

North East Derbyshire District Council

Planning Committee

4 June 2019

Development Management Applications

Report No PM/1/19-20/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 NUMBER
SHIRLAND & HIGHAM	NED/19/00154/FL	Change of use of existing domestic garage to provide pre-school playroom facility and erection of canopy to form covered play area at 7 Fern Lea, Shirland, Alfreton for Mrs Isabel Alvey.	5 - 15
ECKINGTON	NED/19/00208/FL	Conversion of existing outbuilding to a 3 bedroom, single storey dwelling (Conservation Area) at View House, Snowdon Lane, Troway, Marsh Lane, Sheffield S21 5RT for Mr K Lewis.	16 - 26

APPLICATION NO. 19/00154/FL

APPLICATION Change of use of existing domestic garage to provide pre-school playroom facility and erection of canopy to form covered play area.

LOCATION 7 Fern Lea Shirland Alfreton DE55 6EP

APPLICANT Mrs Isabel Alvey

CASE OFFICER Aspbury Planning – Denise Knipe

DATE RECEIVED 18th February 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Cupit

REASON: To consider the impact of the application on the current character and streetscene of the area, on neighbouring amenity, and to evaluate potential highways issues

The Site Inspection Group will visit the site to consider the suitability of the site for the proposed use and its impact upon the character of the site and surrounds and highway safety and to assess any potential loss of residential amenity.

1.0 SITE DESCRIPTION

- 1.1 The application site is located at No. 7 Fern Lea which is a residential property situated within the settlement development limits for Shirland. The property is a large detached dwelling with a detached garage, located to the southeast corner of the cul-de-sac. Access is from a private drive off Fern Lea which has a shared access with numbers 5 and 9 Fern Lea.
- 1.2 Fern Lea comprises a modern estate built in the late nineties located to the north west of the village. Open countryside currently sits to the north of the estate with residential development to the east and south.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for the change of use of the detached garage to be used for a pre-school child care service. A covered canopy is also proposed to be erected to the front of the garage to allow outdoor play. A proposed 1.6 metre high timber screen would secure the area.
- 2.2 The proposal also involves changes to the front elevation of the garage, swapping the garage doors with an entrance door within a glazed frame. The garage is constructed in timber painted dark grey and no further changes are proposed.
- 2.3 The applicant is seeking to provide specialist pre-school care for a maximum of nine children. The facility will also cater for children with recognised learning difficulties and specifically diagnosed with hearing impediments.
- 2.4 The facility would operate between the hours of 07.30 hrs and 17.00 hrs Monday to Friday only. It is stated that the number of children attending the facility will vary as not all children will necessarily attend the facility together, or indeed for the full day.

- 2.5 There will be a requirement to employ two staff members, this includes the applicant. Staffing and working hours will depend on the number of children attending the facility.
- 2.6 The children will generally be accommodated within the detached playroom building, with short supervised outdoor play sessions which will be implemented within the fenced canopy area.

3.0 AMENDMENTS

- 3.1 None.

4.0 PLANNING HISTORY

- 4.1 None.

5.0 PLANNING POLICY CONSIDERATIONS

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

The most relevant policies are considered to be:

5.3 North East Derbyshire District Local Plan

GS1 Sustainable Development
GS5 Development within the Settlement Development Limits
BE1 General Design Principles
E8 Employment Development in Other Areas
T2 Highway Access and the Impact on New Development
T5 Walking and Cycling
T9 Car Parking Provision
CSU4 Surface and Foul Water Drainage

5.4 Publication Draft Local Plan 2014-2034 (relevant policies)

SS1 Sustainable Development
SS2 Spatial Strategy and the Distribution of Development
SS7 Development on Unallocated Land within Settlements with defined Settlement Development Limits
ID3 Sustainable Travel
ID4 New Social Infrastructure

National Planning Policy Framework

- 5.5 The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2018. At the heart of the NPPF is a presumption in favour of sustainable development.
- 5.6 There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives - economic, social and environmental).
- 5.7 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criterion to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.
- 5.8 Paragraph 213 advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on the 18 February 2019 and due to expire on the 14 April 2019. An extension of time has been requested until the 7 June 2019 to allow consideration by the Planning Committee.
- 6.2 A site notice was placed at the entrance of the site by the Applicant on the 1 March 2019.
- 6.3 **Ward Councillors:** Councillor Cupit had called in the application to the Planning Committee. Concerns raised in relation to impact upon the character and streetscene of the area, on neighbouring amenity, and potential highways issues.
- 6.4 **Shirland and Higham Parish Council:** Comments have been received and concerns expressed in regards to the setting up of a nursery in a residential area, having two part time staff and being open from 7.30am till 5.00pm five days per week. Having a shared driveway with other properties and the play school being directly at the rear of the gardens on Goose Green Lane, neighbours will lose some degree of privacy and amenity. Concerns also expressed in regards to traffic and potential problems with dropping off and picking up children on the quiet cul-de-sac. The Parish Council do not think this is a suitable location.
- 6.5 **DCC Highways Authority:** Object to the proposal. The application proposal will not only remove the existing parking associated with the dwelling but is also likely to significantly increase the demand for parking on Fern Lea. This is a concern from a highway safety viewpoint as Fern Lea is a relatively narrow, tortuous cul-de-sac.

