS

- 3.1 The agent has submitted a revised plan Dwg No PA/15-015 SK 81 03 A (Survey & Scheme Design) date stamped 24.12.2018.
- 3.2 The agent has submitted a Bat Roost Assessment dated July 2019 prepared by JTecology Wildlife & Protected Species Consultancy.

4.0 PLANNING HISTORY:

- 4.1 81/00875/OL – Residential development (3 No.bungalows) (outline) **(CA)**

5.0 DEVELOPMENT PLAN POLICIES:

- 5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.
- 5.2 The most relevant policies of the NEDDC Local Plan are:-
- BE1 – General Design Principles
 - BE11 – Development within and adjoining Conservation Area
 - GS1 – Sustainable Development
 - GS5 – Settlement Development Limits
 - H5 – Domestic Extensions
 - T9 – Car Parking Provision
- 5.3 The Plan has now reached its publication draft stage. The Plan was submitted to the Secretary of State at the end of May 2018 and is currently under examination. In accordance with Annex 1 of the NPPF, the Public Draft is considered to carry some weight at this stage.
- 5.4 The most relevant policies contained the Local Plan (Publication Draft) include:-
- SS1- Sustainable Development
 - LC5 - Residential Extensions
 - SDC5 - Development within Conservation Area
- 5.5 The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of the application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 23rd October 2018 and was due to expire on 17th December 2018 however an extension of time was agreed to allow the applicant to overcome comments made by Derbyshire Wildlife Trust and subsequently to allow the application to be heard at planning committee. A site visit was undertaken by the case officer on 4th December 2019 and a site notice was already in situ.
- 6.2 **Ward Members** and the **Parish Council** were consulted regarding the application
- No comments have been received from the Pilsley and Morton Ward Member or the Morton Parish Council.

- 6.3 The **County Highways Authority** was consulted on the proposed development and raised no objections to the proposed scheme.
- 6.4 **Derbyshire Wildlife Trust** (DWT) was consulted on the proposed development which initially had no ecological information or photographs accompanying the application. Due to the partial demolition of an existing building it was recommended by DWT that as a minimum a Preliminary Bat Roost Assessment be undertaken by a suitably qualified ecologist. A subsequent bat roost assessment was submitted and prepared by Chase Ecology Ltd. The preliminary Bat Roost Assessment displayed moderate bat roost potential and at least two nocturnal bat survey are requested by Derbyshire Wildlife Trust. The bat survey report prepared by JT Ecology (July 2019) confirmed that the survey effort undertaken to date was consistent with current best practise guidelines, and that sufficient information has been provided. The conclusion of the report are supported by DWT but they would welcome the provision/retention of suitable bat roost features as an enhancement measure.

7.0 PLANNING CONSIDERATIONS:

- 7.1 The planning considerations for this application are the suitability of the proposal in the location in policy terms, its effect on the character and appearance of the site, its surrounding street scene and the Conservation Area, potential impacts on highway safety and the impacts upon the amenity of neighbouring occupiers.

8.0 PLANNING ASSESSMENT AND SUMMARY:

Principle of Development

- 8.1 The application site is situated within the Settlement Development Limit for Morton, and, as such, Local Plan Policy GS5 indicates that the general principle of development is acceptable provided that (a) it would not be detrimental to the character and appearance of the site and its surrounding environment; and (b) it would not have a detrimental impact on the amenities of neighbouring occupiers and uses.
- 8.2 Policy H5 of the Local Plan requires that all extensions to dwellings should be in keeping with the property and street scene in terms of their style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of the neighbouring properties.
- 8.3 Local Plan Policy BE11 requires that proposals within or adjacent to a Conservation Area should preserve or enhance the character of the Conservation Area. It also takes into consideration the architectural and historic interest of the building and the contribution that it makes to the Conservation Area, the quality of any replacement building proposed.

Impact upon the Character of the Area

- 8.4 The proposed extension and detached garage are both considered to be of an appropriate domestic scale and design for their residential setting. Constructed from walling and roofing materials to closely match the existing dwelling, the new additions would integrate comfortably with the existing built form. The proposal would not result in any detrimental impacts to the appearance of the dwelling and preserves the existing character, which is not deemed to be harmful to the Morton Conservation Area.

- 8.5 The statutory requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for Local Planning Authorities to have a special regard to the desirability of preserving Listed Buildings or their settings and section 72 of the Act states that the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.6 In view of the above, Officers consider the construction of the rear extension and garage would preserve the character and appearance of the Conservation Area which complies with Local Plan Policies BE1 and BE11.

Impact upon the amenity of neighbours

- 8.7 Policy GS5 seeks to ensure that development should not be detrimental to the character and appearance of the site and surrounding environment and the amenity of neighbouring residents.
- 8.8 Due to the proposed use, scale and position of the extension and garage it is Officer's view that the impacts of the development would be inconsequential in neighbouring terms and their existing levels of amenity would be retained and protected which complies with Policy GS5.

