

**North East Derbyshire District Council**

**Planning Committee**

**30 July 2019**

**Development Management Applications**

**Report No PM/6/19-20/AK of the Planning Manager – Development Management**

This report is public

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

**FOR THE INFORMATION OF MEMBERS**

**Legal and Financial Implications**

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

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

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

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

**Human Rights Act 1998**

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

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

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

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

### **Environmental Considerations**

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

### **Community Safety Implications**

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

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

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

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

### **Background Papers**

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

### **With reference to applications made for works to Protected Trees**

#### **Financial Implications**

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

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

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

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

### **Legal Aspects**

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

### **Environmental Considerations**

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

### **Trees (Community Safety Implications)**

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

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

## DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

PARISH	APPLICATION NUMBER	TITLE	PAGE NUMBER
WINGERWORTH	NED/19/00389/RM	Submission of Reserved Matters (appearance, landscaping, layout and scale) relating to NED/17/00227/OL for the construction of 80 dwellings at land opposite the Avenue Visitor Centre, Mill Lane, Wingerworth for Bellway Homes Plc.	<b>6 - 22</b>
ASHOVER	NED/19/00236/FL	Conversion of existing barn to create one new dwelling including change of use to residential and demolition of existing nissen hut at Rose Tree Farm, Oakstedge Lane, Milltown, Ashover for Mr Morgan and Miss McClymont.	<b>23 - 33</b>
ASHOVER	NED/18/01265/FL	Conversion of two existing stable buildings to form one, four bedroom dwelling, with associated access lane, parking area and garden. (Affecting a public right of way) at Holly House, Matlock Road, Spitewinter, Ashover for Mr Howarth.	<b>34 - 45</b>
PILSLEY	NED/18/01281/FL	Conversion of the former public house into 5 dwellings, with associated off street parking at Gladstone Arms, Morton Road, Pilsley for Mr Buldev Ubha.	<b>46 - 58</b>
UNSTONE	NED/19/00113/FL	Retention of the existing building with change of use, alterations and extension, including raising the roof and a balcony, to form 8 no flats with car parking and associated landscaping (amended plans) at Fleur de Lys Hotel, Main Road, Unstone, Dronfield for Crispfine Ltd.	<b>59 - 67</b>

ECKINGTON	NED/19/00219/FL	Conversion of existing stable building to a single dwelling (Conservation Area) at land at The North West Corner of Main Road and Quarry Hill, Troway, Marsh Lane for Mrs Roper.	<b>68 - 77</b>
BRAMPTON	NED/19/00472/FLH	Proposed additional gated vehicular access at Yew Tree Cottage, Hemming Green, Old Brampton for Mr & Mrs R Woolley.	<b>78 - 82</b>
NORTH WINGFIELD	NED/17/00269/FL	Outline application (with all matters reserved) for the variation of conditions 5 and 7 (Affordable Housing) pursuant to 14/01290/FL (Major Development) Land to the west side of Chesterfield Road, Holmewood Mr S & G Dore	<b>83 - 91</b>

**APPLICATION NO.** 19/00389/RM**APPLICATION** Submission of Reserved Matters (appearance, landscaping, layout and scale) relating to NED/17/00227/OL for the construction of 80 dwellings**LOCATION** Land opposite the Avenue Visitor Centre, Mill Lane, Wingerworth**APPLICANT** Bellway Homes Plc**CASE OFFICER** Phil Slater**DATE RECEIVED** 9 April 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Hancock

REASON: Concerns regarding impact on environment wildlife reserve, and existing footpaths that cross the site.

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**1.0 SITE DESCRIPTION**

- 1.1 The application site comprises two agricultural fields located on the south side of Mill Lane at Wingerworth, and lies immediately to the east of a further Bellway Homes development currently under construction.
- 1.2 To the north of the site is Mill Lane, with the Avenue Visitor Centre and the wider Avenue site beyond. To the east of the site is the Avenue Washlands Nature Reserve, the river Rother and railway line. To the south of the site are fields with the settlement of Tupton beyond.
- 1.3 The site is situated outside of a defined settlement development limit

**2.0 PROPOSAL**

- 2.1 The site was granted outline permission in June 2018 (NED/17/00227/OL) and this is an application for reserved matters for 80 dwellings, associated car parking, secondary roads and incidental planting.
- 2.2 The reserved matters under consideration relate to appearance, landscaping, layout and scale. The means of access has previously been approved under application NED/19/00080/RM.
- 2.3 This application also seeks to discharge conditions 6, 7, 8, 9, 14, 18, 26, 29, 35 and 38 of the outline consent which require details to be submitted as part of the reserved matters application.
- 2.4 The application is accompanied by full plans, site layout, sustainability statement, affordable housing statement; Landscape and Ecology Mitigation Plan; Building for Life 12 Assessment; and intrusive site investigations letter.

2.5 The layout that was initially submitted proposed a generally outward facing development retaining existing trees and hedgerows, maintaining a public right of way through the site and had a landscaped SuDs area in the southern corner. The layout followed the indicative layout and parameters plan approved under the outline consent.

### **3.0 AMENDMENTS**

3.1 The agent has submitted revised plans and additional information due to the constraints associated with the three underground pipes that cross the application site.

3.2 The proposed amendments are primarily in the northern portion of the site which now proposes that houses back onto Mill Lane with longer rear gardens, and properties now front onto both sides of the public right of way which runs through the middle of the site.

3.3 The application proposes a mix of 3 bed detached and semi detached houses and 4 bed houses including 12No. 2 and 3 bed semi detached properties.

3.4 The agent has submitted a revised Open Space Delivery and Management Scheme; Landscape and Ecological Mitigation and Management Plan;

### **4.0 PLANNING HISTORY**

4.1 17/00227/OL - Outline application (all matters reserved) for residential development (Major Development/Departure from the Development Plan) (Amended Title). Conditionally approved subject to s106 agreement.

4.2 19/00080/RM - Submission of reserved matters for means of access in relation to outline approval NED/17/00227/OL (Major Development). Conditionally approved March 2019.

### **5.0 PLANNING POLICY CONSIDERATIONS**

5.1 The Development Plan comprises the **North East Derbyshire Local Plan (LP) and the Wingerworth Neighbourhood Plan**. The policies in the LP considered most important in determining this application are as follows:

GS1: Sustainable Development

GS5: Settlement Development Limits

GS6: New Development in the Countryside

GS9: Planning Obligations

GS10: Crime Prevention

GS12: Access for All

H3: Housing outside settlement development limits

H6: Affordable Housing in the Main Settlements

H12: Design and Layout of New Housing

NE1: Landscape Character

NE3: Protecting and managing features of importance to wild flora and fauna

NE7: Protection of Trees and Hedgerows

NE9: Development and Flood Risk

BE1: General Design Principles  
BE6: Scheduled Ancient Monuments and Archaeological Sites  
R5: Providing for Children's Play Space through new development  
T5: Highway Access and the impact of New Development  
T9: Car Parking Provision.  
CSU4: Foul and Surface Water Drainage  
CSU6: Contaminated Land

5.2 Other relevant policy documents include the Successful Places Interim Design Guide.

5.3 The Council is in the process of preparing a new Local Plan. It is currently in the process of examination and weight should be attached to the plan as appropriate. The following policies in the evolving Local Plan, the **North East Derbyshire District Local Plan (Publication Draft)** are considered relevant to the determination of this application.

SS1 – Sustainable Development  
SS2 – Spatial Strategy and Distribution of Development  
LC1 – Housing Allocations  
LC2 – Affordable Housing  
LC4 – Type and Mix of Housing  
SDC11 – Flood Risk and Drainage  
SDC12 – High Quality Design and Place-Making  
ID1 – Infrastructure Delivery and Developer Contributions  
ID2 – Provision and Safeguarding of Transport Infrastructure  
ID3 – Sustainable Travel

#### National Planning Policy Framework

5.4 The National Planning Policy Framework is relevant in the determination of the application. The NPPF states that decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay or where the policies which are most important for determining the application are out of date granting permission unless policies in the framework that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. In this case, chapters 5 (delivering a sufficient supply of homes) and 12 (achieving well-designed places) are considered to be particularly pertinent.

#### Neighbourhood Plans

5.5 The Wingerworth Neighbourhood Plan (2016-2033) dated July 2018 has been adopted and therefore carries full weight. The relevant policies from that Plan are considered to be:-

W1 – Settlement Development Limit  
W2 – Development in the Countryside  
W3 – Housing Growth  
W4 – Housing Mix



## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on the 9 April 2019 with a determination date of 9 July 2019. An extension of time has been agreed until 2 August 2019. Site notices were posted on Mill Lane, and consultation letters were sent to properties which adjoined the application site.
- 6.2 One **Ward Member** has requested that the application be determined by planning committee and has raised concerns regarding the impact on the environment and wildlife reserve stating the increased demand on the highway will have an adverse impact on wildlife. Further information is requested regarding the preservation of footpaths 32 and 37. Concerns have also been raised that fencing works are disrupting nesting birds and the application has been called into planning committee.
- 6.3 **Wingerworth Parish Council** have requested clarification over the impact of existing Public Rights of Way (specifically PROW 32) and if the definitive line is to be changed. [*Officer Note: the agent has applied to DCC to divert footpath 32 to run through the application site as shown on the submitted layout plan*]
- 6.4 The **County Highway Authority (HA)** has commented on the original submission that the development of the site remains acceptable in principle from a highway safety viewpoint but that there are a number of issues that need to be addressed especially if the applicant is considering putting forward the streets for future adoption.
- 6.5 The agent has submitted revised plans on which the HA has been consulted. The HA has not raised an objection to the revised plans and has commented that a swept path analysis needs to be provided to demonstrate that a large (minimum 11.6m long) refuse vehicle can easily manoeuvre within turning heads, bends and junctions. Whilst this matter could be conditioned, the layout may need to be subsequently modified if the swept path analysis highlights any issues.
- 6.6 The turning head serving the pumping station and plot numbers 73 to 77 is not required as part of the adoptable estate street. However, the extent of adoption can be curtailed between plot numbers 73 and 74 without altering the road layout. The remaining section of this road will then stay private, which will also require a bin collection point locating close to the adoptable estate street.
- 6.7 Parking spaces should be laid out at 5.5m long whereas some of the spaces scale off the drawing at 4.8m long. Double garages should also measure at least 6m x 6m, as highlighted in the Highway Authority's previous comments.
- 6.8 The HA have recommended a number of conditions should permission be granted.
- 6.9 **NEDDC Streetscene Officers** have raised no comments
- 6.10 **NEDDC Parks Officers** have commented that as the landscaping and open spaces are to be maintained by a management company then there are no further comments to make.

- 6.11 The **Crime Prevention Design Advisor** has commented on the revised plans that the design is generally acceptable from a perspective of community safety and crime prevention. The revised layout addresses initial concerns and has raised comments regarding boundary treatments to a number of plots, and additional elevation treatments to plots 1 and 57. [*Officer note: boundary treatments are a condition of the outline permission and so not a matter for consideration under this reserved matters application.*]
- 6.12 The **Environmental Health Officer** has commented that their interest only lies in conditions 33 and 34 of the outline permission which are not a matter for consideration under this Reserved Matters application.
- 6.13 The **Council's Housing Officer** has commented that the applicant has submitted an Affordable Housing Statement indicating how the conditions in the outline application will be met in respect of the affordable housing provision on site.
- 6.14 The provision will include 15% affordable housing which was agreed at outline stage. The breakdown of type and tenure is as requested, being 5 x 2 bed houses for rent, 5 x 3 bed houses for rent and 2 x 3 bed houses for sale as shared ownership housing. The affordable housing is to be transferred to a Registered Provider as required in the conditions.
- 6.15 The Housing Officer considers that the Affordable Housing Statement meets the requirements for the provision of affordable housing on site.
- 6.16 The **Derbyshire Wildlife Trust** commented on the original submission that the location of the compound (required by the outline consent) appears in line with previous discussions with Bellway Homes. DWT request the detailed design for the compound showing the access and the boundary treatment.
- 6.17 DWT comment that the site layout appears broadly in line with that proposed at the outline application stage. There is a buffer zone along the eastern boundary, however DWT advise that this is not wide enough at the northern portion of the site and should extend to the full 10 m.
- 6.18 The green space in the south extends to 30 m to protect Redleadmill Brook and includes SuDS features but the layout does not show the ditch along the western boundary, which was previously proposed to be retained and remediated (Condition 14 requires retention of this ditch). The Landscape and Ecological Mitigation and Management Plan (LEMMP) states that there will be a permanently wet ditch, an attenuation feature with a permanently wet base and shallow swales, however only the attenuation feature is shown on the site layout. Clarification on the SuDS design and the impacts to the existing ditch should be provided. It is important that these features are surrounded by wildflower and tussocky grassland, with limited public access, to provide meaningful habitat for amphibians and reptiles.
- 6.19 The LEMMP contains details of the additional features to benefit wildlife, including bat, bird and bug boxes, hibernacula and bird crop mix. Rather than including bug boxes in areas of open space where they are vulnerable to interference, DWT advise that bee bricks are incorporated in at least five dwellings instead and that the numbers of bat and bird boxes should be increased. It would also be beneficial to swap sparrow terraces for swift boxes, as it has recently been shown that uptake of

sparrow terraces is low and that swift boxes can support swift or sparrows. DWT welcome the native planting specifications for grassland, hedgerow and trees, along with the annual monitoring.