Therefore an increase in parking on the cul-de-sac is likely to cause an obstruction to the free flow of traffic and it's also likely to restrict/obstruct access to private driveways when parking takes place close to, over or opposite existing private accesses. Also, given the road layout, on-street parking is likely to obstruct any larger vehicles such as service/delivery vehicles from safely using the cul-de-sac.

6.6 Whilst it's the applicants' intention to manage the parking issue by encouraging parents to park elsewhere and walk to the site, it is presumed this could not be conditioned/enforced by the Local Planning Authority. Even if it could, it's unlikely parents with young children will park elsewhere and walk to the site, especially in bad weather. The likelihood is that the majority of parents will either park on the shared driveway or on the cul-de-sac. Both scenarios are likely to cause obstructions and lead to onerous manoeuvres on the public highway.

6.7 **NEDDC Environment Health/Protection:** No objection.

6.8 **Third Party Representations:** 17 objections have been received from 12 households and 3 separate letters of support. The objections are summarised below:

Impact upon Residents

- The business would impact upon the quiet cul-de-sac
- Inappropriate development in a quiet residential area
- Loss of residential amenity as a result of noise and disturbance
- A number of the residents are elderly or are shift workers their peace and enjoyment of their home will diminish
- The drop off and pick up times proposed would be when residents are home and would cause inconveniences to residents

Impact upon the Character of the Area

- The extension by reason of siting would result in loss of privacy to neighbouring properties
- The proposed canopy will be visually dominant and out of keeping
- The garage is not in keeping with the rest of the estate and the addition of the canopy would add to the impact

Impact upon Highway Safety

- Insufficient parking on site to support the use
- The addition of the canopy removes parking
- Proposes to employ two staff members insufficient parking for visitors
- The designated play area within the boundary of the property will not be sufficient for the number of pupils without any owner vehicles being parked away from the property
- Increase in parking problems in the area
- On street parking is already an issue for residents due to the design/layout of the road
- Numbers 5, 7 and 9 share a common off-road entrance which is easily blocked by visitors/deliveries - this will be worsened

- Parents will park on the driveway which will block residents cars in causing a hazard for residents
- There is a very limited turning circle at the head of the cul-de-sac for visiting vehicles to turn around
- Delivery vehicles already experience parking and have to park on the pavement (photos supplied)

Other considerations

- Insufficient notification of the application to home owners on the cul-de-sac
- The site notice was placed on the gate post some metres off the highway it should be on the lamppost so it would be easy to read
- The facility to be offered is already available in the centre of the local village, in a purpose built facility with all of the facilities required to meet the needs of the children
- There is already a childminder business which backs onto Fern Lea from the A61 which is creating noise pollution for us and local residents

Non Material Considerations (Officer Emphasis)

- Devaluation of properties and saleability
- There is a restrictive covenant preventing business use of the property
- Should use an alternative access from behind the garage off Common Lane (photos supplied)

Support

- The Nursery will cater for a range of children, including those with special educational and additional needs. This is a valuable local resource, and one which plays an important and significant role in the early education of children
- Common Lane can adequately accommodate this parking without significant disruption, as we have seen this practice for many years when the old Shirland Primary was sited close by
- Supporting the local community
- The proposed numbers is minimal compared to other similar ventures
- The offer of pre-school provisions to support parents and carers in the area is a commendable and positive development at a time when the country faces cuts to a range of services for children and teenagers

7.0 PLANNING CONSIDERATIONS

7.1 The main planning consideration is whether or not the principle of commercial development is supported in this location having regard to the policies within the extant Local Plan and the Publication Draft Local Plan (PDLP), and guidance within the NPPF. Thereafter, whether or not the development would respect the character of the area and residential amenity, along with highway considerations.

8.0 PLANNING ASSESSMENT

Principles of Development

- 8.1 The principle of development is acceptable given that the proposal is located within the Settlement Development Limits for Shirland. However this is subject to various other considerations as follows: whether it would be detrimental to the character and appearance of the site (BE1) and the surrounding area, if it would have a detrimental effect on the amenities of neighbouring occupiers (GS5) and whether there is adequate access and parking provision (T2 & T9). The Publication Draft Local Plan policy SS7 promotes development within settlements providing; the scale and design is appropriate and the use is compatible with adjacent sites and land uses.
- 8.2 Local Plan Policy E8 advises that within the Settlement Development Limits, proposals for new employment development including working from home, new development, changes of use and extensions to existing sites and buildings will be permitted provided that the proposals do not have an unacceptable effect on the character of the surrounding area through visual impact, noise or pollution resulting from the development or from traffic generated. Adequate parking and access provision will also be required.
- 8.3 The proposal is seeking to operate a pre-school facility from the current domestic garage and includes provision for outdoor play. The facility will operate with a maximum number of nine children at any one time and will be made available to families that have children with learning disabilities. The opening times will be from 07.30hrs with pick up times around 17:00hrs. The facility, dependant on the number of children attending at any one time, will employ two staff members, the applicant being one of the two. Whilst full days will be available there may be times when a child only attends for half a day. It is intended to be flexible but adhere to the maximum of 9no. children at any one time.