Impact on Highway Safety

- 8.9 Policy T9 seeks to ensure that proposals for development have sufficient off road parking.
- 8.10 The proposed garage would provide shelter for two vehicles and the remaining driveway would allow the parking of a further vehicle, which meets the Highway Authorities requirement for a five bedroom property. No concerns have been raised by the Highway Authority. The scheme is not considered to have any adverse impacts upon highway safety and accords with Policy T9.

Ecological Considerations

- 8.11 The proposal would result in a section of the existing linked outbuilding being demolished.
- 8.12 The Bat Survey Report prepared by Chase Ecology Ltd concluded that the surveys undertaken to date are consistent with current best practice guidelines.
- 8.13 Derbyshire Wildlife Trust (DWT) was consulted on the proposed development and agreed with the conclusions of the report but recommended that biodiversity enhancement be provided on site, which has been conditioned accordingly.

Conclusion

8.14 Overall, and subject to the planning condition recommended below, it is considered that the demolition of the outbuilding and link extension, construction of new rear extension and detached garage preserve the character and appearance of the area and does not affect the setting of other building within the Conservation Area. The proposal therefore complies with the requirements of the relevant Policies of the North East Derbyshire Local Plan and the National Planning Policy Framework.

8.15 The development is therefore considered to be acceptable.

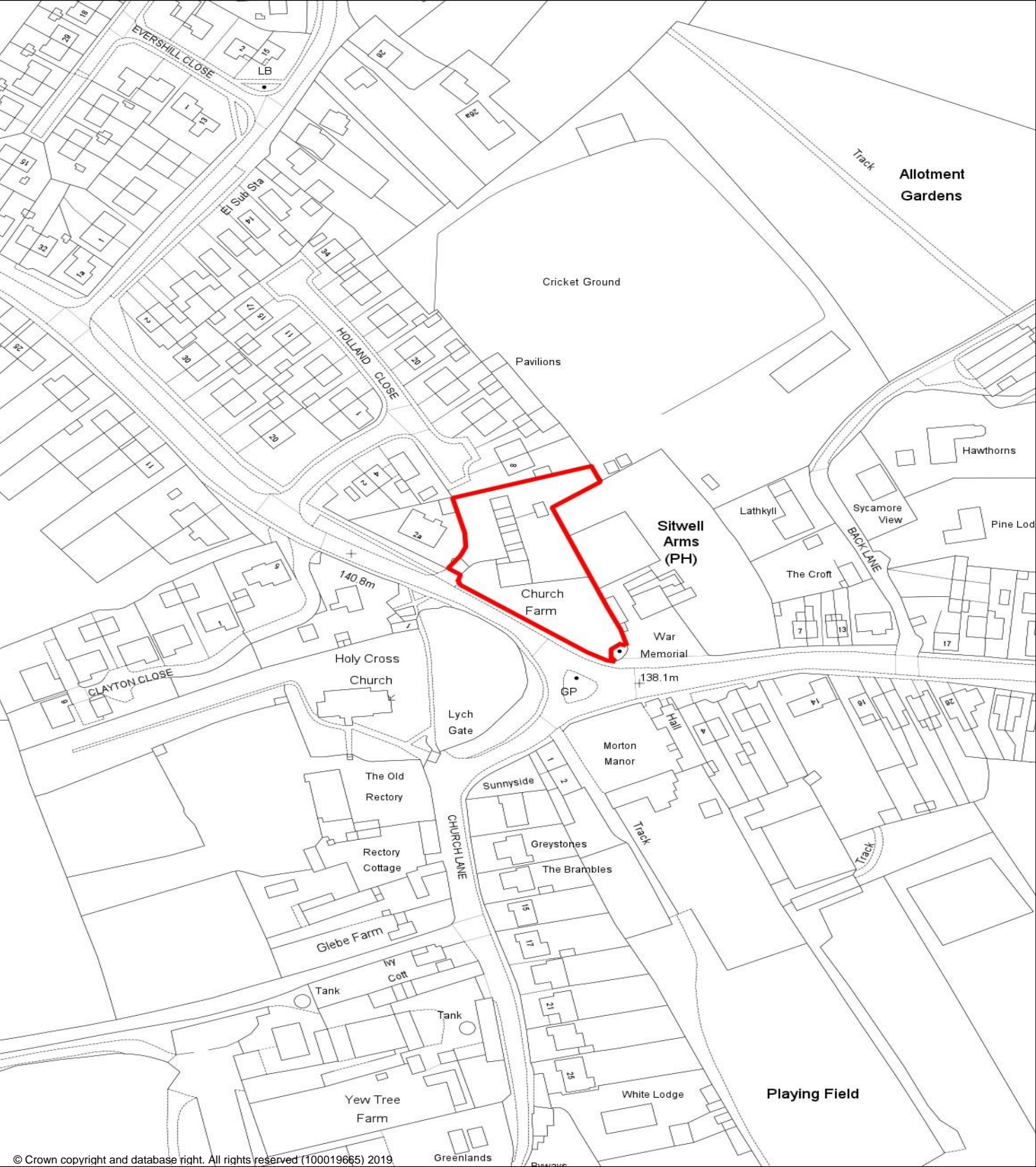
9.0 **SUMMARY OF CONSULTATIONS:**

<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>Footpath:</u>	N/A
<u>Neighbour:</u>	No comments received
<u>Others:</u>	N/A
<u>Ward Member</u>	No comments received
<u>Parish Council:</u>	No comment received

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 permitted shall be started within 3 years from the date of permission
2. The development hereby approved shall be carried out in accordance with the following plans 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 Dwg No. PA/15-015 SK 81 03 A Proposed Extension Alterations & Detached Garage (date stamped 24.12.2018)
3. The proposed stone material shall match the existing buildings wall material as closely as possible in course depth, overall size, colour, texture and tooling.
4. Prior to the use of the scheme hereby approved a bat box shall be provided and identified within a plan which shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building.