- 6.20 DWT comments that the Open Space Delivery and Management Scheme should make reference early in the document to the LEMMP to ensure that all contractors are aware of the LEMMP and the ecological considerations and responsibilities on site.
- 6.21 The agent has submitted revised plans, a revised POS Landscape Proposal Plans, and a revised Landscape and Ecological Mitigation and Management Plan seeking to address these matters. DWT have been consulted on the revised proposals and have commented that whilst they are disappointed that the buffer in the north-east on the site has not been extended to the 10m the measures included should provide habitats for wildlife along the interface between the nature reserve and housing development. DWT confirm that the LEMMP is acceptable, and suggest a flexible approach to the frequency of meadow cuts.
- 6.22 The **Coal Authority** initially raised an objection however the agent has submitted further information with regards to the layout and its relationship to the highwall on site. The agent concludes that the use of piled foundations is adequate to address the risks posed by the differential settlement caused through building over the highwall.
- 6.23 On the basis of the information submitted the Coal Authority has withdrawn its objections and have no objection to the discharge of condition 35 subject to the recommendations in respect of foundation designs being implemented on site. *[Officer note: mitigation measures are required to be implemented as part of condition 35 of the outline permission.]*
- 6.24 The **Rambler Association** has commented that provided the footpaths 32 and 37 are preserved they would have no significant comment to make. The surfaced section of FP 32 which crosses the site does not follow the definitive line and suggest a formal change could avoid problems in the future. *[Officer Note: the applicant has applied to DCC for a formal diversion of FP 32]*
- 6.25 **6 letters of objection** have been received which have raised the following points (in summary):
- Field has been cordoned off for building works and there are skylarks nesting on the ground. *[Officer Note: these works do not form part of the planning application and do not require planning permission. The comments are therefore not material considerations. Nesting birds are protected under the Wildlife and Countryside Act. ]*
  - Impact on wildlife
  - Dwellings will be built on green fields *[officer note: outline permission has been granted for 80 dwellings therefore the loss of the greenfield to housing is not a material consideration.]*
  - Increased traffic using Mill Lane and onto the A61 *[Officer note: this is not a material consideration as outline permission has been granted and therefore accepted that the impact on highway safety is acceptable.]*

- The access road to the site is narrow and gives access to the nature reserve.[*officer note: the means of access has been granted permission and access is not a consideration of this reserved matters*]
- Close to the wildlife site and will ruin the wildlife
- Construction work will destroy natural habitat of nesting birds and wildlife.
- How can schools cope with all the new children? [*Officer note: this is not a material consideration as the outline permission established the principle of the development and included s106 contributions towards education.*]
- Unhappy about the council's policy of building on swathes of greenbelt and greenfield site. [*Officer note: The site is not Green Belt and this is not a material planning consideration as outline permission has been granted*].
- Bellway have put up railings and blocked the footpath [*Officer note: this does not form part of the application and the footpath is retained as part of the development plans*]
- Is it necessary to build another 80 homes [*Officer note – not a material planning consideration as outline permission has been granted*]
- Visual impact of site cabins during construction works. [*Officer note: there is a condition on the outline relating to the siting of the site compound*].
- Impact of noise and air pollution during construction works on the recently occupied new housing development built by Bellway.[*Officer note: hours of operation are controlled by a condition on the outline permission*].
- Concerns regarding future applications. [*Officer note: this is not a material consideration as any new applications would require permission.*]

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for this application, are the suitability of the reserved matters in policy terms, its effect on the character of the site and the surrounding area, the amenity of neighbouring uses and highway safety issues relating to the internal road layout.

## **8.0 PLANNING ASSESSMENT**

- 8.1 This application is for the approval of reserved matters for the erection of 80 dwellings and associated works. Outline consent was granted in June 2018 for residential development for a maximum of 80 dwellings with the provision of a minimum of 12 affordable units. The granting of the outline permission has established that the principle of building on this greenfield site is acceptable. The principle of residential development is therefore not a material consideration in the determination of this reserved matters application.
- 8.2 This application seeks approval of reserved matters for the layout, scale, appearance of the buildings and the landscaping of the site only. The means of access has been approved under application NED/19/00080/RM and is also not a matter for consideration under this application.

## **Design and Character of the Area**

- 8.3 The proposals are for the construction of 80 dwellings which are 2 storey properties that are a mix of detached and semi detached houses and includes the provision of 12 affordable units. The submitted layout generally follows the indicative layout that was submitted as part of the outline application approved in 2018, and is in accordance with the Ecological Mitigation Plan (May 2017) as required by condition 14 of the outline planning permission.
- 8.4 The site layout creates two distinctive development zones that are generally outward facing and respect the predominantly open edges surrounding the site. A primary spine road runs through the heart of the site creating an interesting and varied route, bisected at its mid point by the existing public right of way, set within a landscaped corridor linking adjacent development to the Avenue Washlands. A 10 m wide ecological buffer is provided on the eastern boundary of the site to the south of the Public Right of Way (PROW) as required by the outline permission.
- 8.5 The layout has been revised in the northern portion of the site due to the constraints of the three underground pipes that cross the site. The most fundamental change is that the properties on the northern boundary now back onto the existing boundary with Mill Lane rather than front onto them as originally proposed. It should be noted that the boundary hedge that runs along the northern site boundary lies outside of the red line application boundary and the proposed dwellings have at least 15m deep rear gardens which is in excess of the council's minimum requirements. A cross section has been submitted by the agent of this northern boundary to illustrate that there would be 1m gap between the centre line of the hedge and the rear garden boundary and that the hedge would be maintained by a management company and not conveyed to dwellings. On this issue officers are satisfied that the hedge will be preserved and that the dwellings in this area of the site will be set back from the Mill Lane frontage and so be an acceptable design solution in these circumstances..
- 8.6 The houses are arranged to address areas of open space around the edge of the site. Active frontages also provide positive surveillance to the area of central green space offering security to the public right of way running through it. An area of POS centrally located, responds to the frontages of existing houses to the west and frames the public right of way centrally within the scheme.
- 8.7 On site, there are several defined areas of incidental public open space with appropriate landscape proposals. The development has a perimeter of existing vegetation, as well as a defined 10m landscape zone to the east of the site to stand off from the adjacent wildlife area at the Avenue Washlands in the east. An area of open space close to the centre of the site frames an existing public right of way and a large area of open space containing a surface water attenuation pond and associated landscape features lies to the south.
- 8.8 A new car park and storage facility for the adjacent wildlife wetland is proposed to the North of the site, which will allow visitors to the facility to park effectively and for Derbyshire Wildlife Trust to store tools and equipment nearby.

- 8.9 Dwellings are proposed to be traditional in appearance, and would reflect the existing development to the west. The properties have on-site parking which is a mix of frontage and parking down the sides of houses, and in this respect the development conforms to the Council's Successful Places design guidance providing a balanced mix of parking solutions that are integrated into the layout.
- 8.10 In terms of the houses' rear gardens the scheme is considered to provide a good level of outdoor amenity space with larger family homes having good sized gardens which are well in excess of the council's minimum outdoor amenity guidance in the northern portion of the site. In the southern section the smaller properties have outdoor amenity space which is generally in accordance with the guidance. Officers consider that in this instance the amenity spaces proposed would be acceptable. The plots would provide a single private outdoor space for each dwelling and the proposals would provide private outdoor spaces that would be within an acceptable range to meet people's individual needs.
- 8.11 With regards to the proposed affordable housing mix, the details are required by condition 4 of the outline consent. However the Council's Housing Officer has commented that the submitted Affordable Housing Statement meets the requirements for the provision of affordable housing on site. This condition will however need to be formally discharged as part of discharging the requirements of the outline permission.
- 8.12 In summary, the submitted layout, mix of house types and the overall design of the scheme would create an attractive place to live. Policy W5 of the Wingerworth Neighbourhood Plan (NP) states that development proposals should provide a mixture of housing types and sizes, specifically taking into account identified local needs in Wingerworth Parish and other site and market considerations. The provision of smaller dwellings (e.g. 3 bedrooms or less, including bungalows) to meet the needs of young families, disabled, young people and older people will be supported. Whilst there are no bungalows proposed as part of the scheme it is considered by officers that the development generally conforms to the NP policy and also to the Council's Successful Places Interim Design Guide and is therefore considered to be acceptable from a design perspective.

### **Impact on Neighbours**

- 8.13 The properties most likely to be affected by this development lie to the west on the existing Bellway development that is nearing completion. Of these properties no's 51, 53 55 and 57 Burton Street have rear gardens which back onto the application site. No's 7 and 9 Carr Lane face onto the application site.
- 8.14 The properties on Burton Street (55 and 57) have rear gardens that back onto the proposed Public Open Space and it is not considered that the development would have a significant impact on their privacy or amenity. No.'s 51 and 53 is a two storey apartment building which has a relatively short rear garden that would back onto the rear garden of plot 2 although the gardens would be separated by the existing ditch that is to be retained along the western site boundary. Given the orientation of proposed plot 2 and 51-53 there would not be direct overlooking between dwellings and the separation distance of 18m between the two dwellings is in excess of the recommended separation as set out in Successful Places (16m in this instance).

- 8.15 No's 7 and 9 Carr Lane face out onto the proposed POS on the application site, and would be over 40m from the nearest dwellings on the application site. Whilst there would be a change in view from that previously enjoyed by these properties, officers consider that the development would not have a detrimental impact upon the privacy or amenity of these properties.
- 8.16 Concern has been raised with regards to the noise, dust and disturbance through construction and the likely location of site cabins etc. The construction works associated with the development has the potential to cause some level of disturbance to existing residents, however Officers consider that this issue will be addressed by condition 25 and 28 on the outline permission which control hours of construction work, and require details of the siting of the site compound to be approved by the Local Planning Authority.

### **Highway Safety**

- 8.17 The means of access to the site is not a matter for consideration under this reserved matters application and has already been granted permission under application NED/19/00080/RM.
- 8.18 With regards to the internal road network the Highway Authority initially commented on the original submission that the development of the site remains acceptable in principle from a highway safety viewpoint but that there are a number of issues that needed to be addressed especially if the applicant is considering putting forward the streets for future adoption.
- 8.19 The layout has been amended since the initial HA comments and a revised layout submitted. The HA been consulted and commented that a swept path analysis needs to be provided to demonstrate that a refuse vehicle can easily manoeuvre within turning heads, bends and junctions and that whilst this can be conditioned, the layout may need to be subsequently modified if the swept path highlights any issues.
- 8.20 The turning head serving the pumping station and plot no's 73 to 77 is not required as part of the adoptable estate street. However, the extent of adoption can be curtailed between plot numbers 73 and 74 without altering the road layout. The remaining section of this road will then stay private, which will also require a bin collection point locating close to the adoptable estate street. Parking spaces should be laid out at 5.5m long whereas some of the spaces scale of the drawing at 4.8m long. Double garages should also measure at least 6m x 6m, as highlighted in the Highway Authority's previous comments.
- 8.21 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The Highway Authority has not raised an objection to the internal layout subject to conditions, and it is considered by officers that matters such as the swept paths, and parking space dimensions can be satisfactorily addressed by planning conditions. The means of access is not a matter for consideration under this application only the internal street layout.

8.22 The Council's Streetscene Officers have not commented on the submitted layout however bin collection details can be secured by planning conditions.

### **Ecology**

8.23 Derbyshire Wildlife Trust initially commented that the location of the proposed compound appears in line with previous discussions with Bellway Homes and that the site layout appears broadly in line with that proposed at the outline application stage. There is a buffer zone along the eastern boundary, however DWT advise that this is not wide enough at the northern portion of the site and should extend to the full 10m.

8.24 The green space in the south extends to 30 m to protect Redleadmill Brook and includes SuDS features but the layout does not show the ditch along the western boundary, which was previously proposed to be retained and remediated (Condition 14 requires retention of this ditch). The LEMMP states that there will be a permanently wet ditch, an attenuation feature with a permanently wet base and shallow swales, however only the attenuation feature is shown on the site layout. Clarification on the SuDS design and the impacts to the existing ditch should be provided. It is important that these features are surrounded by wildflower and tussocky grassland, with limited public access, to provide meaningful habitat for amphibians and reptiles.

8.25 The agent has submitted a revised Landscape and Ecological Mitigation and Management Plan (LEMMP) and the revised layout is considered by officers to be in accordance with condition 14 of the outline permission which required that the reserved matters shall be in accordance with the Proposed Ecological Mitigation Plan (May 2017). Whilst there is no requirement to increase this buffer to include the full length of the eastern boundary the revised layout does provide some additional land to the buffer where possible.

8.26 With regards to the western boundary the revised POS landscape proposals Plan has been amended to show that the ditch will be retained. DWT have sought clarification on the SuDS design and its impact on the existing ditch; however this is not a matter for consideration under this reserved matters application and is covered by conditions 21 to 24 of the outline permission. However the agent has confirmed that the SuDS scheme will not impact upon the ditch as the surface water will be attenuated on site and discharged at the rate agreed in the Flood Risk Assessment that accompanied the outline application.

8.27 The LEMMP and Open Space Delivery and Management Scheme has been amended to address the comments made by the DWT.

8.28 The DWT have been consulted on the revised plans and amended documents, and have commented that whilst they are disappointed that the buffer in the north-east on the site has not been extended to the 10m the measures included should provide habitats for wildlife along the interface between the nature reserve and housing development. DWT confirm that the LEMMP is acceptable, and suggest a flexible approach to the frequency of meadow cuts.



8.29 On the issue of ecology, officers are satisfied that the proposals are in accordance with condition 14 of the outline permission and on which the DWT provided comments and were in agreement with the submitted 'Proposed Ecological Mitigation Plan (May 2017)' which did not require that a 10m buffer zone to be provided along the full extent of the eastern boundary. The principle of the development cannot be re-visited with this outline application, and DWT have not raised an objection to the revised proposals. Therefore, in view of the proposals being in accordance with the outline planning conditions in relation to ecology officers are satisfied that the development would not have an adverse impact on matters of ecology or biodiversity.