Impact upon the Character of the Area

- 8.4 The application site is situated in the corner of a residential estate and accessed from a shared private drive. The building, the subject of this application, is positioned in the eastern corner of the site adjacent to the boundary of No. 5 Fern Lea (north) and the rear gardens of properties fronting Goose Green Lane (south). The host dwelling sits to the west with the principle elevation fronting the domestic parking areas. Private, enclosed residential amenity/garden areas are located to the side (west and east) and rear (south) of the host dwelling.
- 8.5 Local Plan Policies GS5, BE1 and Publication Draft Local Plan policy SS7 require that new development respects the character and appearance of the surrounding area and not have a detrimental effect on the amenities of neighbouring occupiers and is compatible with the adjacent land uses.
- 8.6 Minimal external changes to the building are required and relate to an altered front elevation. They are domestic in scale and would be largely masked by the enclosure securing the area of play. This would be undertaken by creating a covered area secured by 1.6 metre timber fencing. The covered area would extend 4.7 metres from the front elevation of the building with the roof canopy in

translucent polycarbonate sheeting with uPVC fascia's. This form of construction is not dissimilar to a car porch which, it is considered, would not be out of context in this residential area.

- 8.7 Therefore, it is considered that the proposal is compliant with the relevant Local Plan policies GS5(a) and BE1 and evolving Local Plan policy SS7 and would not have a detrimental impact upon the character of the area due to the detailing proposed and the fact that it would be located approximately 22 metres from the highway behind the building line created by No.'s 3, 5, 9 and 11, Fern Lea.

Impact upon Neighbouring Properties

- 8.8 Policy GS5 (b) states that proposals will only be permitted providing it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.9 The proposal will introduce a new commercial use to an area within an established residential estate. It proposes to modify the existing domestic garage and create an outdoor play area. Whilst it is proposed to have a maximum of nine children using the facility at any one time, there would be disruption created to the existing residents, particularly to those off the shared drive and at the entrance, with an increase in activity at the site.
- 8.10 The site is set back from the highway but is within close proximity to a number of other residential properties. No.5 would be particularly affected given that the use would take place along its southern boundary. The creation of an outdoor play area; although the applicants have advised that the number of children using it would supervised and restricted, would undoubtedly result in noise and disturbance from 'noisy play' activities. No. 5 also has a rear conservatory and the play space would be close to that structure (approx. 6 metres). Furthermore given the construction of that building and the potential to have windows/doors open, particularly in the warmer weather, any noise impact would be exacerbated. Whilst it may be possible to provide noise mitigation to the application building itself this would not be possible for the outdoor area.
- 8.11 The properties to the rear of the building, those off Goose Green Lane, are set back a considerable distance from the site and the noise associated with the facility would be less of a concern to these properties as the open/play area would be located away from the mutual boundary and be masked/screened by the application building itself. The adjoining property to the west lies beyond the applicant's own property and so the impact on that unit would likewise be minimised due to this.
- 8.12 No.5, therefore, is the property most likely to suffer from a loss of residential amenity should the proposal be allowed. It is not considered that this impact can be appropriately mitigated and, as such, Officers conclude that the proposal does not comply with Local Plan Policy GS5(b) and E8 and should be refused on this ground alone.
- 8.13 The application has attracted a number of objections from local residents on grounds of noise and disturbance and the impact upon coming and goings as well as advising that there is a restrictive covenant on the estate preventing business uses operating. The latter issue is not a material planning consideration It is a civil matter.

- 8.14 The use would operate from 07.30 hrs until 17:00hrs. The applicant has provided a Planning Statement to address the objections raised and advises that it is unlikely that there would be a great number of drop offs/pick up at these times as parents requirements for using the facility will differ. It also suggests that stop off times would be relatively short and so the impact upon the residents would be relatively short lived.
- 8.15 Whilst this may be the intention of the applicants the Planning Authority would not be able to control the number of users dropping off/picking up at any one time. The worst case scenario would be potentially nine vehicles overlapping at the beginning or end of the day, with a smaller number of vehicles during the day. Given the design of the estate road and the limited off street parking provided, residents could be inconvenienced by an increase of traffic to the cul-de-sac and inconsiderate parking. (Discussed further under Highway Safety). This too is considered a reason to refuse the application.