APPLICATION NO. 19/00667/FLH
APPLICATION Proposed single storey sunroom side extension (Listed Building)
(Revised scheme of 18/01126/FLH)
LOCATION Common Bank House Fallgate Milltown Ashover
APPLICANT Mr and Mrs Wortley
CASE OFFICER Aspbury Planning
DATE RECEIVED 18/06/19

and

APPLICATION NO. 19/00668/LB
APPLICATION Listed Building Consent application for proposed single storey
sunroom side extension (revised scheme of 18/01142/LB)
LOCATION Common Bank House Fallgate Milltown Ashover
APPLICANT Mr and Mrs Wortley
CASE OFFICER Aspbury Planning
DATE RECEIVED 18/06/2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Adrian Kirkham

REASON: The applicant is an employee of North East Derbyshire Council

1.0 SITE DESCRIPTION

- 1.1 Common Bank House is a Grade II listed building located in an elevated position to the south west of Jetting Street, Fallgate, Ashover. Access to the site is via a steep track leading off Jetting Street. A pedestrian access is also available from Jetting Street which is a narrow road serving several properties located to the south and south east, along with Demonsdale Farm to the west.
- 1.2 The topography of the area is of steep hills with dwellings cut into the hillsides and there is a good tree coverage around the site. The application site is situated in an elevated position and is not easily visible outside of the confines of the site due to the intervening landform and screening. Public Right of Way Ashover FP62 runs to the south of the site.
- 1.3 Fallgate does not have a defined settlement development limit boundary.
- 1.4 Common Bank House is constructed from rubble limestone with gritstone dressings and has a natural blue slate roof. The listing description dates the building as early 18th century. Directly to the north west is a further listed building, Common Bank Cottage dating from the mid-18th century, which is also constructed from rubble limestone.
- 1.5 Common Bank House was listed in 1992 and the list description describes the building as being in a derelict condition. In 2001 planning permission and listed building consent were granted for a two storey extension to the rear and this has

been constructed with the use of plain coursed stone. In 2010 a further single storey extension was granted on the western gable, this has not been built.

2.0 PROPOSAL

- 2.1 Both the planning application and listed building consent application seek permission to construct a single storey extension on the western gable as a proposed sunroom. This proposal is similar to an extension approved by application 10/00459/LB. Access to the proposed extension would be via a single sized doorway in the existing gable of the building whereas the 2010 application involved the removal of the entire western gable at ground floor level. Both applications are revisions after the refusal of applications 18/01126/FLH and 18/01142/LB for both a proposed single storey sunroom side extension and single storey side kitchen extension
- 2.2 The proposed materials for the extension would be natural stone walling with a natural stone slate roof and painted timber window frames which match the existing building. The sunroom measures 3.45m by 3.05 m with a ridge of 3.7m. The south elevation would comprise of four vertical full height doors that are bi folding so open for the full elevation and part of the western gable elevation would comprise of a fixed timber window.
- 2.2 The plans for consideration of both the planning application and the Listed Building Consent are:
- DRG 01 – Site Location Plan
 - DRG 03 Rev F dated Oct 18 – Proposed Plans

3.0 PLANNING HISTORY

01/01221/FL | Refurbishment and extension of building to form dwelling, erection of detached double garage and installation of septic tank (Listed Building) (amended plan) Status: Conditionally Approved

01/01226/LB | Listed Building Consent for refurbishment and extension to building to form dwelling, erection of a detached double garage and installation of septic tank (Listed Building) (amended plan) Status: Conditionally Approved

10/00459/LB | Application for Listed Building Consent for erection of a single-storey side extension (Listed Building) Status: Conditionally Approved

11/00561/LB | Application for Listed Building Consent for installation of a satellite dish (Listed Building) Status: Conditionally Approved.