### **Planning conditions on the outline**

8.30 If this reserved matters application is approved the conditions of the outline permission will still apply. There are a number of pre-commencement conditions that will need to be discharged on the outline permission before development starts which would be dealt with through a separate discharge of conditions application.

8.31 There are a number of conditions on the outline which required details to be submitted as part of the reserved matters submission. These conditions are as follows:-

8.32 Condition 6 required a scheme for the delivery and future maintenance of all on site public open space. The agent has submitted an open space delivery and management scheme and condition 6 is considered to have been complied with.

8.33 Condition 7 required a scheme for mitigating climate change through sustainable design and construction. The agent has submitted a Sustainability Statement which demonstrates that Bellway Homes energy efficiency proposals will shrink CO2 emissions by 6.52% and energy consumption by 7.12%. Each home will achieve a low internal water consumption and will be provided with rainwater butts for external use. A site waste management plan will operate during the construction phase of the development. Condition 7 is therefore considered to have been complied with.

8.34 Condition 8 required the submission of an assessment of the reserved matters against the Building for Life 12 criteria. The agent has submitted a BfL 12 assessment and condition 8 is considered to be complied with.

8.35 Condition 9 required details of the existing and proposed ground levels and proposed finished floor levels of the dwellings. The agent has submitted drawing S1333/04 which shows the existing ground levels and the finished floor levels and finished ground levels are shown on drawing number P19-0106.100M and this condition is considered to be complied with.

8.36 Condition 14 required that the reserved matters application shall be in accordance with the Proposed Ecological Mitigation Plan (May 2017). In particular the layout and landscaping shall provide for undeveloped areas of green infrastructure along the eastern and southern boundaries and the western ditch shall be retained and enhanced within the proposals. The agent has submitted revised drawings which demonstrate the proposed buffer zone along the eastern boundary is in accordance with the requirements of condition 14. Whilst there is no requirement to increase this buffer to include the full length of the eastern boundary, the revised layout does

provide some additional land to the buffer where possible. The POS Landscape Proposals Plan (ref: 8850-L-02 Rev F) has been amended to show that the ditch along the western boundary will be retained. Notwithstanding the comments of the DWT the submitted details are considered by officers to comply with condition 14 of the outline permission.

- 8.37 Condition 18 required that a Landscape and Ecological Mitigation and Management Plan for all retained habitats within the development site be submitted as part of the reserved matters. The LEMMP has been amended to address the initial comments of the DWT and is considered to address the requirements of condition 18.
- 8.38 Condition 26 required detailed designs for the realignment works to Mill Lane. These were submitted and approved under reserved matters application NED/19/00080/RM and this condition is therefore discharged.
- 8.39 Condition 29 required details of the new estate street junction to be formed to Mill Lane. These were submitted and approved under reserved matters application NED/19/00080/RM and this condition is therefore discharged.
- 8.40 Condition 35 requires a scheme for intrusive site investigation works for the shallow coal workings and to establish the location of the high wall. The agent has submitted a report from GRM Development Solutions and a follow up letter from GRM responding to the Coal Authority's initial comments. On the basis of the information submitted the Coal Authority have withdrawn their objections and have no objection to the discharge of condition 35 subject to the recommendations in respect of foundation designs being implemented on site. This condition is therefore satisfied subject to the mitigation measures being implemented as required by this condition.
- 8.41 Condition 38 required details of a secure compound and parking area for use by the Derbyshire Wildlife Trust. The revised layout plan shows the location of the compound, and parking area which addresses the requirements of the condition. The precise detail of the compound can be secured by condition on this application.

## **Conclusion**

- 8.42 The principle of the development has been established by the outline permission, and the reserved matters application for the means of access has already been approved.
- 8.43 The appearance, layout, scale, and landscaping are considered to be acceptable and it is an Officer view that the proposed scheme would deliver a high quality sustainable development and that this reserved matters application should be approved.

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## 9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	no objections subject to conditions
<u>Environmental Health:</u>	no comments
<u>Drainage:</u>	no comments
<u>Footpath:</u>	comments received
<u>Neighbour:</u>	objections
<u>Parish Council:</u>	comments received
<u>Ward Member:</u>	objections and call-in to planning committee
<u>Parish Council:</u>	comments received

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## 10.0 RECOMMENDATION

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

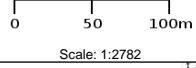
1. The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:-
  - 8850-L-01-G POS LANDSCAPE PROPOSALS
  - 8850-L-02-G POS LANDSCAPE PROPOSALS
  - P19-106 200 INDICATIVE SITE SECTION
  - REVISED LANDSCAPE AND ECOLOGICAL MITIGATION AND MANAGEMENT PLAN – revision B June 2019
  - REVISED OPEN SPACE AND MANAGEMENT SCHEME (received by email 03/07/19)
  - P19-0106 FINISHED FLOOR LEVELS
  - P19-0106.100-M PROPOSED PHASE 2 SITE LAYOUT
  - P19-0106\_200 HOUSETYPE BROCHURE
  - SUSTAINABILITY APPRAISAL

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.

2. Before development starts, if a temporary access for construction purposes is required, a detailed design shall be submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
3. Before development starts a drawing shall be submitted to and approved in writing by the Local Planning Authority demonstrating a swept path analysis for the proposed estate streets based on a large (11.6m long) refuse vehicle. The approved scheme shall be implemented in full prior to the first occupation of the dwellings.

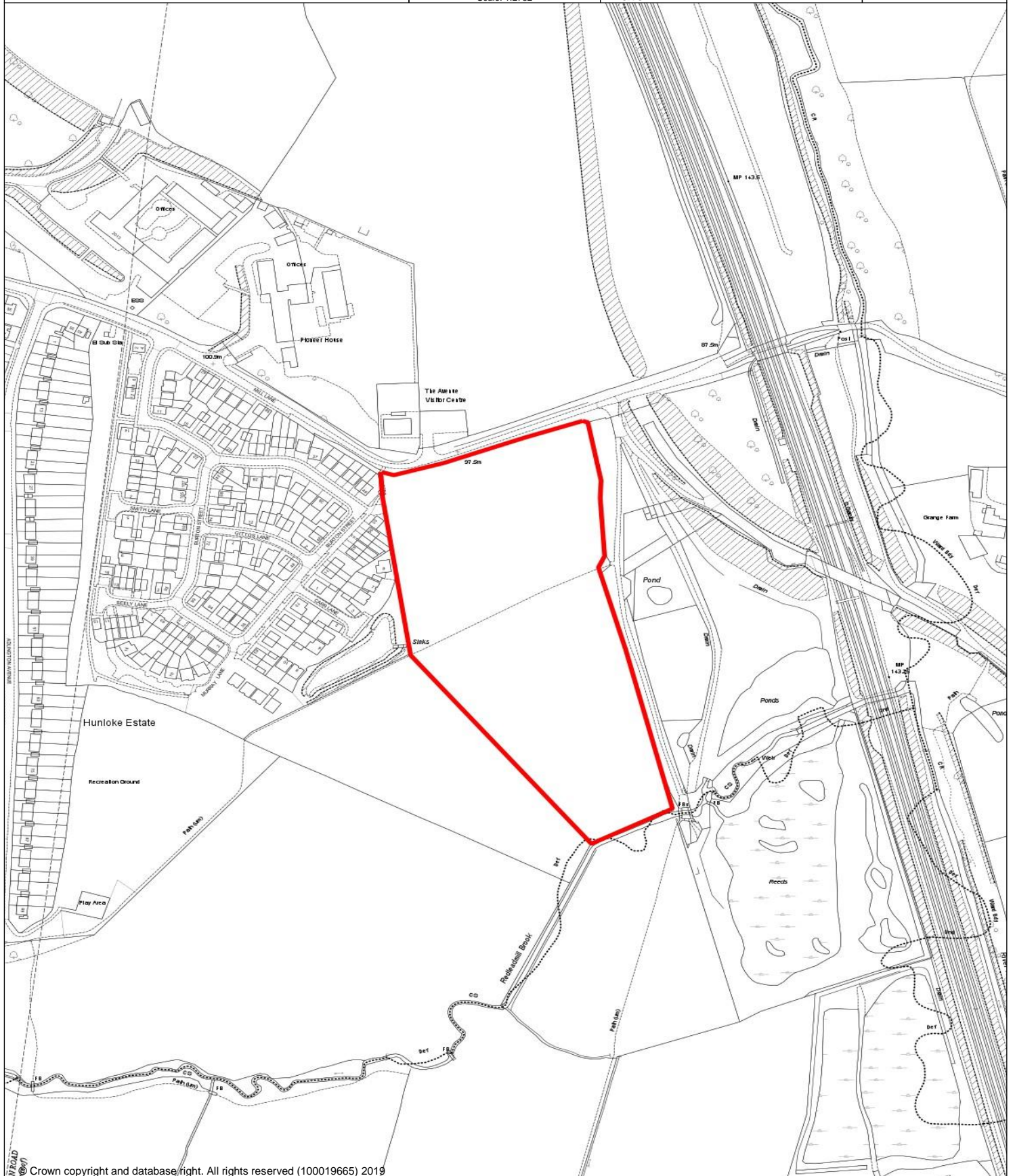
4. Before development starts details of the residential estate roads and footways (including layout, levels, gradients and surfacing) shall be submitted to and approved in writing by the Local Planning Authority.
5. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 4 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
6. No part of the development shall be occupied until new vehicular accesses have been formed to the new estate streets in accordance with the application drawing No P19-0106.100M and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 25m in each direction measured along the nearside carriageway edge (except for plot numbers 13 to 16, 27 to 35, 44 to 46 and 75 to 80). The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
7. The garages hereby permitted / car spaces to be provided, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
8. The proposed access driveways to the new estate street shall be no steeper than 1:14 for the first 5m from the nearside adoptable highway boundary and 1:10 thereafter.
9. The first 5m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.).
10. Any gates shall open inwards only.
11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

12. Before any above ground works commence precise details of the wildlife trust compound including boundary treatments and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as approved thereafter.



Author: K. Spelman

Date: 16/07/2019 10:02:32



**APPLICATION NO.** 19/00236/FL

**APPLICATION** Conversion of existing barn to create one new dwelling including change of use to residential and demolition of existing nissen hut

**LOCATION** Rose Tree Farm, Oakstedge Lane, Milltown, Ashover

**APPLICANT** Mr Morgan & Miss McClymont

**CASE OFFICER** Graeme Cooper

**DATE RECEIVED** 6<sup>th</sup> March 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Armitage

REASON: This application has been called into planning committee so that members can consider the design and appearance of the proposed conversion along with its impact upon the special landscape character of the area. **A site visit is also requested.**

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## 1.0 SITE DESCRIPTION

- 1.1 The application site is a farm holding located at the corner of Oakstedge Lane and Brown Lane. The site is to the south of Milltown on sloping agricultural land overlooking the Miners Arms Inn and other residential properties.
- 1.2 The application site comprises the main farmhouse, which has been subject to a domestic extension application (18/01239/FLH) and a number of agricultural outbuildings of varying styles, designs and structural integrity.
- 1.3 The barn subject of this application sits to the northern extent of the farm holding, with it fronting onto an access track. The northern elevation of the building fronts onto open agricultural land.
- 1.4 The barn itself is made up of a low course of blockwork, with corrugated steel sheeting over a steel frame. The structure is built into a slope, with the upper floor on the southern elevation opening out onto the access track. The building appears as a two storey structure from the north, with the ground floor section mostly made up of blockwork. Attached to the western elevation of the building is a single storey, arched corrugated style structure.
- 1.5 Land to the east of the application site is open countryside and a small formal garden area framed by a dry stone wall is located to the south of the main farmhouse. The wider site is edged with dry stone walling and a second gated access, serving the main farmhouse, is located to the south off Brown Lane.
- 1.6 The application site is located within open countryside, which is designated as a Special Landscape Area.

## 2.0 PROPOSAL

- 2.1 The proposal is for the conversion and extension of a former outbuilding associated with Rose Tree Farm into a dwelling. The proposed building to be converted would measure approx. 9.5m by 6.5m with a height to eaves of approx. 3m on the southern elevation and approx. 4.5m on the northern elevation. The roof would have a shallow pitch. Attached to the structure is a corrugated single storey arched building which would be removed from site. No measurements are provided as to the size of this building.

- 2.2 The proposed extension would measure approx. 4m out from the original structure and be just under 6m wide, inset slightly from the elevations of the proposed dwelling.
- 2.3 The resulting dwelling would have a large open plan living/dining/kitchen with master bedroom. The upper level would include two large bedrooms and bathroom. Feature glazing is proposed to the southern and western elevation. The finished appearance of the building would be of random stone, timber cladding and zinc roof.
- 2.4 The application is accompanied by a Bat Activity Survey Report produced by ML Ecology, dated October 2018, Structural Report prepared by WF Design, dated April 2019 and Planning Statement prepared by Stainton Planning, dated February 2019.

### 3.0 AMENDMENTS

- 3.1 None.

### 4.0 PLANNING HISTORY

- 4.1 19/00234/FL - Conversion of existing barn to two storey three bed dwelling **(Conditionally Approved)**
- 4.2 18/01239/FLH - Demolition of existing garage and outbuilding and construction of new single storey rear extension and alterations to openings with new front porch **(Conditionally Approved)**

### 5.0 DEVELOPMENT PLAN POLICIES

- 5.1 The development comprises the North East Derbyshire Local Plan and the Ashover Neighbourhood Plan.