Highway Safety

- 8.16 The application seeks a maximum of nine children on site at any one time, not as a maximum during the 07.30hrs-17:00hrs. This could lead to more children using the facility over the day and therefore potentially attracting more vehicles to the area over a staggered period.
- 8.17 The proposal would result in the loss of parking on the site given the garage is to be lost and an area in front of the garage fenced off to create the outdoor play space. The Highways Authority (HA) have been consulted and object to the proposal as not only will there be a loss of existing parking associated with the dwelling but it is also considered likely to significantly increase the demand for parking on Fern Lea. This is a concern from a highway safety viewpoint as Fern Lea is a relatively narrow cul-de-sac. Therefore an increase in parking on the cul-de-sac is likely to cause an obstruction to the free flow of traffic and also likely to restrict/obstruct access to private driveways when parking takes place close to, over or opposite existing private accesses. Also, given the road layout, on-street parking is likely to obstruct any larger vehicles such as service/delivery vehicles from safely using the cul-de-sac.
- 8.18 Whilst it's the applicant's intention to manage parking by encouraging parents to park elsewhere and walk to the site, this could not be controlled through planning conditions. Even if it could, it is unlikely parents with young children will park elsewhere and walk to the site, especially in bad weather. The likelihood is that the majority of parents will either park on the shared driveway or on the cul-de-sac. Both scenarios are likely to cause obstructions and lead to onerous manoeuvres on the public highway.
- 8.19 The applicants have responded to the objection raised by the Highways (and the residents) and advise that there is ample room for parking and manoeuvring on the site without causing obstruction. The Highways Authority maintain their objection and Officers concur with the concerns in this instance.

Conclusion

- 8.20 The proposal would provide a pre-school child care facility for residents and families living in the local community. The facility would also cater for children with recognised learning difficulties and specifically diagnosed with hearing impediments. The proposal would also provide employment opportunities for at least one other person in addition to the applicant.
- 8.21 The provision of a specialised facility would provide benefits to families in need of this care however as identified above there are dis-benefits associated with the proposal which would be harmful to those living in the localised area. These impacts are considered to outweigh the benefits identified and would result in a loss of amenity and impact upon highway safety.
- 8.22 It is acknowledged that under Permitted Development Rights child minding is permitted within existing dwellings providing the use remains ancillary to the primary use. Whilst the applicant can use the fall-back position, the increase in activity as proposed, and the development necessary, in the view of Officers, results in an unacceptable change and alters the character and nature of the residential use to such a degree that the impacts would be harmful. For this reason the proposal is not supported and recommended for refusal.

9.0 SUMMARY OF CONSULTATIONS

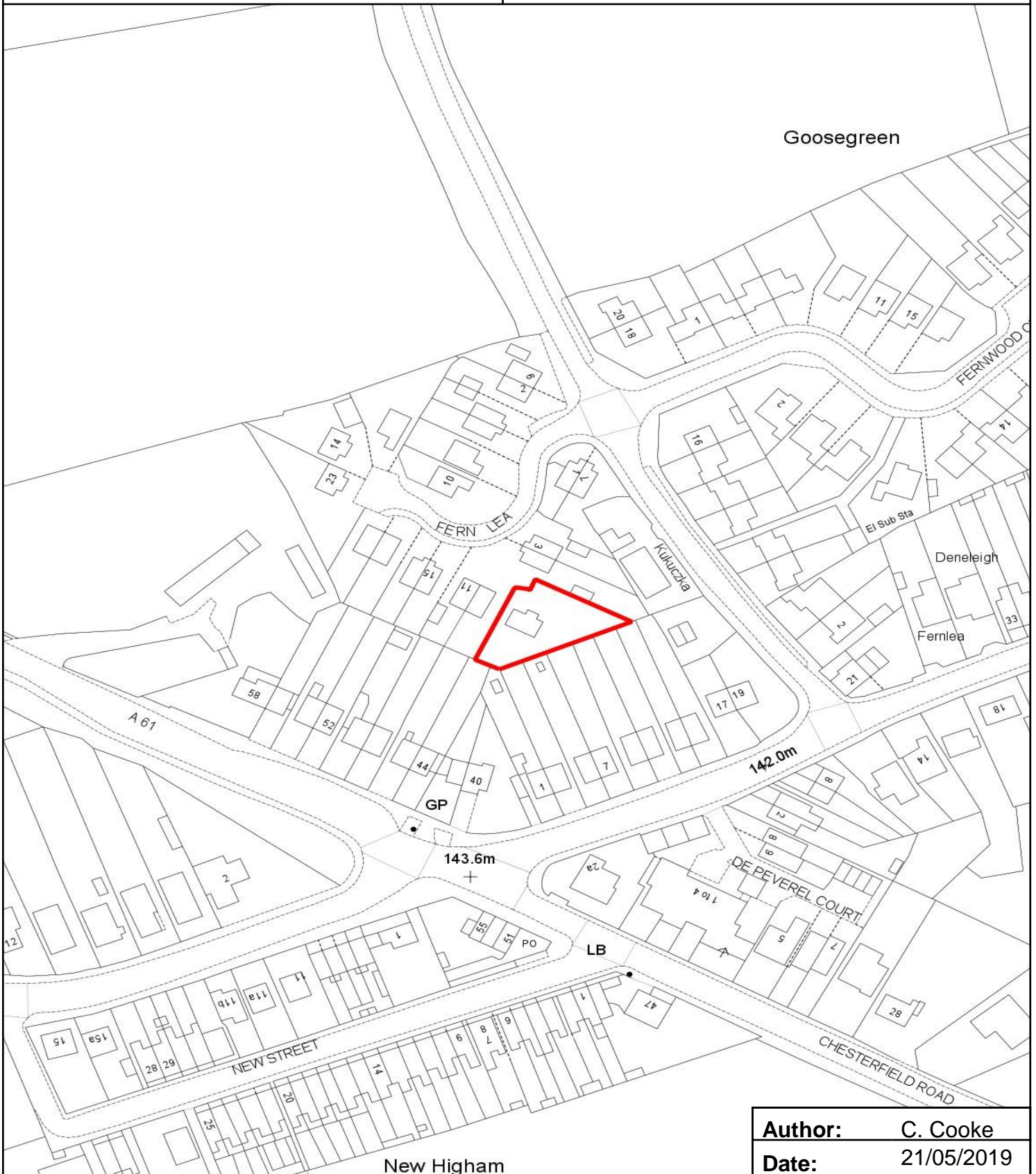
<u>County Highways:</u>	Objects
<u>County Planning:</u>	N/A
<u>Environmental Health:</u>	No objection
<u>Drainage:</u>	N/A
<u>Access Officer:</u>	N/A
<u>Footpath:</u>	N/A
<u>Neighbour:</u>	17 objections, 3 letters of support
<u>Ward Member:</u>	Cllr. Cupit call in
<u>Parish Council:</u>	Concerns