Application for Listed Building Consent for installation of a satellite dish (Listed Building) Ref. No: 11/00561/LB | Status: Conditionally Approve

Proposed single storey sunroom side extension and single storey kitchen side extension (Listed Building) (Amended Plans) Ref. No: 18/01126/FLH | Status: Refused

Listed Building Consent application for proposed single storey sunroom side extension and single storey side kitchen extension (Amended plans) Ref. No: 18/01142/LB | Status: Refused

4.0 PLANNING POLICY CONSIDERATIONS

- 4.1 The Development Plan comprises the **North East Derbyshire Local Plan (NEDLP)** and the **Ashover Neighbourhood Plan (ANP)**. The policies considered the most relevant in determining the application are as follows:

North East Derbyshire District Local Plan

GS6 New Development in the Countryside
NE2: Special Landscape Area
H5: Domestic Extensions
BE1: General Design Principles
BE7: Alterations and works to listed buildings

Ashover Neighbourhood Plan 2016 – 2033

Policy AP2: Development Proposals outside the Limits to Development
Policy AP11: Design
Policy AP12: Listed Buildings

- 4.2 The Council is in the process of preparing a new Local Plan. The **North East Derbyshire Local Plan: Publication Draft 2014-2034 (PDLP)** was submitted for examination in 2018. The policies considered most relevant in determining this application are considered to be generally compatible with the extant policies of the Local Plan and are as follows:

SS1 Sustainable Development
SS8 Development in Small Villages and Hamlets
LC5: Residential Extensions
SDC6: Development Affecting Listed Buildings
SDC12: High Quality Design and Place Making

4.3 National Planning Policy Framework

The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. Section 16 (paragraphs 184 – 202) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage Assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 5.1 Both applications were publicised by way of a site notice posted adjacent to the public footpath that lies close to the site on 5th July 2019.
- 5.2 **Ward Councillors:** No comments received to either application.
- 5.3 **Ashover Parish Council:** A response has been received advising that they have 'no comments' to make in respect of either of the applications.

5.4 **Highway Authority:** No comments received. The proposal relates to a householder application and listed building consent which involves no changes to the parking arrangement on site or access.

5.5 **National Amenity Society:** No comments received.

6.0 PLANNING CONSIDERATIONS

6.1 The planning considerations for the planning application are the suitability of the proposal in terms of its effect on the character of the site and surrounding area, the amenity of neighbouring uses and highway safety.

6.2 The main issue when considering a proposal affecting a listed building is the impact the proposal will have on the special architectural and historic interest of the building and its setting.

7.0 PLANNING ASSESSMENT

Principles of Development

7.1 The proposal relates to an existing dwelling lying within the hamlet of Fallgate (NEDLP 2005 Policy GS6 & H5; PDLP Policy SS8, ANP Policy AP2) and in an area which is defined as a Special Landscape Area (NEDLP 2005 Policy NE2).

7.2 The dwelling is a grade II Listed Building and Policy BE7 of the 2005 NEDLP and policy SDC6 of the PDLP 2014-2034 requires that proposals for alterations to a listed building will be supported where they protect the significance of the heritage asset and its setting including impacts of the character, architectural merit or historic interest of the building. The ANP policy AP12 states that development proposals that enhance the conservation, longevity and appreciation of the listed building will be encouraged.

7.3 NEDLP 2005 Policy H5 and PDLP Policy LC5 relate to domestic extensions and are therefore relevant. These policies require that proposals should be in keeping with the property in terms of scale, materials and design, respond positively to local character and should avoid any loss of amenity to neighbours or any detrimental impact on highway safety.

7.4 As the extension is limited in size and designed in a way that is characteristic of the primary house Officers contend that the principle of development in this location is acceptable subject to preserving the listed building and its setting.

7.5 The NPPF in section 16, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

- 7.6 The statutory requirement of Sections 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a material consideration of significant weight and requires that Local Planning Authorities have special regard to the desirability of preserving listed buildings including their setting and or any features of special architectural or historic interest which it possesses.

Impact on the Listed Building

- 7.7 The main issue when considering a proposal affecting a listed building is the impact the proposal will have on the special architectural and historic interest of the building and its setting. The significance of heritage assets is defined in the NPPF as “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”. The significance of Common Bank House relates to the age of the building, the quality of the traditional materials and their use, the architectural details and the role of the building as a dwelling associated with the small hamlet of Fallgate and its probable association with the former quarry nearby. The rubble limestone construction and vernacular character of the building contributes to architectural and historic significance of the building.
- 7.8 Currently the south elevation of this building is viewed as original, because the modern rear extension is not visible when standing in the south facing garden at the front of the building. The application granted in 2010 on the western gable (not constructed) contained substantial elements of glass giving the extension a light weight and subservient appearance, leaving the original stone elevation of the listed building dominant. This extension was also set back from the front elevation and was considered a sympathetic addition to the listed building.
- 7.9 This current proposal for an extension to the west elevation, proposes a single storey stone extension with full height glazed bi fold doors on the southern elevation and a fixed timber triangular shaped window on part of the western gable elevation. This is the same as the approved extension under the 2010 application, except the window on the western gable is smaller and the proposal does not involve the loss of the existing walling at ground floor of the original building. A single access doorway is proposed to gain access from the ground floor lounge into the new sunroom, rather than the complete removal of the wall as in the approved 2010 application. In this form it is considered that the proposed extension is sympathetic to the original form of the building and preserves the listed building. The applications refused for the two extensions in 2018 were refused on the basis of the unjustified loss of historic fabric resulting in harm to the listed building from the extension proposed to the eastern gable. The current proposal is considered to address this concern.
- 7.10 In view of the above it is considered that the proposed extension on the western gable is acceptable as it preserves the significance and character of this designated heritage asset and conforms with policy BE7 of the NEDLP and SDC6 of the PDLF and national policy outlined in the section 16 of the NPPF. The proposal also meets the aims and objectives of ANP policy AP12.