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

GS1	Sustainable Development
GS6	New Development in the Countryside
GS7	Change of Use and Conversion
NE1	Landscape Character
NE2	Special Landscape Area
NE6	Development affecting Nationally Rare Species
NE7	Protection of Trees and Hedgerows
NE9	Development and Flood Risk
BE1	General Design Principles
BE9	Development in the Vicinity of a Listed Building
H3	New Housing Outside Settlement Development Limits
H12	Design and Layout of New Housing
T2	Highway Access and the Impact of New Development
T9	Car Parking Provision
CSU4	Surface and Foul Water Drainage
CSU6	Contamination Land

- 5.3 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.



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

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SDC1 Reuse of Buildings in the Green Belt and Countryside
- SDC2 Trees, Woodland and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC6 Development Affecting Listed Buildings
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place making
- SDC14 Land Potentially affected by Contamination or Instability
- ID3 Sustainable Travel

5.5 The Ashover Neighbourhood Plan 2016-2033 (Adopted November 2017) covers the application site and the following policies are a material consideration:

- AP2 Development Outside Settlement Development Limits
- AP11 Design
- AP13 Landscape Character
- AP15 Important Trees and Hedgerows
- AP19 Dark Skies
- AP20 Traffic

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

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated 6<sup>th</sup> March 2019 and was due to expire on 30<sup>th</sup> April however an extension of time was agreed until 2<sup>nd</sup> August to allow the application to be heard at planning committee. A site visits was undertaken by the case officer on 5<sup>th</sup> April and a site notice placed at the site entrance which expired on 8<sup>th</sup> April.

6.2 The **Parish Council** raised no comments to the proposed development.

6.3 The **Local Ward Member** requested that the application be considered by members of planning committee so that they can consider the design and appearance of the proposed conversion along with its impact upon the special landscape character of the area. A site visit is also requested.

6.4 The **County Highways Authority** was consulted on the proposed development and raised no objection, subject to conditions.

6.5 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.

6.6 **Derbyshire Wildlife Trust** (DWT) was consulted on the proposed development and have reviewed the Bat Survey Report prepared by Absolute Ecology, dated 2018. The report concludes that the barn in question displays no greater than negligible potential to support roosting bats and therefore no further survey work or specific mitigation is required. However enhancements could be secured through a biodiversity enhancement strategy condition to achieve a net biodiversity gain.

- 6.7 The **Councils Structural Engineer** was consulted on the proposed development and provided advice on the level of work required to convert it into a dwelling. The officer raised concern regarding the amount of rebuilding and alterations required, including foundation, supporting structural elements, replacement of steels, new roof, new flooring, sub frame support and stonework needed. The barn would also include a substantial extension. There is concern that this would be tantamount to a rebuild and that the building is not capable of being converted without the need for major rebuilding or extension.
- 6.8 No objections have been received from local residents.

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the special landscape character of the site and the surrounding countryside, the structural integrity of the building, the impact upon the amenity of neighbouring residents and land uses, its ecological impact on a designated wildlife site and highway safety issues.

## **8.0 PLANNING ASSESSMENT AND SUMMARY**

### **Principle of Development**

- 8.1 Local Plan Policy GS7 states that permission will be granted for the conversion of buildings outside the settlement development limit where they are capable of being converted without the need for major rebuilding or extension. The form, scale, massing, general design and appearance of the development should respect the character and appearance of the original building, with particular regard to local distinctiveness. Any proposed curtilage should not have an adverse effect on the character of the area.
- 8.2 Local Plan Policies GS6 and NE2 cover the countryside and Special Landscape Area, where development will be supported where it does not detract from the surrounding landscape and the siting, scale, design, landscape treatment and the use of materials would be in keeping with the special character of the area. Furthermore development will be permitted providing it would not have a detrimental effect on the visual amenity, character and function of the Special Landscape Area.
- 8.3 The Ashover Neighbourhood Plan (ANP) is a material consideration when determining planning applications. Policy AP2 states that development outside the settlement development limit will be supported for the re-use of redundant buildings. The ANP also identifies the importance of the landscape character of the area. Each development will be required to demonstrate that it respects the distinctive landscape character of the area.
- 8.4 The National Planning Policy Framework (NPPF) supports the re-use of previously developed land (brownfield land), where vacant buildings are being re-used or redeveloped, however land which is or was occupied by agricultural buildings is excluded from the definition of previously developed land. The application form confirms that the building is an agricultural barn/store and this is reiterated in the submitted planning statement.
- 8.5 The NPPF also supports sustainable development and has three overarching objectives, these being economic, social and environmental objectives. Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development.

- 8.6 In view of the above, it is considered that the principle of the development may be acceptable, subject to assessing its capability for being converted, the visual impact of the proposal on the surrounding countryside, its impact on surrounding heritage assets, highway safety and ecological impact, as well as that on residential amenity.

### **Conversion Considerations**

- 8.7 The building identified for redevelopment into one dwelling would involve the proposed conversion of an agricultural building, the removal of a corrugated arched agricultural outbuilding with an extension to the main building. The resulting building would be constructed from natural stone, timber cladding, large sections of glazing and a zinc roofing.
- 8.8 The applicant has submitted a structural survey prepared by WF Design Structural Engineers, dated 18 April 2019. The report makes some comments on the site along with observations regarding the roof, elevations, ground floor structure and lower ground floor structure. The report suggests that the property is a relatively robust, fully enclosed agricultural building. It is considered that a range of repairs are required and that enhancement and strengthening of the original structure is required. The report states that there is no guarantee that further issues will not arise which will need to be addressed.
- 8.9 The Council's Structural Engineer was consulted on the proposed development and raised concerns about the level of rebuilding required to convert the agricultural building. The Officer notes that the works required would include: additional foundations, additional support rails for the cladding, external cladding, stonework rebuilding, sub frame support, new window and door openings and associated lintels, replacement steels, replacement floor to ground floor section and replacement roof covering. In addition to this, the Officer states that the submitted structural report mentions that 'works to form the residential dwelling can be undertaken and used to enhance and strengthen the original structure as required'. Based on the submitted plans, the extension would increase the floor area of the building by approx. 35%. The Officer therefore raises concern that the building is not of a permanent and substantial construction and it is not capable of being converted without the need for major rebuilding and extension.
- 8.10 The Council's conversion policy states that the building considered for conversion must be of a permanent and substantial construction and capable of being converted without major rebuilding or extension, and works should respect the character and appearance of the original building, with particular regard to local distinctiveness. The ANP supports the re-use of redundant or underused buildings in the countryside.
- 8.11 The works proposed in the conversion of the original building would be extensive, with the resultant dwelling significantly larger and considerably different in its character and appearance. The conversion works required also appear to be extensive and would require major rebuilding. There are also questions over the capability of the original structure to be converted without further enhancement and strengthening. It is therefore concluded that the works required are considered to represent major rebuilding.
- 8.12 In addition to the above, the proposed dwelling includes a large extension, which would increase the usable floor area of the building by approx. 35%. Such a substantial extension further indicates that building is not capable of conversion to a dwelling with significant alteration and extension, contrary to policy GS7.

- 8.13 The applicant makes a case that the NPPF supports the re-use of redundant or disused buildings and enhance its immediate setting. Officers agree that the NPPF does support the re-use of redundant or disused buildings, however in this instance it is considered that the works involved in making the building habitable would be over and above the re-use of a building and that the proposed works would represent major structural and aesthetic changes.
- 8.14 Therefore it is considered that the overall level of works required to convert the building, together with the large extension would represent major rebuilding and extension that would be contrary to the Councils conversion policy (GS7). Furthermore, the proposal would represent development that is considered over and above the re-use of a redundant or disused building as per the ANP and NPPF.

### **Landscape Considerations**

- 8.15 The proposal would involve the redevelopment of the site to form a two storey residential property. Linear parking would be provided to the south of the dwelling and two small formal yard gardens would be provided at either end of the proposal.
- 8.16 The existing building is built into a slope, with the upper floor of the southern elevation fronting onto the access track. From the north the building appears as a two storey structure, with the ground floor made up of blockwork. The first floor elevations and roof are formed of corrugated steel sheeting. Attached to the western elevation of the building is a single storey arched corrugated style structure. Both structures appear dilapidated and in a poor state of repair.
- 8.17 The building in questions forms the northern most structure on site, with it screened to the south by the existing farmstead. The building is clearly visible from Oakstedge Lane to the west and is elevated above properties to the north. Far reaching views of the building are difficult to achieve, with the building mostly visible during the winter months given the level of landscaping, built development and topography of the surrounding countryside.
- 8.18 The proposed development includes the redevelopment of the barn and replacement of an arched roof corrugated building to the west with a modern two storey extension to the main building. The subsequent dwelling would be a large stone and timber clad building with zinc roof. Large areas of glazing would be installed in the south and western elevations. Two small paved yard areas would be formed to the east and west of the dwelling. Parking would be provided in a linear form to the front of the building.
- 8.19 The new dwelling would include large areas of glazing, with one area being to a prominent western elevation which is visible from Oakstedge Lane. As such, it is considered that the simple character and form of the existing buildings on site would be replaced with a large modern dwelling, which would be of a contrasting contemporary style.
- 8.20 Given the rural nature of the site, it will be important to use appropriate landscaping and boundary treatments on site. Little detail has been submitted in relation to these matters, but it is noted that the site is relatively modest in scale and will be made up of hard landscaping with no space for soft landscaping. The site opens out into an agricultural field to the north and east, with the western edge of the site framed by dry stone walling. It is considered important given the elevated and contemporary appearance of the building, along with it backing directly onto a field to install appropriate boundary and landscaping features avoiding incongruous domestic timber fencing which would be inappropriate to the character and appearance of the site and the surrounding Special Landscape Area. As such, landscaping and

boundary treatments should be required by condition and permitted development removed for any further fencing/means of enclosure to retain the character of the area if members are minded to approve the proposed development.

- 8.21 No lighting is proposed on the proposal and it is noted that the application site falls within an area designated for its Dark Sky in the ANP, as such any lighting should be restricted accordingly. This can be controlled by condition if members are minded to approve the proposed development.
- 8.22 Whilst it is appreciated that the proposed materials would be of a high quality, the resulting development would replace an appropriate agricultural style outbuilding and associated single storey building with a large dwelling which would be of a block design with contemporary features that would be located in a prominent, sloping position to the north of the farmstead visible from the north.
- 8.23 In view of the above, whilst redevelopment of the site would remove an unsightly agricultural building, it is considered that the proposed dwelling would be out of character with the site and the surrounding countryside, with the proposal not respecting the built traditions of the Special Landscape Area. As such, it is considered that the benefits of the development would not outweigh the harm to the character and appearance of the site and the surrounding countryside, which is designated as a Special Landscape Area.

### **Heritage Considerations**

- 8.24 The application site sits close to a pinfold which is a Grade II Listed Building. It is located approx. 50m to the north of the application site on the opposite side of Oakstedge Lane. The Miners Arms, a Grade II Listed Building is also located in the valley bottom approx. 100m from the application site.
- 8.25 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 special regard to the desirability of preserving listed buildings or their settings and section 72 of the Act states that the LPA must pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 8.26 The proposed development would result in a range of agricultural outbuildings being replaced by a detached family property. Views from the pinfold back towards the site would only be achievable during the winter months through the landscaping adjacent to Oakstedge Lane. Therefore any impact on the setting of the listed building would be negligible, as such it is considered that the proposal would not harm the setting of the nearby listed building.

### **Residential and Neighbouring Land Uses Impact**

- 8.27 The proposal would result in the conversion of an agricultural outbuilding, along with extension into a dwelling. Two small formal yard areas would be provided at either end of the proposed development. The property most likely to be affected by the proposed development would be the existing farmhouse on site, which is owned by the applicant. Oakstedge Cottage lies approx. 40m to the north west of the site but is set behind tree planting and at an angle to the application site.
- 8.28 The proposal would include a large amount of glazing that would face back towards the main farmhouse, however these windows are at a ground floor level and any future occupier of the farmhouse would be in a position to install fencing to prevent overlooking back towards their property.

- 8.29 The outlook from windows in the other elevations would be over agricultural land and back towards the entrance of the site. As such, it is considered that the privacy and amenity of existing and future residents would not be harmed.
- 8.30 The proposal includes a revised access which would result in vehicles entering the site and parking to the rear of the development, in close proximity to the main farmhouse. However given the arrangements between the two properties it is considered unlikely that movement of vehicles to the rear of the main farmhouse would harm the amenity of existing residents.
- 8.31 The proposed conversion would have two small yard gardens to the east and west. The Councils Successful Places Interim Planning Guidance suggests that the minimum outdoor amenity space for a three bedroom dwelling should be 70sqm. The proposed yard area would be smaller than this, but it is considered that the rural nature of the site means that any future occupants would have access to open countryside which would enhance their living environment. Therefore it is not considered reasonable to refuse the application on the lack of private outdoor amenity space.

### **Highway Safety Considerations**

- 8.32 The proposal utilises an existing farm access into the site. Submitted plans suggest that the access would be constructed of a solid bound material for the first 5m back from the highway and share the access with another barn which has recently been granted permission for its conversion (application reference 19/00234/FL). The scheme also included linear car parking, finished with rolled Derbyshire buff stone adjacent to the proposed barn conversion.
- 8.33 The County Councils Highways Authority was consulted on the proposed development and note that no information has been submitted to explain the number vehicular trips currently associated with the sites existing vehicular access. The Highways Authority considers that the proposed development would significantly increase traffic generation compared to the original agricultural use of the site. This is a concern from a highway safety viewpoints as the level of emerging visibility onto the fronting classified public highway is severely deficient. There is also some concern at the ability of a vehicle to be able to turn and exit the site in a forward gear. However, it is noted that the applicant owns land to the north of the proposed building to improve exit visibility from the site. The Highways Authority considers that a visibility of 2.4m by 25m to the north in the critical direction would be possible. An amended parking ployout is also requested.
- 8.34 The applicant submitted plans to confirm the layout of the parking area and the width of the pinch point between the proposed conversion and other outbuildings. The Highways Authority considered these details and note that the entrance into the parking area was tight at approx. 2.5m wide, as was the parking area. However, the Highways Authority raised no objection to the proposal subject to conditions.