10.0 RECOMMENDATION

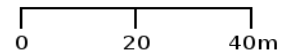
That Planning Permission is REFUSED for the following reason(s)

1. No adequate provision is included in the application proposals for the parking and manoeuvring of vehicles clear of the public highway, which would be likely to result in a significant increase in on-street parking on Fern Lea causing obstructions, or parking on the shared private driveway leading to obstructions and onerous manoeuvres to and from the public highway. Either scenario is against the best interests of highway safety and is likely to lead to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway. The proposal is considered contrary to the North East Derbyshire Local Plan Policies GS5, E8, T2 and T9.
2. The proposed use of the building and construction of the canopy, due to its design and siting, is not considered acceptable for the use as proposed and

would materially alter the nature of the residential character of the area and cause harm to residential amenity as a result of noise and disturbance. In particular, the residents of No. 5, Fern Lea would be adversely affected due to the close relationship with the site of both the property and residential curtilage. The proposal is considered contrary to the North East Derbyshire Local Plan Policies GS5, BE1 and E8.



Author:	C. Cooke
Date:	21/05/2019



APPLICATION NO. 19/00208/FL
APPLICATION Conversion of existing outbuilding to a 3 bedroom, single storey dwelling (Conservation Area)
LOCATION View House Snowdon Lane Troway Marsh Lane Sheffield S21 5RT
APPLICANT Mr K Lewis
CASE OFFICER Aspbury Planning Ltd – Denise Knipe
DATE RECEIVED 11 March 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Gordon

REASON: To consider the Green Belt issues

The Site Inspection Group is to visit the site in order to assess the impact upon the Green Belt and appropriateness of the development.

1.0 SITE DESCRIPTION

- 1.1 The application relates to a domestic dwelling situated outside of any Settlement Development Limit therefore wholly within the designated Countryside and within the Green Belt and Moss Valley Conservation Area.
- 1.2 The site comprises a large detached residential dwelling with attached garage and outbuildings situated on a generous plot with views across the open countryside. To the rear of the site is a swimming pool (not in use). Access to the site is via Snowdon Lane (B6056) and ample parking available on site.
- 1.3 A mature Leylandii hedge forms the front boundary (south) situated behind a low stone wall. A walled boundary exists to the west and north of the site and a hedgerow to the east.
- 1.4 The host building is constructed from stone with the rear elevation rendered. The garage and outbuildings are constructed in stone.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for the conversion of the stone range of outbuildings into a single residential property with associated access and parking.
- 2.2 The application is supported with a Structural Survey which confirms that the building is capable of being converted without major structural work. Works have been identified which require sections to be demolished and rebuilt due to minor defects. Partial demotion of the passageway is proposed to remove the link to the host building.
- 2.3 Parking for the future occupiers is proposed to the west with an amenity area provided to the north (rear) and south (front).

2.4 The proposal is similar to previous planning applications which were approved but no longer extant.

3.0 AMENDMENTS

3.1 Amendments were sought to the design of the roof structure and further clarifications in relation to volume of development and demolition/rebuilding of the structure.

3.2 Volume Calculations Existing Outbuildings

Area	Int. Footprint	Int. Height	Int. Volume
Garage	51.32m ²	2.74m	140.61m ³
Garage pitched roof			34.1m ³
Boiler Area	6.26m ²	2.16m	13.62m ³
Store rooms 1-5	78.79m ²	2.475m*	191.06m ³
		Total	378.39m³

*average-floor height differs

3.3 Volume Calculation Proposed

Area	Int. Footprint	Int. Height	Int. Volume
Floor plan inc. previous garage extent.	129.47m ²	2.45m	317.2m ³
Pitched roof above living area			40.65m ³
Pitched roof over bedrooms			31.36m ³
		Total	389.21m³

3.4 The increase in internal volume for proposed is 10.82m³ which is 2.86% of the original volume.

3.5 The plan drawing number for consideration are:

- 325/01, 325/11, 325/12, 325/31 and 325/33 received 17 May 2019

4.0 PLANNING HISTORY

4.1 75/00950/FL - Large garage, utility room and workshop: Conditionally Approved