Impact upon the Character of the Countryside/Special Landscape Area

- 7.11 Common Bank House is located in the open countryside outside any defined settlement development limits and regarded as being within the open countryside and located within a designated Special Landscape Area. The proposal represents extensions to an existing domestic dwelling and due to its design, scale and location is considered to have limited impact on the countryside designation or the Special Landscape Area.

Impact upon neighbouring land uses

- 7.12 There are no immediate neighbours to this detached dwelling and there are no alterations proposed to the existing vehicular access. The proposals represent small scale additions to this domestic property and would not therefore have any impact upon neighbouring land uses/properties.

8.0 CONCLUSION

- 8.1 In conclusion the design of the extension is considered compatible with the building's listed status and its location in the countryside side and a Special Landscape Area.
- 8.2 Additionally, it is not considered there is any impact on other's amenity.
- 8.3 Accordingly, Officers recommend that the application is approved.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	Not applicable
<u>County Planning:</u>	Not applicable
<u>Environmental Health:</u>	Not applicable
<u>Drainage:</u>	Not applicable
<u>Access Officer:</u>	Not applicable
<u>Footpath:</u>	Not applicable
<u>Neighbour:</u>	No comments received
<u>Ward Member:</u>	No comments received
<u>Parish Council:</u>	The Parish Council responded from their Parish Council meeting 16 th July 2019 with "No Comments".