### **Ecological Considerations**

- 8.35 The proposal would result in the conversion and extension of a former agricultural outbuilding into a dwelling.
- 8.36 A Bat Survey Report was prepared by Absolute Ecology, dated 2018. The report concluded that the barn displayed a no greater than negligible potential to support roosting bats and therefore no further survey work or specific mitigation is required.

8.37 Derbyshire Wildlife Trust (DWT) was consulted on the proposed development and agreed with the conclusions of the report but requested that biodiversity enhancements be provided on site and secured by condition.

### **Environmental Health Considerations**

8.38 The Councils Environmental Health Officer (EHO) was consulted on the proposed development and note the submission of a Phase 1 Desk Study prepared by Arc Environmental Limited. The report identifies potential contaminant lineages associated with potential made ground, hydrocarbon contamination and demolition spoil and debris possibly containing asbestos. It is considered that there are limited sources of contamination and that no further risk assessment is required. The Councils EHO agrees with the general conceptual model of the report but disagrees with the conclusions. Further investigative work by a competent person is required and radon may be an issue in the area. Given the sensitivity of the proposed development it is considered that a number of land contamination conditions be included on any decision.

### **Other Material Considerations**

8.39 The site is within a Flood Zone 1, which has a low probability of flooding.

8.40 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 how or even if this is possible given the rural location of the site. As such, it is considered therefore I consider that two suitably worded conditions covering foul and surface water drainage should be included on any decision.

### **Conclusion**

8.41 Having taken into account all the material planning considerations, it is considered that the proposal would represent major rebuilding and extension which would fail to comply with the Council conversion policy. Furthermore, it is considered that the works involved in bringing the dwelling into use would be over and above the re-use of a building and that the works would represent the wholesale rebuilding of the building, which would be contrary to the Local Plan, ANP and NPPF.

8.42 Whilst the removing some derelict agricultural buildings is supported, it is considered that the benefits of redeveloping the site would not outweigh the harm to the character and appearance of the site and the surrounding countryside through the extensive building works proposed, which is designated as a Special Landscape Area.

8.43 The redevelopment of this building would not harm setting of the nearby listed building.

8.44 It is considered that the impact upon existing and future residential privacy and amenity would be acceptable, as would the impact upon highway safety.

8.45 Matters relating to ecological mitigation, land contamination and site drainage could be addressed by suitably worded conditions.

8.46 For the reasons relating to the buildings capability of being converted and the landscape harm, it is considered that the proposed development should be refused.

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## 9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objection subject to a conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Derbyshire Wildlife Trust:</u>	No objection subject to conditions
<u>NEDDC Structural Engineer:</u>	Concern raised and comments provided
<u>Neighbour:</u>	No objections received
<u>Parish Council:</u>	No comments
<u>Ward Member:</u>	Requested that this application be considered by members of planning committee and a site visit be undertaken

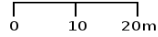
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## 10.0 RECOMMENDATION

That planning permission is **REFUSED** in accordance with officer recommendation, for the following reason/s:-

1. The proposal would involve the redevelopment and extension of a redundant agricultural outbuilding associated with Rose Tree Farm. The works proposed are substantial and the extension would increase the floor area of the building by approximately 35%. Therefore it is considered that the proposed development would represent major rebuilding and extension works which would be contrary to Policy GS7 of the North East Derbyshire Local Plan and would be over and above the re-use of a redundant or disused building which would be contrary to the National Planning Policy Framework.
2. The proposal involves the removal of an unsightly agricultural building and redevelopment and extension of another agricultural building. The resulting dwelling is considered to be out of character with the site and the surrounding countryside, with the proposal not being respectful of the built traditions of the Special Landscape Area. It is not considered that the benefits of the scheme would outweigh the harm to the character and appearance of the site and the surrounding countryside, which is a designated Special Landscape Area, as such the proposal would be contrary to Policies GS1, GS6, NE1 and NE2 of the North East Derbyshire Local Plan, the Ashover Neighbourhood Plan and the National Planning Policy Framework.

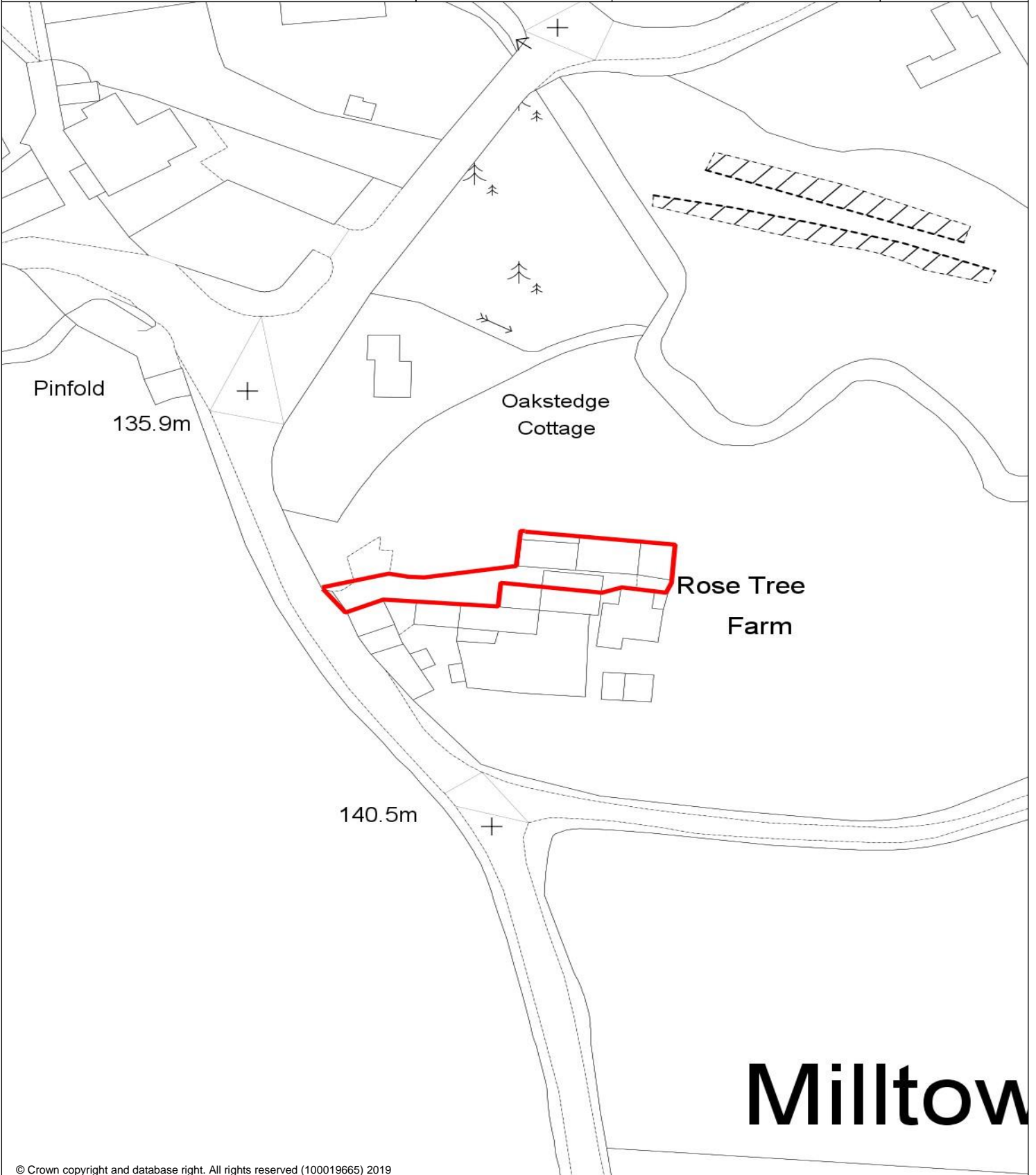




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Author: K. Spelman

Date: 16/07/2019 10:26:46



**APPLICATION NO.** 18/01265/FL

**APPLICATION** Conversion of two existing stable buildings to form one, four bedroom dwelling, with associated access lane, parking area and garden. (Affecting a public right of way)

**LOCATION** Holly House, Matlock Road, Spitewinter, Ashover

**APPLICANT** Mr Howarth

**CASE OFFICER** Graeme Cooper

**DATE RECEIVED** 21<sup>st</sup> December 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Armitage

REASON: This application has been called into planning committee due to the design and appearance of the proposal not being in keeping with the surrounding area, the visual impact of the proposed development and lack of sustainability.

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## 1.0 SITE DESCRIPTION

- 1.1 The application site sits to the western edge of a collection of buildings, known locally as Spitewinter. The site contains a blockwork outbuilding and stable to the rear of Holly House, the applicant's property. The site also includes a range of other outbuildings to the north of the application site, but within the applicant's control.
- 1.2 The site includes an area of hardstanding to the north which links into the application property to the east, with Holly House having a vehicular access onto Matlock Road. Holly House has been extended to the rear and includes a large gravel area and modest rear garden.
- 1.3 To the north east of the site is Stonedge Methodist Chapel, which is a non-designated heritage asset and dates back to 1886. The chapel is still used for worship and includes a pedestrian access onto Matlock Road.
- 1.4 Horseshoe House sits to the south east of the application site and sits adjacent to Matlock Road and is framed by a mature hedge and wall. This property sits in large grounds.
- 1.5 Land to the south of the application site is grassed with some tree planting and slopes down towards a timber gate access, which in turn leads onto a gravel driveway which serves Bank Farm. This access doubles as a public right of way (PRoW126), crosses Common Land and leads onto Matlock Road to the east.
- 1.6 To the west of the application site is an agricultural field with land levels sloping upwards away from the site. The surrounding countryside is intersected by dry stone walls and opens out to the west.
- 1.7 Matlock Road sits a short distance to the east of the application site and is the main road connecting Matlock to Chesterfield. The speed limit on this stretch of Matlock Road is 40mph.
- 1.8 Spitewinter does not have a Settlement Development Limit and so the site is within open countryside for planning purposes.

## **2.0 PROPOSAL**

- 2.1 The proposed development involves the conversion of a concrete masonry blockwork outbuilding and stable into a four bedroom dwelling, with connecting link between the two buildings. Accommodation would be provided over two levels in the larger building.
- 2.2 The proposed conversion would involve modifying the glazing in the north and south gables, with two new feature glazed elements being proposed. The eastern elevation would involve three existing small windows being increased in height. One new additional window is included on the western elevation and eight Velux roof lights are proposed in the roof slope of the building.
- 2.3 A small link extension is proposed linking the larger outbuilding to the smaller stable. This is designed to be a lightweight glazed link.
- 2.4 The submitted plans clearly illustrate the creation of a new access driveway that would extend southwards connecting into an existing access road, which in turn connects to Matlock Road to the east. Within the application site it is proposed to have a larger area of hardstanding to the north of the conversion for the standing of vehicles. The extent of curtilage associated with the proposed dwelling would be limited to the area outlined in red contained in the location plan. A proposed block plan appears to show an indicative boundary along the southern extent of the site, but no specific boundary treatment details have been submitted.
- 2.5 The application is accompanied by a Planning Statement, Highways Technical Note, Structural Engineers Report and Bat Presence/Absence Survey.

## **3.0 AMENDMENTS**

- 3.1 None.

## **4.0 PLANNING HISTORY**

- 4.1 No relevant planning history.

## **5.0 DEVELOPMENT PLAN POLICIES**

- 5.1 The development comprises the North East Derbyshire Local Plan and the Ashover Neighbourhood Plan.
- 5.2 The most relevant policies to this application of the Local Plan are:-

GS1	Sustainable Development
GS6	Open Countryside
GS7	Change of Use/Conversion
NE1	Landscape Character
NE6	Development affecting Nationally Rare Species
NE9	Development and Flood Risk
BE1	General Design Principles
H3	New Housing Outside Settlement Development Limits
H12	Design and Layout of New Housing
T2	Highway Access and the Impact of New Development
T5	Walking and Cycling
T9	Car Parking Provision
CSU4	Surface and Foul Water Drainage
CSU6	Contamination Land

5.3 The Council is 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 is currently under examination. The document sets out the Council’s strategy for sustainable development and should be afforded weight in decision making.

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

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SDC1 Reuse of Buildings in the Green Belt and Countryside
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC9 Non Designated Local Heritage Assets
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place making
- SDC14 Land Potentially affected by Contamination or Instability
- ID3 Sustainable Travel

5.5 The Ashover Neighbourhood Plan 2016-2033 (Adopted November 2017) covers the application site and the following policies are a material consideration:

- AP2 Development Outside Settlement Development Limits
- AP11 Design
- AP13 Landscape Character
- AP19 Dark Skies
- AP20 Traffic
- AP21 Footpaths, Cycleways and Bridleways

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

## **6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS**

6.1 The application was validated 21<sup>st</sup> December 2018 and was due to expire on 14<sup>th</sup> February, however an extension of time was agreed until 2<sup>nd</sup> August 2019 to allow the application to be considered by the planning committee. A site visit was undertaken by the case officer on 22<sup>nd</sup> January and a site notice was already in situ on a telegraph pole on Matlock Road which expired on the 4<sup>th</sup> February.

6.2 The **Parish Council** note that access to the site would cross Common Land and the parish council would not grant consent to cross it. The Parish Council considers the site land locked and that a footpath crossing the site is well used by the local scout/cub group who visit the site opposite.