77/01113/FL - Renovation of outbuildings to form stables: Permitted Development

97/00933/FL - Pitched roof over garage (Conservation Area): Conditionally Approved

06/00877/FL - Conversion of an existing single storey storage barn to a single dwelling (Conservation Area): Application Withdrawn

06/00878/FL - Conversion and extension to an existing single storey barn to a single dwelling (Conservation Area): Application Withdrawn

06/01465/FL - Conversion of an existing single storey storage barn to a single dwelling (resubmission of NED/06/00877/FL) (Conservation Area): Conditionally Approved

06/01466/FL - Conversion and extension to an existing single storey barn to a single dwelling (resubmission of NED/06/00878/FL) (Conservation Area): Conditionally Approved

07/01460/FL - Conversion of existing outbuildings to form a single dwelling (amended scheme) (Conservation Area): Conditionally Approved/P.D. Removed

5.0 PLANNING POLICY CONSIDERATIONS

5.1 The Development Plan comprises of the saved policies of the North East Derbyshire Local Plan (adopted November 2005).

5.2 In addition, the Publication Draft Local Plan 2014-2034 has been submitted to the Secretary of State for examination. The Council is now at an advanced stage in the production of the new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.

The most relevant policies are considered to be:

5.3 North East Derbyshire Local Plan (2005)

- GS1 - Sustainable Development
- GS2 – Green Belt
- GS6 – Development in the Countryside
- BE1 - General Design Principles
- BE11 – Development within and adjoining the Conservation Area
- NE1 - Landscape Character
- T2 – Highway Impact of New Development
- T9 – Car Parking Provision
- CSU4 - Surface and Foul Water Drainage

5.4 Publication Draft Local Plan 2014-2034 (relevant policies)

- SS1 - Sustainable Development
- SS2 - Spatial Strategy and the Distribution of Development
- SS9 – Development in the Countryside
- SS10 - North East Derbyshire Green Belt
- SDC3 - Landscape Character
- SDC5 - Development within Conservation Areas
- SDC12 - High quality Design and Place-Making
- ID3 - Sustainable Travel

5.5 National Planning Policy Framework 2018

The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include support economic, social and environmental objectives.

- 5.6 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criterion to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.
- 5.7 The NPPF 2019 states that within the Green Belt inappropriate development is, by, definition harmful and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.8 Paragraph 146 advises that certain other forms of development would not be considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Reuse of buildings is one of the exemptions providing it is of permanent and substantial construction. Likewise material changes in use (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) would not be considered inappropriate development.
- 5.9 NPPF Paragraph 193 advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Whilst at Paragraph 196 it advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.10 Paragraph 213 advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

5.11 Other (specify) – SPD's /Successful Places Guidance

- Sustainable Buildings SPG
- Successful Places Interim Design Guidance

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was valid on the 11 March 2019 and due to expire on the 5 May 2019. An extension of time has been mutually agreed until the 7 June 2019 to allow consideration by the Planning Committee.

6.2 A site notice was placed at the entrance of the site on the 18 March 2019 by the Applicant.

6.3 **Ward Councillor(s):** Councillor Gordon requested that the application is heard by the Planning Committee. The planning reasons given relate to inappropriate development in the Green Belt.

6.4 **Eckington Parish Council:** No comments have been received.

6.5 **Highways Authority:** No objections are raised by the Highway Officer who considers that conditions can be imposed to provide an appropriate visibility splays and onsite parking.

6.6 **Environment Health Officer:** Environmental Protection have reviewed the information submitted to support the application together with records contained at the Council and it is noted that the outbuilding has been used for domestic storage and garaging purposes only. On this basis it is advised that they have no comments to make in respect of the proposal.

6.7 **Yorkshire Water Authority:** Advised that they have no comments to make in respect of the proposal.

6.8 No representations have been received from local residents.

7.0 PLANNING CONSIDERATIONS

7.1 The key policy considerations are protection of the Green Belt, safeguarding the character of the area, highway safety, safeguarding residential amenity; and the character of the Conservation Area. .

7.2 The planning history for the site is also a material consideration. Whilst the planning permission granted have lapsed, the principle of conversion in the Green Belt has been accepted and still pertinent to the current Green Belt policies, both nationally and locally.

8.0 PLANNING ASSESSMENT

Principles of Development

8.1 The proposal lies within the Green Belt where the re-use of buildings is not inappropriate development provided that the buildings are of a permanent and substantial construction and preserve the openness of the Green Belt. The

site, subject to the application, is also outside any defined development limits where new housing is not generally supported. This proposal is for the re-use of existing buildings, and has been supported by a structural survey which has demonstrated that the buildings are of a permanent and substantial construction. On this basis it is considered that the proposals do not constitute inappropriate development provided that they preserve the openness of the Green Belt.