10.0 RECOMMENDATION

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

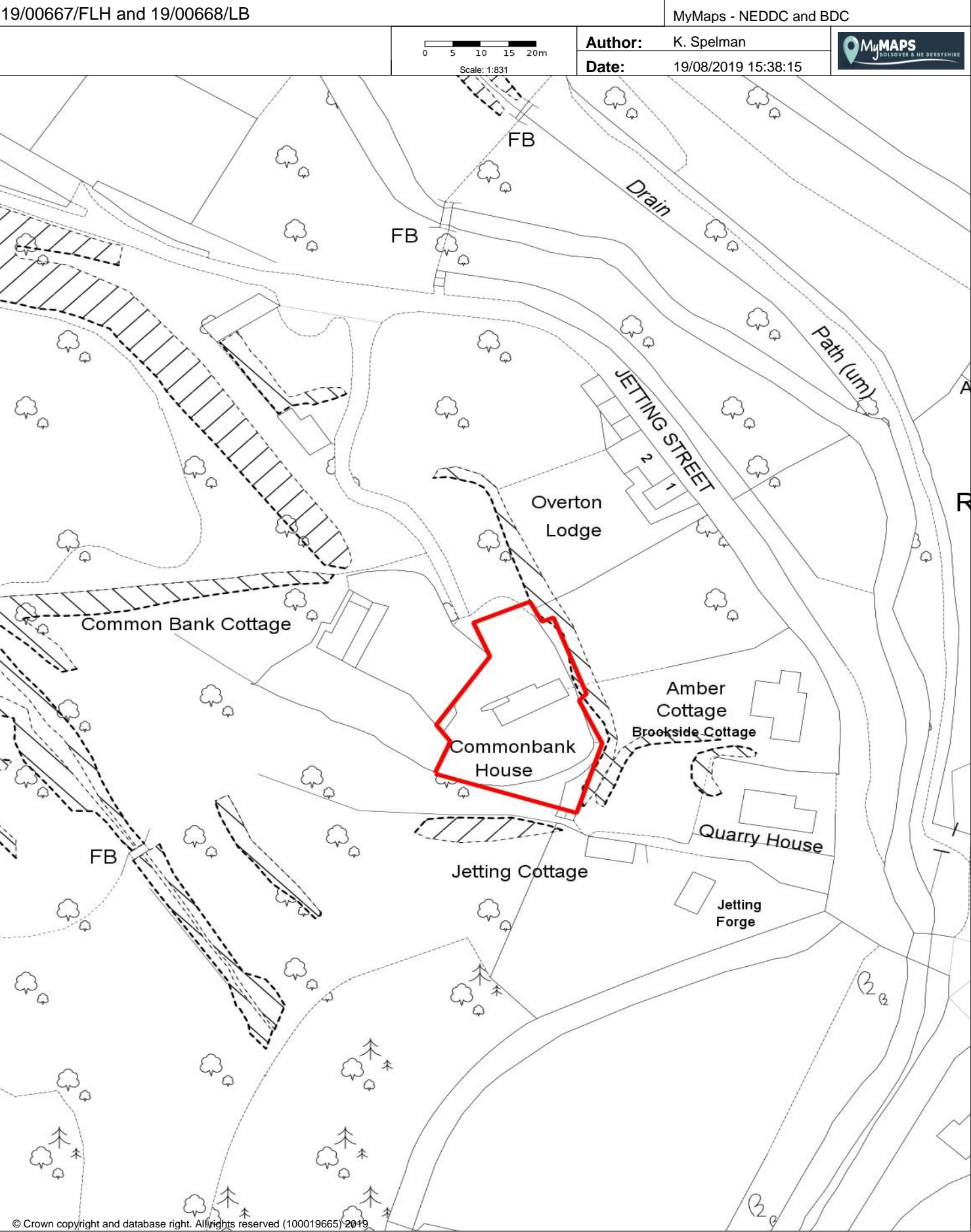
Conditions

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

2. The development hereby approved shall be carried out in accordance with the Drawing number DRG.03 Rev F Oct 18 and application form received 28th June 2019, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- B. That Listed Building Consent is **GRANTED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the Drawing number DRG.03 Rev F Oct 18 and application form received 28th June 2019, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Before development starts a sample of the stone to be used shall be made available on site for inspection and for approval in writing by the Local Planning Authority. Stonework shall be constructed with an outer face of new or reclaimed stone to match the existing stonework in course depth, overall size, colour, texture and tooling. Unless the existing masonry is tooled the new stone shall be left with a natural split face.
4. Before development starts, details of the mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority. The mortar used shall be a lime mortar and the pointing shall be brushed back from the surface of the stonework. A 1m² sample panel of pointing is to be made available on site for approval in writing by the Local Planning Authority prior to the commencement of works. The approved sample panel shall be retained on site for the duration of the works.
5. Windows and doors shall be set back 100mm from the outer face of the stonework and shall be constructed in painted timber and retained as such thereafter.



APPLICATION Demolition of existing house, attached barn, and outbuildings to the north and south and the erection of one replacement house with attached garage (Amended Plans)
LOCATION Grange Farm, Cowley Lane, Holmesfield, Dronfield
APPLICANT Mr & Mrs Oates c/o agent
APPLICATION NO. 18/01195/FL **FILE NO.** PP-07435435
DATE RECEIVED 1st December 2018

REFERRED TO COMMITTEE BY: Planning Manager (Development Management)
REASON: To allow for a full consideration of all the relevant policy issues bearing in mind the comments made by the Parish Council.

1.0 SITE DESCRIPTION

- 1.1 The application site, Grange Farm, comprises a detached dwelling along with an attached barn and various associated single storey outbuildings, situated on the southern side of Cowley Lane, Holmesfield.
- 1.2 The dwelling comprises a stone built property of a traditional appearance and proportion. The attached barn also comprises a stone built building, positioned facing the former farmyard to the north-west of the existing dwelling. The domestic curtilage of the dwelling appears to comprise a strip of garden land approximately corresponding with the width of the existing dwelling extending forward towards the road with an additional small area to the rear. The domestic garden is contained by stone walls, delineating it from the adjacent yard and paddock. The yard and paddock to the west of the property are occupied by a number of former single storey agricultural buildings in varying states of repair.
- 1.3 To the north of the application site, on the opposite side of Cowley Lane, is a domestic property of a traditional appearance, known as Cowley Farm. To the south-east, south and south-west of the site are open fields bisected by a designated Public Right of Way (Holmesfield Footpath 16).
- 1.4 The site is situated within a countryside location designated as Green Belt. The site is also situated within a designated Coal Mining Development High Risk Area.
- 1.5 The site benefits from an existing vehicular access from Cowley Lane.

2.0 PROPOSAL

- 2.1 Planning permission is sought to demolish the existing dwelling, attached barns and some of the existing outbuildings within the site, and construct a replacement dwelling. The proposals seek to retain the existing buildings positioned towards the extreme western edge of the site.

- 2.2 The proposed replacement dwelling would comprise a stone built dwelling incorporating a garage, attached by way of a glazed link with a low profile zinc roof. On its principal north facing elevation, the dwelling would have a comparatively traditional appearance, including a further element at the western side of the dwelling, set down from the ridge level and back from the principal elevation of the main element of the proposed dwelling. The rear elevation of the dwelling would take on a modern aspect with significant amounts of glazing and incorporating a balcony.
- 2.3 The proposals seek to utilise the existing vehicular access to the site from Cowley Lane.

3.0 AMENDMENTS

- 3.1 The proposals have been amended throughout the processing of the application. The main revisions include alterations to the design, including the addition of a subservient element of the dwelling and the addition of the garage.
- 3.2 For clarity and the avoidance of doubt, the application has been assessed on the basis of the amended plans received at this office on 11.06.2019.

4.0 PLANNING HISTORY

- 4.1 The relevant planning history for the site can be summarised as follows:
78/00762/OL – House and garage on land adjacent (outline) – Refused.

03/01374/FL – Removal of existing porch and replace with white UPVC porch on existing stone base – Conditionally Approved.

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

- 5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.
- 5.2 The Local Plan policies most relevant to this application are:
- GS2 Development in the Green Belt
 - GS6 New Development in the Countryside
 - H3 New Housing Outside Settlement Development Limits
 - H12 Design and Layout of New Housing
 - NE1 Landscape Character
 - NE6 – Development Affecting Nationally Rare Species
 - BE1 General Design Principles
 - T2 Highway Access and the Impact of New Development
 - T9 Car Parking Provision
 - CSU4 - Foul and Surface Water Drainage
 - CSU6 – Contaminated land
- 5.3 The Council is now at an advanced stage in the production of a new Local Plan. The Plan was submitted to the Secretary of State for examination at the end of

May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.