6.3 **A Local Ward Member** was concerned about the design and appearance of the proposal not being in keeping with the surrounding area, the visual impact of the proposed development and the proposal not being sustainable. Concern is raised to the access crossing Common Land, with no permission granted to cross it. The member requested officer opinion on the issue of crossing Common Land due to recent test cases. Advice was sought from the Council’s legal officer with regards to Common Land who provided comments which are considered in the

assessment below. It was confirmed that crossing Common Land is not a material planning consideration.

- 6.4 The **County Highways Authority** raised concern with regards to the proposed use and access arrangements onto Matlock Road. These are considered in more detail in the assessment below.
- 6.5 The **Council's Environmental Health Officer (EHO)** was consulted on the proposed development and note that the building was previously used as stables and located in close proximity to historical quarrying and refuse tipping activities. This indicates that there may be infilled land which could be a potential source of contamination, including from ground gases. Due to the lack of supporting information submitted with the application and the sensitivity of the site it is considered that a number of land contamination conditions be included on any decision.
- 6.6 **Derbyshire Wildlife Trust (DWT)** was consulted on the proposed development and note the submission of a Preliminary Bat Roost Assessment, produced by Wildlife Discovery Ecological Consultants dated September 2018. Whilst some data appears not to be in accordance with standard guidelines DWT support the conclusions of the report and consider that use by roosting bats is unlikely. Of the few features identified with low potential for roosting bats the roof tiles appear in good condition and tightly fitted, and the wooden cladding is located fairly close to the ground. The DWT considers that a watching brief when any features are removed would be proportionate to the risk of encountering bats and could be conditioned accordingly on any decision. As the NPPF encourages developments to provide net biodiversity gain it is advised that bat and bird box mitigation is attached to any new dwelling. Again this could be covered by a suitably worded condition on any decision details of which shall be installed and retained in accordance with any approved details.
- 6.7 The **Councils Structural Engineer** raised no comments.
- 6.8 **Severn Trent Water** raised no comments.
- 6.9 **Footpaths Society** raised no comments.
- 6.10 **DCC Archaeologist** raised no objection.
- 6.11 One objection has been received from a local resident raising the following material considerations:
- Proposed development would be harmful to the landscape character
  - Proposal would be harmful to protected species, including badgers
  - Proposal would be clearly visible from a nearby footpath used as part of "The Chesterfield Round Walk" which is a well-used route

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding countryside, the amenity of neighbouring uses, its ecological impact and highway safety issues.

## **8.0 PLANNING ASSESSMENT AND SUMMARY**

### **Principle of Development**

- 8.1 Local Plan Policy GS7 states that permission will be granted for the conversion of buildings in the countryside where they are capable of being converted without the need for major rebuilding or extension. The form, scale, massing, general design and appearance of the development should respect the character and appearance of the original building, with particular regard to local distinctiveness. Any proposed curtilage should not have an adverse effect on the character of the area.
- 8.2 Local Plan Policies GS6 and NE1 cover the countryside and landscape character of the area, where development will be supported where it does not detract from the surrounding landscape and the siting, scale, design, landscape treatment and the use of materials would be in keeping with the varied and distinctive character of the area. Development should not result in the loss of distinctive features that contribute to and add value to the landscape character.
- 8.3 The NPPF supports sustainable development and has three overarching objectives, these being economic, social and environmental objectives. Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development.
- 8.4 The Ashover Neighbourhood Plan (ANP) is a material consideration when determining planning applications. Policy AP2 states that development outside the settlement development limits will be supported for the re-use of redundant buildings. The ANP also identifies the importance of the landscape character of the area. Each development will be required to demonstrate that it respects the distinctive landscape character of the area.
- 8.5 In view of the above, officers consider that the principle of the development may be acceptable, subject to assessing the buildings capability for being converted, the visual impact of the proposal on the surrounding countryside, its impact on surrounding heritage assets, highway safety and ecological impact, as well as that on residential amenity.

### **Conversion Considerations**

- 8.6 The buildings identified for conversion into one dwelling include a breeze block and timber boarded barn, with a small breeze block extension and a breeze block stable building. Both structures appear to be in good order with exception of a lean to extension on the larger barn. The larger building appears to have been used for the keeping of horses with storage in the roof space. The smaller stable building is used for the keeping of horses. A small link is proposed between the two structures and a modified extension is proposed to the larger building. Both of these extended elements are modest in their appearance.
- 8.7 The applicant has submitted two structural surveys, prepared by Peak Engineers. Both reports conclude that new foundations would not be required and existing tile, rafters and purlins would be retained. However, new lintels and a strengthened roof structure would be required. Walls and roofing may need some redesign to improve stability and damp proofing should be installed, and new first floor ventilation would be required.

- 8.8 The site has been inspected and Officers conclude that the proposed conversions do involve the creation of new openings, constructing of large glazed element, two new extensions and cladding of the main structure. However, the submitted structural report confirms that these are mostly cosmetic changes and that the building is in good structural condition. Therefore Officers have no reason to disagree with the findings of the submitted structural reports.
- 8.9 A modest outdoor garden area would be created to the south of the building along with a driveway and reuse of an area of hardstanding already located within the site. The curtilage would be well screened from wider viewpoints and only partially visible from the access track immediately to the south of the site due to the topography and tree planting. The development would also be seen in the context of the adjoining properties to the east. However, it is considered important to ensure that an adequate boundary treatment scheme is approved and permitted development removed for further enclosures and fencing on site so that the proposed curtilage would not have an adverse effect upon the character of the surrounding area.
- 8.10 In view of the above, it is considered that the buildings are in generally good order and only require cosmetic alterations to their external appearance along with two modest extensions. Therefore it is considered that the works to the buildings would not represent major rebuilding or extensions, furthermore the works proposed to the external appearance of the building would enhance the character and appearance of the building and respect the character and appearance of the site and the surrounding area.

#### **Impact on the Character of the Countryside**

- 8.11 The proposal would involve the conversion of a breeze block and timber clad outbuilding and stable into a 4 bedroom dwelling. This would be served by a new solid bound access which would in turn lead to a gravelled access which serves Bank Farm and in turn leads onto Matlock Road.
- 8.12 The proposed conversion would see the entire building clad in timber and the construction of two new extensions. The main changes to the building would be cosmetic with the introduction of new openings, including two feature glazed areas in the north and south gables. The roof would also include a number of roof lights. The curtilage would be limited to the south and east of the building. No details have been provided as to the boundary treatments to be used on site, however it is considered important that the curtilage is limited and appropriate boundary treatments are approved.
- 8.13 Plans have been submitted illustrating that the larger of the two buildings to be converted would be clad in timber with brickwork retained on the smaller stable conversion and a number of new openings would be introduced. As such, it is considered important to agree to the finished materials of the conversion and extension elements, along with any openings to ensure that the proposal is in keeping with the character and appearance of the site and the surrounding countryside.
- 8.14 The site is well screened from public viewpoints, with it located behind the applicant's property and other properties to the west of Matlock Road. The site would be visible from sections of Matlock Road and from the public footpath which runs to the south of the site. However the most visible elements of the proposal would be the southern gable and the garden area and, as such, it is considered important to agree appropriate boundary treatments and materials for the site and

the surrounding countryside. No lighting details have been submitted with the application. Given the site is in an area designated as a Dark Sky area in the ANP it is considered that a scheme of lighting should be controlled by condition. It is considered that the proposed conversion would be contained to the rear of the existing built form on Matlock Road and form part of the hamlet of Spitewinter, which would not result in a prominent intrusion into the wider countryside.

- 8.15 In view of the above, subject to a number of conditions, it is considered that the proposed conversion would complement its immediate setting and be in keeping with the character and appearance of the surrounding countryside.

### **Heritage Considerations**

- 8.16 The application site sits close to a former Methodist church, which lies to the north east. The church is a non-designated heritage asset and was likely constructed in 1886.
- 8.17 The County Council's Archaeologist (CCA) was consulted on the proposed development due to it being in close proximity to a non-designated heritage asset. The CCA considered that the proposed development would not have a significant archaeological impact and no further comments are made.
- 8.18 Notwithstanding that the church is not listed, it still forms an important historic building which has great standing locally. It is unlikely that both buildings would be seen in the same context, as such it is considered that the impact on the non-designated heritage asset would be neutral and the impact upon its setting would be acceptable.

### **Amenity Considerations**

- 8.19 The proposal would result in the conversion of an agricultural barn and stable into a 4 bedroom dwelling. Access into the site would be from Matlock Road along a section of track, with a new driveway created to the west of Horseshoe House abutting an existing natural stone wall.
- 8.20 Accommodation would be provided over two levels in the larger building, with a living room created at first floor level. The upper floor element of the proposal would include 6 roof lights and two feature glazed sections in the gable ends. These windows would provide views to the north and south. A garden area would be created to the south of the proposed dwelling and an existing yard area would be resurfaced for the parking of vehicles.
- 8.21 The properties most likely to be affected by the proposed development would be Horseshoe House to the east and the former Methodist church to the north east. The applicant's property also sits to the east of the application site.
- 8.22 The proposal would be limited to large glazed sections in the upper floor gables and allow views to the north and south. These views would be across the applicant's garden area and allow an angled view back towards the garden of Horseshoe House, however any views would be limited due to the acute angle, change in levels and existing boundary treatments. Any views from the roof lights would be skywards due to them being at a high level.
- 8.23 The proposal includes a new access track which runs immediately adjacent to the western boundary wall of Horseshoe House. This boundary is a well-established traditional, high stone wall and as such it is considered that it would help mitigate any disturbance relating to vehicle movements into and out of the site.



- 8.24 Consideration should also be made to the impact of any proposed development on neighbouring land uses. The track leading from Matlock Road into the development doubles as a public right of way and could impact upon footpath users. However it is considered that the resulting traffic movements would be at low speed and low level and footpath users are unlikely to be adversely affected from any increased traffic movements.
- 8.25 The proposed development would also overlook a neighbouring agricultural field, however the site is separated by a dry stone wall and would not, in Officers opinion, have a detrimental effect on the agricultural use of the land.
- 8.26 In view of the above, it is considered that the proposed development would not be detrimental to the privacy and amenity of neighbouring residents and neighbouring land uses.

### **Highway Safety Considerations**

- 8.27 The proposed development would involve the conversion of two stable buildings into a four bedroom dwelling over two levels. Access would be taken from Matlock Road and a narrow rough track to the south and east. Matlock Road is a 40 mph section of road with the track already serving the applicants barns and fields and Bank Farm to the west.
- 8.28 The proposal includes a new access track leading to the track to the south and an improved courtyard to the north and east of the proposed dwelling. The rough track leading from Bank Farm also doubles as a public right of way (PRoW 126).
- 8.29 The Highway Authority (HA) was consulted on the proposed development and note that the existing vehicular access which would serve the new dwelling is substandard in terms of the available emerging visibility onto Matlock Road. The Officer also notes that if a vehicle is stationary waiting to turn right into the access, the forward visibility for drivers approaching the stationary vehicle from the north is also substandard. The HA therefore recommends that the application is refused.
- 8.30 In light of these comments, the applicant commissioned a Technical Note, prepared by Inspire Design dated May 2019. This report assessed the existing site, the proposal, likely trip generations, accident history and the access. The report concludes that the access has been used in association with the existing stables and has functioned without any incidents for decades. It is considered that the likely increase in vehicle trips would be imperceptible and the site has good public transport links ensuring that any new residents would not be wholly reliant on the motor vehicle. The report concludes that there is not any evidence to suggest that the proposal would have an adverse impact upon highway safety.
- 8.31 The HA considered this report and maintains its objection. They reiterate that the access is severely substandard and disagree with the suggestion that the trips into and out of the site would decrease, in fact the Officer considers that a figure of 8 trips per day would be more accurate in this instance, especially given the rural nature of the site away from any services. The Officer notes the current gated field access is infrequently used. Furthermore, the Officer notes that the stable would no longer be in use but the land surrounding the site would still retain its equestrian use. Therefore the HA does not agree that the proposal would lead to a reduction in traffic movements associated with this site.

### **Ecological Considerations**

- 8.32 The proposal would result in the conversion of a brick/timber barn and stable building to form a single dwelling, with accommodation over two levels. A grassed area will be provided and access will be served along a private drive leading onto Matlock Road.
- 8.33 A Preliminary Bat Roost Assessment has been submitted with the application.
- 8.34 Derbyshire Wildlife Trust (DWT) was consulted on the proposed development and note the submitted bat roost assessment. DWT support the findings of the report that bats are unlikely to have used the buildings and there are features with low potential for roosting bats. The roof appears in good order and it is recommended that a watching brief is used when removing these features. It is also considered that bat and bird mitigation features are included in any proposed scheme to ensure provision of a net biodiversity gain.

### **Environmental Health Considerations**

- 8.35 The Council's Environmental Health Officer (EHO) was consulted on the proposed development and note the previous use of the buildings on site for stables. Historic mapping indicates that the site is in close proximity to a former quarry and more recent maps suggest that the presence of a refuse tip which would indicate land may have been infilled which could be a potential source of contamination, including from ground gases.
- 8.36 Given the sensitivity of the site and the lack of supporting information submitted with the application it is considered that no objection is raised to the proposed development subject to conditions relating to land contamination.

### **Drainage Considerations**

- 8.37 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.38 The submission states that it is unknown how foul water will be dealt with from the proposed dwelling and it is unclear how surface water will be dealt with sustainably. Therefore it is considered that further details would be required if permission was to be granted in relation to these matters.

### **Other Considerations**

- 8.39 The site is not within a Coal – Development High Risk Area.
- 8.40 It is noted that a the local Ward Member, Parish Council and local resident all raised concern of the proposed development crossing third party land which is classed as Common Land. The Council's Legal Officer confirms that whether or not the applicant has a legal right of way over Common Land is not a material planning consideration. As such no weight should be attributed to this in the determination of this application. However it is noted that if permission were to be granted over the land the applicant will need to seek permission of the land owners and would need to apply to the Secretary of State for consent to carry out any works to the Common Land under Section 38 of the Commons Act 2006. This could be addressed through a suitably worded informative note on any decision.