- 8.2 Policy GS6 & NE1 of the adopted Local Plan (2005), eLP policies SS9 and SDC3 seeks to ensure that proposals outside of defined settlements are in keeping with the countryside location and does not represent a prominent intrusion, whilst saved policy BE1, eLP policies SDC12 seeks to ensure that the design, scale and massing of development is in keeping with the surrounding character. LP (2005) policy GS7 and eLP policy SDC1 supports the conversion of buildings providing they are of substantial and permanent construction.
- 8.3 Local Plan (2005) Policy BE11 and eLP (2014-2034) policy SDC5 seek to ensure that development proposals would not be harmful to designated heritage assets. The NPPF seeks to ensure that where less than significant harm is identified this harm will be assessed against the public benefit of the proposal. The Moss Valley Conservation Area includes swathes of open countryside and the subdivision of the plot is not considered to have a harmful impact upon the designation. Furthermore the proposed redesign of the roof structure from flat corrugated to tiled pitch is considered to enhance the building and would enhance the character of the Conservation Area.
- 8.4 The proposal is seeking to re-use the existing range of stone out buildings and domestic garage to create a single storey residential dwelling. On consideration of the proposal it is considered that the principle of the development is acceptable. The proposal does not require major intervention in allowing the building to function as an independent dwelling, whilst some demolition and rebuilding is proposed it is not considered to be disproportionate.

Impact upon the Openness of the Green Belt

- 8.5 The proposal relates to the reuse and conversion of a substantial stone outbuilding and garage. The application has been accompanied with a Structural Survey that supports the conversion subject to some localised rebuilding of the rear elevation. Local Plan 2005 Policy GS2 and eLP 2014-2034 policy SS10 make reference to such proposals and subject to wider consideration supports them in principle providing they do not impact on openness. The National Planning Policy Framework (NPPF) states that the essential characteristic of Green Belts is their openness and permanence and that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open. The effect on openness is therefore a material consideration of significant weight.
- 8.6 The building sits adjacent to the existing dwelling and currently in domestic use. Whilst a pitched roof is proposed to the outbuilding, the opening up of the passageway to create a detached property, ensures that the overall volume of development is negligible. Furthermore planning permission was granted in 2006 and 2007 for the conversion of the outbuildings to residential and

proposed a mono pitch roof. The redesign of the roof structure creates a similar volume and is considered preserve the openness of the Green Belt.

- 8.7 Details of the boundary treatment has not been submitted and can be requested by condition in order to ensure that a suitable treatment can be provided to safeguard the character of the site, the character of the conservation area and respect the openness of the Green Belt.
- 8.8 The proposal will also utilise the existing hard standing areas to the west for parking and create a small amenity area in front of the outbuilding, creating a garden. No landscaping details of this area have been provided and this can be secured by condition. It is considered that the proposal will not have a detrimental or significant impact upon the general character of the Green Belt and the subdivision of the site would not have any greater impact upon the character of the area, or have a greater impact upon the openness than the current situation.

Impact upon Neighbouring Properties

- 8.9 The host dwelling is situated to the east of the buildings to be converted and sited side on. The passage way connecting the garage to the dwelling is to be opened up to provide a walkway to the rear of the site for the future occupiers of the conversion and provides a visual separation between the two dwellings.
- 8.10 Given the layout and orientation of the proposed conversion it is not considered that the residential amenity would be reduced to an unacceptable level.

Highway Safety

- 8.11 The conversion would be served from a separate access to the west of the existing vehicle access point which will continue to serve the host dwelling. Three parking spaces are to be provided to serve the conversion and would be separate from the host dwelling. The Highways Authority have been consulted and raise no objection to the proposal.
- 8.12 The proposal can be served by a safe access and parking can be provided within the site and therefore the proposal complies with policies T2 and T9 of the North East Local Plan.

Conclusion

- 8.13 The proposal is seeking to convert existing outbuildings to create a single storey three bedroom dwelling. The proposal is accompanied by a Structural Report which confirms that the buildings can be converted without major rebuilding, extension or alteration and that the buildings are structurally sound. Conversion of existing rural buildings in the Green Belt is supported by North East Derbyshire Local Plan Polies GS2 and GS7 and within the emerging Local Plan; and the NPPF paragraph 146, providing there would not be a greater impact upon the openness of the Green Belt. Very Special Circumstances are not therefore required to be demonstrated as the proposal is not considered to be inappropriate development in the Green Belt.

8.14 Taking into account all material considerations and comments received, the proposal is considered to be policy compliant and conditions requiring details of boundary treatments and landscaping ensures that the proposal can be made acceptable in terms of not having any adverse impacts upon Conservation Area and Green Belt. Accordingly the application is recommended for approval.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objection, subject to conditions
<u>County Planning:</u>	N/A
<u>Environmental Health:</u>	No comment.
<u>Drainage:</u>	No comment.
<u>Access Officer:</u>	No comments received.
<u>Footpath:</u>	No comments received.
<u>Neighbour:</u>	none.
<u>Others:</u>	
<u>Ward Member:</u>	Councillors Gordon call in.
<u>Parish Council:</u>	No comments received.