5.4 The evolving Local Plan policies most relevant to this application are:

- SS10 North Derbyshire Green Belt
- SS9 Development in the Countryside
- SDC3 Landscape Character
- SDC12 High Quality Design and Place Making
- SDC4 Biodiversity and Geodiversity
- SDC13 Environmental Quality

National Planning Policy Framework

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

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was publicised by way of neighbour letters and the display of a site notice. One letter of representation was submitted. However, the letter was subsequently withdrawn.

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

The **Ward Member** raised no comments.

The **Parish Council** raised concerns that similar applications have been refused in the Green Belt and conservation area and that, if approved, this would point towards inconsistencies in the decision-making process. [N.B. This site is not located within a Conservation Area.]

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, raising no objections to the application from a highway safety perspective, subject to condition.

6.4 **NEDDC Environmental Health Officers** were consulted on the application, advising that conditions pertaining to land contamination mitigation measures be included in any granted permission.

6.5 **The Water Authority (Yorkshire Water)** were consulted on the application raising no objections to the proposed development, advising that additional consultations should be undertaken in regard to the proposed means of foul sewage disposal.

6.6 Relevant **Footpath Societies** were consulted on the application – no comments were received.

6.7 **The Coal Authority** were consulted on the application, initially requesting that the applicant submit a Coal Mining Risk Assessment, or equivalent. The applicant submitted a Coal Mining Risk Assessment accordingly. Subsequently,

the Coal Authority raised additional comments withdrawing their objections to the proposed development, subject to the imposition of planning conditions requiring a scheme of intrusive site investigations.

- 6.8 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, initially requesting the submission of a preliminary ecological assessment to be read in conjunction with the application.

The agent subsequently submitted a preliminary ecological survey. DWT were re-consulted accordingly, advising that in light of the survey's findings, three nocturnal bat surveys would be required on the buildings identified as 1 and 2 (existing dwelling and attached barn), with a report and a mitigation strategy (if necessary), prior to determination of the application.

Further surveys were provided by the applicant. DWT subsequently provided additional consultation comments, advising that they are satisfied that the survey work undertaken is compliant with current good practice guidelines and that sufficient information has been provided to determine the application. DWT advised the imposition of various planning conditions, should the Council be minded to grant planning permission.

7.0 PLANNING CONSIDERATIONS

- 7.1 The main considerations for this application are the suitability of the proposal in this location in policy terms, most notably its impact on the Green Belt, its effect on the character of the site and the surrounding area, impact on the privacy and amenity of neighbours, and highway safety issues.

8.0 PLANNING ASSESSMENT

Principle of Development (Green Belt)

- 8.1 The policy contained in the Local Plan in respect of Green Belt development (Policy GS2) allows for the replacement of an existing dwelling providing it is of a design, size, character and materials in keeping with the local environment and it is not materially larger than the dwelling it replaces.
- 8.2 This policy is considered in line with the general intent of the National Planning Policy Framework (NPPF) and so should be afforded weight in decision making.
- 8.3 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and substantial weight should be given to any harm to the Green Belt. It also identifies that very special circumstances which might lead to the approval of otherwise inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness (and any other harm) is clearly outweighed by other circumstances.
- 8.4 That being said, paragraphs 145 and 146 of the NPPF go on to identify a number of defined exceptions to inappropriate development in the Green Belt which include the replacement of a building providing the new building is in the same

use and not materially larger than the one it replaces and material changes in the use of land providing the openness of the Green Belt is preserved.

- 8.5 By way of clarification, Paragraph 133 of the NPPF sets out that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.6 The applicant has sought to provide evidence that the barn attached to the dwellinghouse was last used for domestic purposes, it is part of the dwelling house in terms of its use, and it should properly be considered as part of the dwelling and so be taken into consideration in respect of the size of any replacement building.

Whilst clearly not designed as a domestic building, on balance, and on the basis of the information submitted in conjunction with the application, Officers consider that the attached barn comprises a subsisting domestic use. The applicant states that the last use of the barn was for the storage of domestic paraphernalia, with agricultural operations having ceased a number of years ago. Officers are not aware of any definitive evidence to dispute this claim. Consequently, they are satisfied that the existing dwelling and attached barn comprise a building forming a domestic use.