### **Conclusion**

- 8.41 Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the buildings conversion generally complies with the NPPF, the Council's own planning policies and the Ashover Neighbourhood Plan.

- 8.42 The proposal buildings could be converted without the need for major rebuilding or extension, complying with the Councils conversion policy. Furthermore, it is considered that the proposal would be of an appropriate design, scale and use of materials in keeping with the site and the surrounding landscape character, which would preserve and respect the character of the adjacent non designated heritage asset.
- 8.43 The impact of the proposed development upon existing and neighbouring residential properties would be acceptable and the proposed dwelling would be provided with a good sized area of private garden.
- 8.44 However, the impact of the proposed conversion upon highway safety is considered to be harmful, by virtue of the forward and emerging visibility onto Matlock Road being substandard. As such it would cause a potential danger and inconvenience to other highway users. Therefore, due to the unacceptable impact upon highway safety and the existing road network Officers conclude that on this issue alone the proposal should be refused.
- 8.45 Matters relating to ecological mitigation, land contamination and site drainage could be addressed by suitably worded conditions.
- 8.46 For the reasons relating to highway safety, it is considered that the proposed development should be refused.

**9.0 SUMMARY OF CONSULTATIONS**

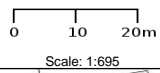
<u>County Highways:</u>	Objection
<u>Environmental Health:</u>	No objections subject to conditions
<u>Derbyshire Wildlife Trust:</u>	No objection subject to conditions
<u>NEDDC Engineers:</u>	No comments
<u>Severn Trent Water:</u>	No comments
<u>DCC Archaeologist:</u>	No objection
<u>Footpaths:</u>	No comments
<u>Legal Officer:</u>	Raised comments on Common Land
<u>Neighbour:</u>	1 objection
<u>Parish Council:</u>	Comments relating to private access over common land
<u>Ward Member:</u>	Concern raised to design and appearance of proposed. Application called into planning committee.

**10.0 RECOMMENDATION**

That planning permission is **REFUSED** in accordance with officer recommendation, for the following reason/s:

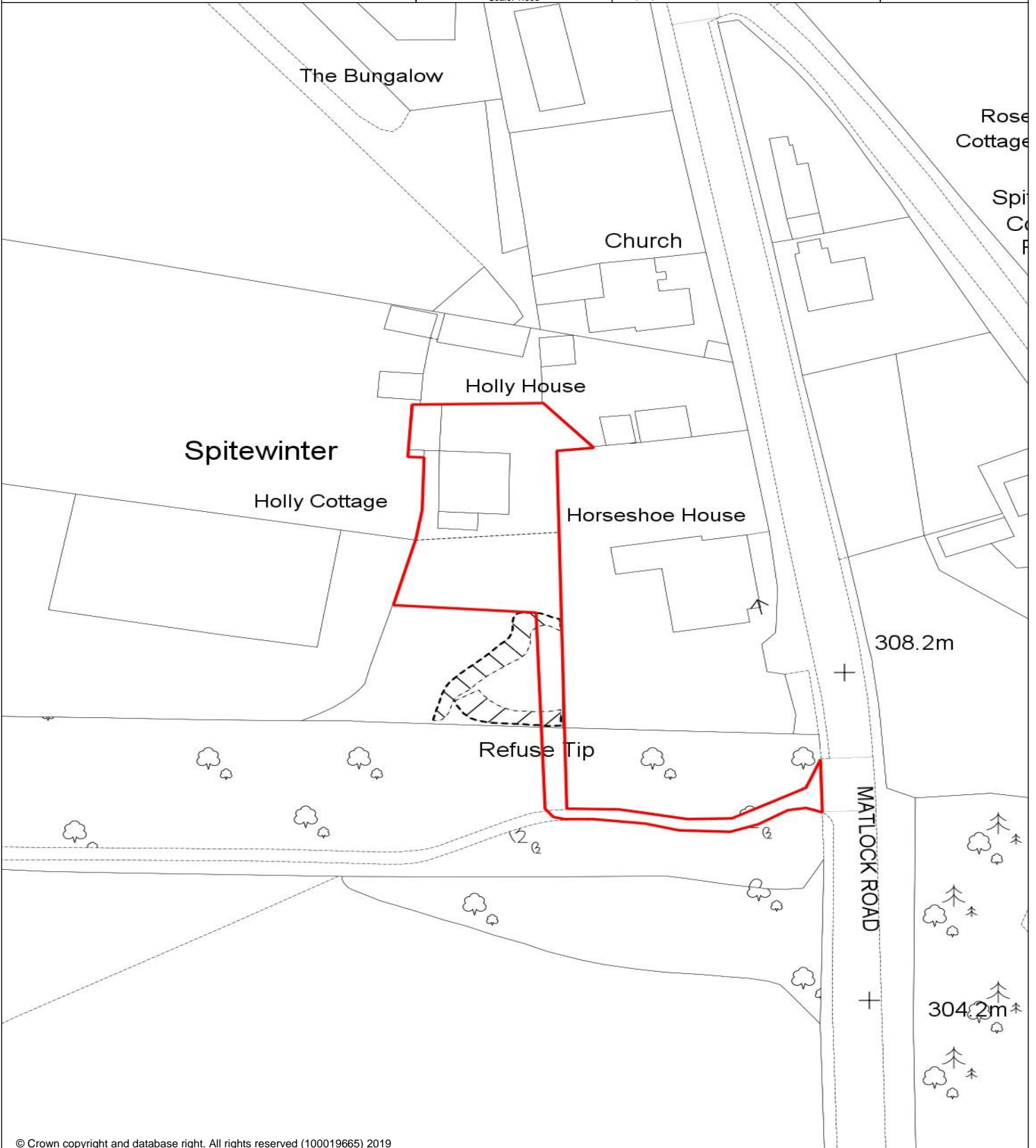
- 1. The proposal would result in the conversion of an agricultural outbuilding and stable into a four bedroom dwelling. The proposed development, if permitted, would be likely to lead to the significant intensification in use of an existing substandard access to Matlock Road (A632), where forward and emerging visibility is severely restricted due to the alignment of the road and third party land thereby leading to potential danger and inconvenience to other highway

users, which would interfere with the safe and efficient movement of traffic on the adjoining highway. Therefore, due to the unacceptable impact upon highway safety and the existing road network, the proposal should be refused and to grant permission would be contrary to Local Plan Policy GS1, GS6 and T2 of the North East Derbyshire Local Plan and the National Planning Policy Framework, when read as a whole.



**Author:** K. Spelman

**Date:** 16/07/2019 10:43:08



**APPLICATION NO.** 18/01281/FL

**APPLICATION** Conversion of the former public house into 5 dwellings, with associated off street parking

**LOCATION** Gladstone Arms, Morton Road, Pilsley

**APPLICANT** Mr Buldev Ubha

**CASE OFFICER** Graeme Cooper

**DATE RECEIVED** 24<sup>th</sup> December 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cooper

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

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## **1.0 SITE DESCRIPTION**

- 1.1 The application site is a former public house and sits close to the junction of Morton Road with Church Street. The building is an attractive natural stone building with slate roof. Elevational detailing on the building includes attractive heads and cills to the windows, and feature upper floor quoins.
- 1.2 Access into the site is taken from Morton Road to the south which is shared by another residential property to the north. To the west of the access road is a small beer garden which is framed by a simple dry stone wall.
- 1.3 The site is within a residential area, with a detached property sitting in large grounds to the north east. To the south west is a row of three cottages which are set back a good distance from Morton Road, with long front gardens.
- 1.4 Opposite the site is a charity shop with associated parking and Pilsley Primary School. The school is framed by an attractive red brick wall, with feature piers. To the rear of the charity shop is The Elm Centre, a modern community building.
- 1.5 The site fronts onto Morton Road, close to the junction with Church Street to the north. A short distance to the north of the site is a public car park, which has no parking restrictions and unmarked bays. The car park can accommodate approx. 20 cars.
- 1.6 The application site is located in the Settlement Development Limit for Pilsley.

## **2.0 PROPOSAL**

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

### 3.0 AMENDMENTS

- 3.1 Following concerns raised by the case officer and local residents, an updated plan was submitted to accurately illustrate the site access and parking arrangements. No changes were proposed to the building itself.

### 4.0 PLANNING HISTORY

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

### 5.0 DEVELOPMENT PLAN POLICIES

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

GS1	Sustainable Development
GS5	Settlement Development Limit
GS7	Change of Use and Conversion
H12	Design and Layout of New Housing
NE6	Development Affecting Nationally Rare Species
NE9	Development and Flood Risk
BE1	General Design Principles
BE2	External Lighting
SH8	Loss of Local Facilities
T2	Highway Access and the Impact of New Development
T9	Parking Provision
CSU4	Surface and Foul Water Drainage
CSU6	Contamination Land

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

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

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

- 5.4 The following Council Policies and documents are also relevant:

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

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

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application was validated on 24<sup>th</sup> December 2018 and due to expire on 17<sup>th</sup> February 2019, however an extension of time was agreed until 2<sup>nd</sup> August 2019 to allow the applicant to resolve some on site measurement issues, undertake a bat survey and for the application to be heard by members of the Planning Committee. A site visit was undertaken on 7<sup>th</sup> February 2019 and a site notice placed at the site entrance which expired on 11<sup>th</sup> January 2019.
- 6.2 The **Parish Council** raised the following objections to the proposal:
- The development anticipates provision of 5 off-street parking spaces to serve the five proposed dwellings. This is felt to be an over-intensification of use for the site both in terms of the manoeuvring of vehicles within the site and also their access to/egress from the site onto a busy highway in too close a proximity to an existing 'T' junction and primary school access. The parish council is concerned generally regarding the negative impact the provision of 5 dwellings would have in this location on the local highway and traffic network;
  - The parish council also has similar concerns regarding the adverse impact on the local highway and traffic network the development would have during its conversion into 5 dwellings in terms of the delivery and management of materials on site; and
  - The scarcity of space within the site for the permanent storage of waste receptacles.
- 6.3 **The Local Ward Member** raised concern about the proposed development and the lack of parking and highway safety, particularly due to its close proximity to Pilsley Primary School. The ward member called this application into planning committee and requested that a site visit be undertaken prior to the meeting.
- 6.4 The **County Highways Authority** was consulted on the proposed development and note that the previous use of the building was as a public house, with no on-site parking. The proposal would include 5 on-site parking spaces and a designated bin storage area adjacent to the highway. The highways officer considers that the proposed development would provide suitable parking spaces which would have space to allow vehicles to enter and exit the site in a forward gear. In order to maximise visibility in the critical direction (to the south), the land between parking space 1 and Morton Road should be kept clear of any objects greater than 1m in height. An updated plan submitted by the applicant also confirms that the proposed parking area is adequate and would not impede 2 way traffic on the driveway. Therefore, taking into account the previous use of the building, there are no objections from a highway safety viewpoint, subject to a number of conditions.
- 6.5 The **Councils Environmental Health Officer (EHO)** was consulted on the proposed development and initially raised concern regarding the amenity of future occupants fronting onto Morton Road. The issue is the proximity of the windows to the main road being impacted by traffic noise if the windows have to be opened. Following the submission of ventilation mitigation the EHO raises no objection subject to conditions.



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

6.7 10 objections were received from 7 local residents raising the following material planning considerations:

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

## **7.0 PLANNING CONSIDERATIONS**

7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding street scene, the privacy and amenity of neighbouring residential properties and land uses along with highway safety issues.

## **8.0 PLANNING ASSESSMENT AND SUMMARY**

### **Principle of Development**

- 8.1 The application site is located within the Settlement Development Limit of Pilsley. Local Plan Policy GS5 state that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.2 Local Plan Policy GS7 states that planning permission for the conversion or change of use of an existing building will be granted provided that: the building is of a permanent and substantial construction, the form, scale, massing, materials, general design and appearance of the development respects the character of the original building and it has regard to the local distinctiveness of the area and the proposed curtilage created would not have an adverse effect on the character of the area or neighbouring land uses.
- 8.3 The NPPF supports sustainable development and includes three overarching objectives, these being economic, social and environmental objectives. Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development.
- 8.4 In assessing sustainability the NPPF provides a three stranded definition. This covers economic, social and environmental factors. Local Plan Policy GS1 also considers that all development will have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute to a sustainable pattern of development. Pilsley is considered to be a Level 2 settlement in the District of North East Derbyshire. It has good public transport connectivity to the local area, with a bus stop a short walk from the application site. The application site is only a short drive or bus journey from Clay Cross which is one of the main four towns in North East Derbyshire, which is home to a number of major employers and a wide range of services. The proposal would also result in the re-use of an empty premises. In view of this, it is considered that the site is considered a sustainable location.
- 8.5 Furthermore, the NPPF supports the re-use of previously developed land (brownfield land), where vacant buildings are being re-used or redeveloped.
- 8.6 In view of the above, it is considered that the principle of development may be acceptable, subject to assessing its compatibility with the Councils conversion policy, its impact on the surrounding street scene, its ecological impact, as well as that on residential amenity and highway safety.

### **Loss of Local Facility**

- 8.7 The existing building is the former Gladstone Arms public house, with accommodation above. It is unclear from the application when the public house ceased trading.
- 8.8 Local Plan Policy SH8 states that the change of use of a public house which serves the local community will not be permitted unless; there are adequate alternative facilities elsewhere within the vicinity of the site or it can be demonstrated that there is no demand for such a facility in the area which it is located.