10.0 RECOMMENDATION

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

10.2 Conditions

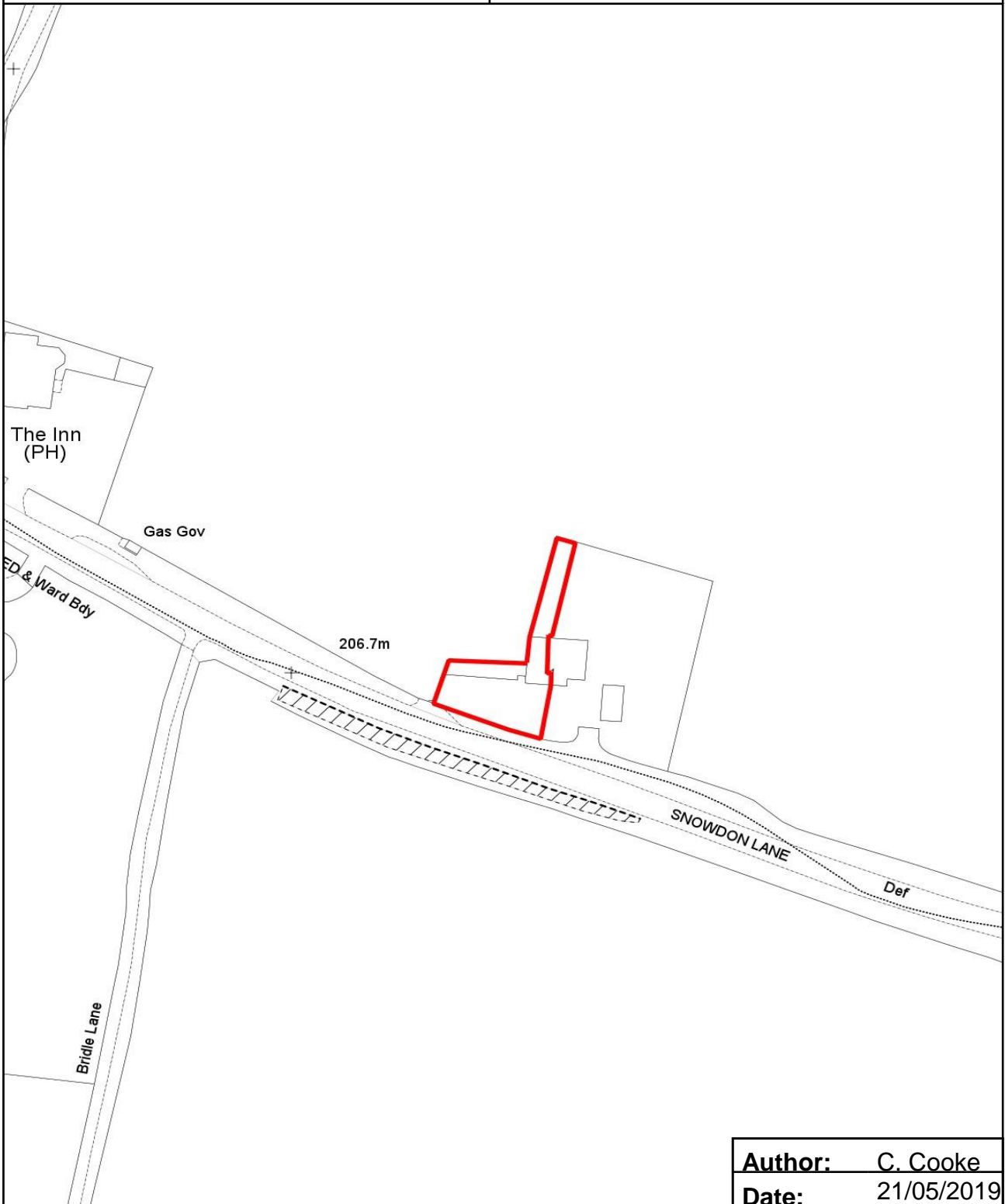
1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the amended Block Plan received on the 25 February 2019 and plans referenced 325/01, 325/11, 325/12, 325/31 and 325/33 received 17 May 2019 otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice
3. The proposed walling materials shall match those of the existing building as closely as possible.
4. The roof shall be covered with natural slates to match the host dwelling. All fixings shall be corrosion resistant.
5. Windows and doors shall be set back 100mm from the face of the stonework and shall be constructed in painted timber and retained as such thereafter.
6. Prior to any 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.
7. 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.
8. Notwithstanding any submitted details, before completion of the conversion works a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwelling hereby approved and it shall be retained as approved.
9. Before occupation of the proposed dwelling, the proposed vehicular access to Snowdon Lane (B6056) shall be created in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.
10. There shall be no vehicular gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
11. Before occupation of the dwelling, 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.
12. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (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) and curtilage buildings (Part 1 Class E) shall be erected/constructed without first obtaining planning permission.
13. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no doors or windows shall be installed in the building other than those shown on the approved application drawings.

- 14 The works shall be carried out strictly in accordance with the recommendations contained in the structural appraisal report produced by Freeman Design and Surveying Consultancy Ltd dated 1st May 2019. In particular, the areas of demolition and rebuilding shall be limited to those set out in the structural survey and as shown in the approved drawings.

19/00208/FL

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