- 8.7 The construction of a new dwelling in the Green belt is considered generally to be inappropriate development. However and as set out above, one of the defined exceptions to inappropriate new built development in the Green Belt, paragraph 145(d), comprises the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In this instance, Officers accept that, on the basis of the information available, the proposed building would be in the same use as the building, including the attached barn like structure, that it would replace.
- 8.8 However, the proposed dwelling would be approximately 30% larger than the existing building(s) (dwelling and barn) which it would replace [The applicant sets out the opinion that the replacement dwelling would result in a 12% increase in overall volume of all the buildings to be replaced]. Officers consider that such an increase in scale would amount to a replacement building that would be materially larger than the original building in terms of scale, massing and volume. Consequently, the new dwelling would represent inappropriate development in the Green Belt. In such circumstances paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 8.9 The applicant has set out that in this case a number of former agricultural buildings would also be removed as part of the application and this would add to the wider environmental benefits of the scheme, as would the design of an energy efficient dwelling house in replacement of the existing. Officers have carefully considered this and accept that the removal of the various single storey buildings scattered across the site would bring some environmental benefits to the area and that in this case this represents the very special circumstances to justify overriding the other harm that would be caused by the proposed development. As such, it is considered that the principle of the new dwelling in these circumstances is acceptable.
- 8.10 The applicant also seeks consent to create a significantly sized curtilage surrounding the dwelling. Officers consider that the introduction of such a large garden area would introduce into this rural area a domesticated area that would be at odds with the overall character of this area. Such a significant area would, in the view of Officers, fail to preserve the countryside from encroachment and so be inappropriate development. However, subject to a condition that limited the curtilage to that area directly in front of the proposed dwelling towards the road and incorporating the area to the rear that is already garden this would be acceptable. This could be limited by condition and would be acceptable.

Impact on Neighbouring Amenity

- 8.11 The nearest residential properties lie across Cowley lane to the north of the site and some distance across fields to the east.
- 8.12 Such is the distance from the proposed dwelling to these properties the amenity of their occupiers would not be impacted on by the proposed development.

Other Material factors

- 8.13 It is noted that none of the technical consultees have objected to the proposal subject, as appropriate to conditions. Therefore, subject to conditions as necessary there are no technical objections to the scheme.
- 8.14 In particular, the Derbyshire Wildlife Trust (DWT) made comment on the impact of the development ecological interest and the applicant supplied further information which satisfied DWT in that respect.
- 8.15 It should be noted that the Highway Authority raised no objections to the scheme.

Conclusion

- 8.16 Whilst representing inappropriate development, Officers contend that there is very special circumstances why in this case a replacement dwelling of the size proposed would be acceptable in this case. As such, the application is recommended for approval.

9.0 SUMMARY OF CONSULTATIONS

- 9.1 Ward Member: No comments
Parish Council: Objections
County Highways: No objections, subject to conditions
Environmental Health: No objections subject to conditions
Local Plans: No comments
Yorkshire Water: Comments
Derbyshire Wildlife Trust: No objections subject to conditions.
Footpaths Societies: No comments
The Coal Authority: No objections subject to conditions.
-

10.0 RECOMMENDATION

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

Conditions:

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on approved amended plans listed below, which were received at this office on 11.06.2019, unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - 847 001 (Location Plan)
 - 847 002C (Proposed Site Comparison Plan)
 - 847 100C (Proposed Floor Plans)
 - 847 101C (Elevations as Proposed)
 - 847 102C (Site Plan as Proposed)
 - 847 103C (Proposed 3D Views)
- 3 Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Before development starts details of the existing ground levels, proposed finished floor levels of the proposed dwelling and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

- 5 Before above ground works start, a plan shall be submitted to and approved in writing by the Local Planning Authority to show the proposed boundary treatments throughout the site. The scheme shall be implemented in full in accordance with the approved scheme and shall be retained as such thereafter.
- 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 extensions (Part 1, Class A); dormer windows (Part 1, Class B); alterations to the roof (Part 1, Class C); porches (Part 1, Class D); curtilage buildings (Part 1, Class E); hard surfaces (Part 1, Class F); oil storage tanks (Part 1, Class H); means of enclosure (Part 2, Class A) shall be erected/constructed without first obtaining planning permission.
- 7 Before any above ground works are commenced, 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
- 8 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.
- 9 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.
- 10 Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 11 Notwithstanding the submitted details, before first occupation of the dwelling hereby approved, details of the residential curtilage for the dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The extent of the residential curtilage shall remain as approved thereafter.
- 12 The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of at least 2 vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

- 13 Prior to first occupation of the dwelling hereby approved, details of nesting opportunities for barn swallow and house sparrow shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the first occupation of the dwelling hereby approved and shall be retained as such thereafter.
- 14 The development shall be undertaken in accordance with the bat mitigation measures identified within Paragraph 4.17 of the Bat Survey issued by Armstrong Ecology and Mountains Ltd on 17.07.2019.
- 15 Prior to the commencement of the development hereby approved, a scheme of intrusive site investigations, which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, shall be undertaken. A report of findings arising from the intrusive site investigations and a scheme of remedial works shall then be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remedial works shall be implemented in full.
- 16 Before the commencement of the development hereby approved:
- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land 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.

- 17 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 Division) prior to commencing works in connection with the remediation scheme.

18 The dwelling hereby approved shall not be occupied until:

- a) The approved remediation works required by 16 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 16b to 17 above and satisfy 18a above.
- c) Upon completion of the remediation works required by 17 and 18a 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.

18/01195/FL

MyMaps - NEDDC and BDC

0 10 20 30 40m

Scale: 1:1663

Author: K. Spelman

Date: 19/08/2019 15:41:58