- 8.9 Pilsley is a level 2 settlement, as defined in the Emerging Local Plans Settlement Hierarchy. Pilsley has two public house, these being the application site and The Willow Tree Inn which is located a short distance to the north of the application site in the heart of the village.
- 8.10 There are also two other public houses, The Shoulder at Hardstoft and the Star Inn within a 1 mile radius of the application site. Furthermore, Clay Cross is only a short drive from the site which has a number of public houses. Therefore it is considered that there is adequate alternative provision in the local area.
- 8.11 It should be noted that the building is not on the Councils List of Assets of Community Value, so does not have any protected status.
- 8.12 In view of the above, it is considered that there is adequate alternative facilities elsewhere within the vicinity of the site and that the proposed conversion would accord with the Councils policy on loss of local facilities.

### **Conversion Considerations**

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

### **Impact upon the Character of the Surrounding Street Scene**

- 8.17 Local Plan Policy states that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.18 As considered in the assessment above, the proposed external changes to the building are limited to the inclusion of one new window to the front elevation, public house signs being removed, a vent being removed, five new Velux roof lights being included and all new windows and doors being installed.

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

### **Privacy and Amenity Considerations**

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

windows would be skywards and not have a detrimental impact upon residents at 6 Church Street.

- 8.28 The NPPF at paragraph 127 states that decisions should create spaces with high standards of amenity for existing and future users. Planning policies may also make use of nationally described space standards, where the need for an internal space standard can be justified. No such space standards have been, or are intended to be, adopted by the Council. Nevertheless, the proposal would create five reasonably sized apartments over two levels. It is therefore not considered that the level of accommodation is cramped or unsuitable; in fact it has the potential to offer a good standard of living accommodation in what is considered to be a sustainable location.
- 8.29 No outdoor amenity space is proposed for these apartments. The Council's Successful Places Interim Planning Guidance considers that usually 25sqm of outdoor amenity space should be provided per flat; however this may be relaxed and is considered on a case by case basis. Whilst it is noted that no outdoor amenity space is provided with the conversion, the site is only approx. 300m from the nearby recreation ground and a public footpath lies opposite the site which leads out into open countryside. Given the distance of a formal recreation area and easy access into the countryside, it is considered that refusing the scheme for the lack of private outdoor amenity space would not be justifiable. Furthermore, not all residents want a garden, with the current available space better used for car parking.
- 8.30 Consideration should also be given to the future occupants of the apartments given the site fronting directly onto a busy road. The rooms mostly affected in the proposed apartments would be bedrooms and living space. The Council's Environmental Health Officer raised some concern about the proposed conversion due to windows opening out onto Morton Road. Although Morton Road is not a major road, due to the proximity of the property to the carriageway concern was raised to the loss of amenity to future occupants from traffic noise if they were to open windows for ventilation purposes. Following discussions with the applicant regarding ventilation and noise mitigation the EHO raises no objection subject to a number of conditions.
- 8.31 In view of the above, it is considered that the proposed development would not have an unacceptable impact upon the privacy and amenity of existing and future residents.

### **Highway Safety Considerations**

- 8.32 The proposed development would result in the conversion of a former public house into five apartments. Five parking spaces would be created off a shared road, which leads onto Morton Road. An amended plan was submitted to accurately illustrate the proposed parking arrangements on site.
- 8.33 The Highways Authority was consulted on the proposed development and they note the previous use of the site. Officers consider that the proposed development would be provided with a sufficient number of parking spaces that would allow vehicles to enter and exit the site in a forward gear.
- 8.34 The submitted amended block/parking plan confirms that the proposed parking area is adequate and would not impede 2 way traffic on the driveway. As such, no objection is made by the Highways Authority providing the land between the parking space and Morton Road is kept clear of obstructions greater than 1m in height.

8.35 Concerns have been raised by local residents at the safety of the local road network given that a school is nearby and the lack of on-site vehicular parking. Whilst these concerns are appreciated, the site would only be developed for five dwellings and the comings and goings associated with these would be small. Furthermore there is a parish owned, unrestricted, car park only a short distance from the site that could be utilised by future residents of the site to park their vehicles. As such, given the extant use of the site as a public house it is not considered that the conversion of the site to five apartments would be detrimental to highway safety and the associated comings and goings would not have an unacceptable impact on highway safety or result in a residual cumulative harm on the surrounding road network.

### **Ecological Considerations**

8.36 The proposed development would involve the conversion of a redundant public house and is likely to involve a number of internal and external changes to the building. A Bat Building Assessment and Dusk Emergence Bat Survey was submitted, prepared by Ramm Sanderson dated June 2019.

8.37 Derbyshire Wildlife Trust (DWT) was consulted on the proposed development and considered the submitted bat survey work. The DWT note that the report included a preliminary bat roost assessment and dusk emergence survey. The DWT considers that the report contains sufficient information to determine the application and no roosting bats were recorded. Therefore should the Council be minded to approve the scheme the DWT recommend a biodiversity enhancement condition be included on any decision.

### **Other Material Considerations**

8.38 The site is within a Flood Zone 1, which has a low probability of flooding.

8.39 The proposed development would utilise existing foul and surface water drainage system associated with the public house.

8.40 No comments have been received from Severn Trent Water Authority.

### **Conclusion**

8.41 Having taken into account all the material planning considerations, it is considered that subject to a number of conditions, the proposal complies with the NPPF and the Councils policies.

8.42 The proposed development would involve the conversion of a permanent and substantial construction, with the proposed changes to the external appearance of the building being in keeping with the character and appearance of the site and the surrounding street scene.

8.43 It is considered that the loss of this local facility, in what is a sustainable location with alternative adequate facilities in the local area would not be harmful to the vitality of the local area. Furthermore, the building does not have any protected status.

8.44 The conversion would not result in an unacceptable impact upon the privacy and amenity of existing and future residents. The lack of private outdoor amenity space is not considered to be an appropriate reason to refuse the proposal.

8.45 Furthermore, it is not considered that the proposed development would have an adverse impact upon on highway safety or result in a residual cumulative harm on the surrounding road network.

8.46 Matters relating to aural amenity, car parking and bird/bat mitigation can be controlled by condition on any approval issued by the Council.

8.47 The proposed development is therefore considered to be acceptable.

**9.0 SUMMARY OF CONSULTATIONS**

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

**10.0 RECOMMENDATION**

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

**CONDITIONS**

**Time Limit/Scale of Development**

1. The development hereby approved shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
  - PL/01 (Excising and Proposed Elevation and Floor Plans)
  - PL/02 (Plan of Parking Area and Refuse Storage)

**Privacy**

3. Prior to the first use of apartment 4 hereby approved the window shown on the approved plans to the bathroom on the buildings south eastern elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. Any opening parts must be in the upper half of the window. The window shall then be retained as such for the lifetime of the development.
4. Prior to the first use of apartment 5 hereby approved the window shown on the approved plans to the shower room on the buildings south eastern elevation shall be fitted with obscure glazing. The obscure glazing shall be

of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. Any opening parts must be in the upper half of the window. The window shall then be retained as such for the lifetime of the development.

## **Details**

5. If, during the conversion works, any brickwork or slate repair work is necessary, this should be done in materials to match that of the existing building.
6. Notwithstanding the submitted details, before any external works start on the conversion hereby approved detailed plans or specifications of the following, including the finished design, appearance and colour where relevant shall be submitted to and approved in writing by the Local Planning Authority:
  - o Replacement external doors;
  - o Replacement windows;
  - o Proposed rooflights.
7. Prior to the occupation of any apartment hereby approved, the improvements identified on the principle elevation to the new ground floor window of the building shall be implemented in accordance with the approved details outlined on the approved drawing PL/01 and in accordance with the details approved as part of condition 6 above. The approved details shall then be retained as such for the lifetime of the development.
8. Notwithstanding the provisions of Article 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no new doors or window openings shall be installed in the building other than those shown on the approved plans.
9. Prior to the first occupation of any apartment hereby approved, the original signage and ventilation equipment shall be removed from the building. For the avoidance of doubt this shall include the removal of the external features illustrates on the approved plan, drawing number PL/01.

## **Highways**

10. **Throughout the construction phase, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.**



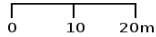
11. Prior to occupation of any apartment, the existing vehicular access onto Morton Road shall be provided with a visibility sightline measured from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremity of the site frontage abutting the highway in the south western direction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
12. No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted drawing (Drawing Number PL/02) for 5 cars to be parked and for vehicles to turn so that they may enter and exit the site in forward gear. These facilities shall be retained free from impediment for the life of the development. For the avoidance of doubt, the parking spaces shall measure a minimum of 2.4m x 4.8m.
13. The apartments hereby approved shall not be occupied until details of arrangements for the storage and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the refuse facilities retained for the designated purposes at all times thereafter.

### **Ecology**

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

### **Environmental Health**

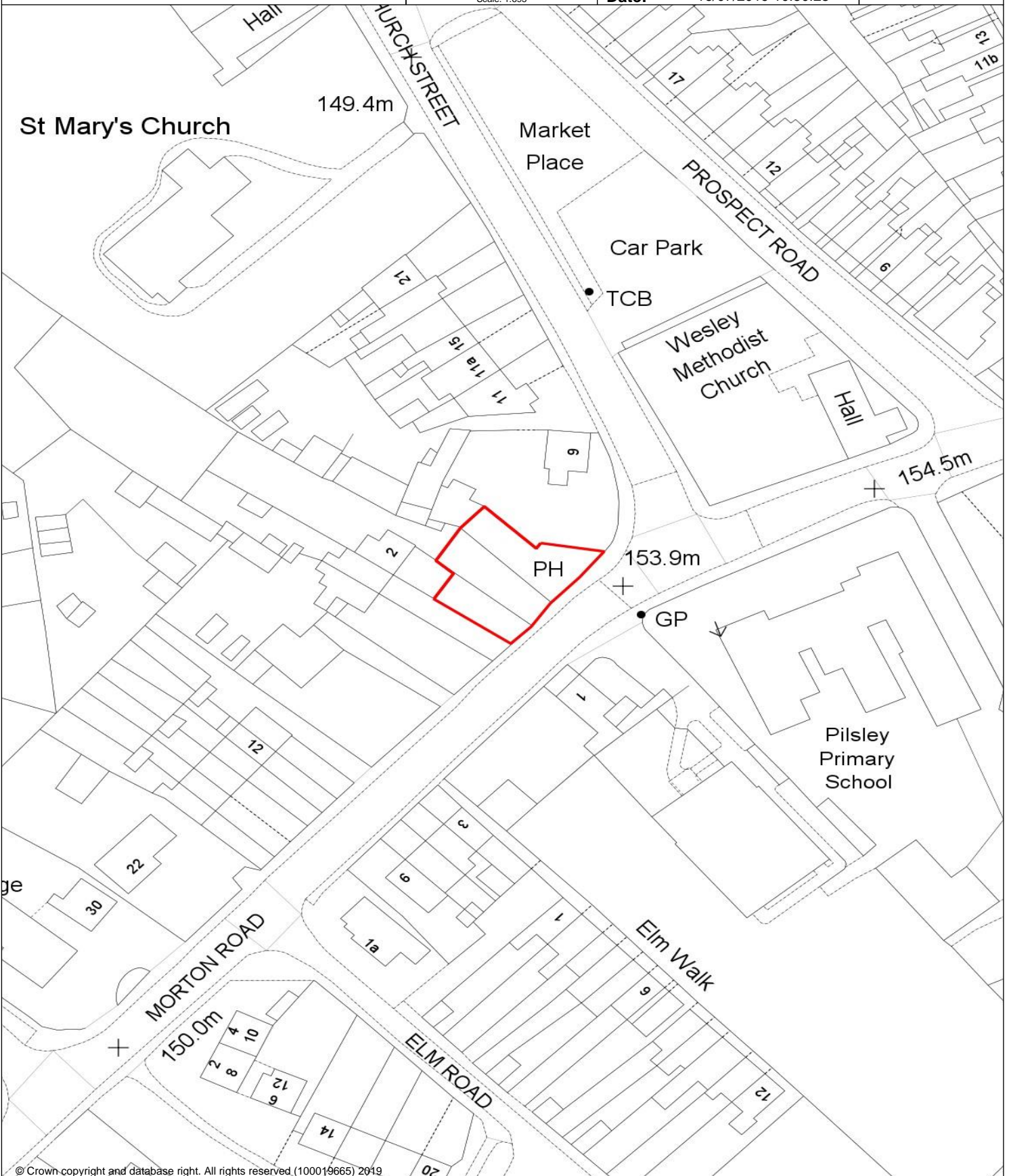
15. Prior to the occupation of apartments 3 and 5 identified on the approved drawing PL/01, a Mechanical Heat Recovery System as specified in the email from Thomas Wood, dated 4<sup>th</sup> July 2019 shall be installed in accordance with the manufacturers specification and shall be retained as such thereafter.
16. Prior to first occupation of apartment number 3 and 5, the openings onto Morton Road shall be fitted with acoustic glazing as specified in the email from Thomas Wood, dated 4<sup>th</sup> July 2019 and retained as such thereafter.



Scale: 1:695

Author: K. Spelman

Date: 16/07/2019 10:50:28



**APPLICATION NO.** 19/00113/FL

**APPLICATION** Retention of the existing building with change of use, alterations and extensions, including raising the roof and a balcony, to form 8no flats with car parking and associated landscaping (amended plans)

**LOCATION** Fleur De Lys Hotel, Main Road, Unstone, Dronfield

**APPLICANT** CrispfineLtd

**CASE OFFICER** Nigel Bryan

**DATE RECEIVED** 8<sup>th</sup> February 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Dale

REASON: So that Members can consider whether or not the increase in height of the building would be acceptable

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## **1.0 SITE DESCRIPTION**

1.1 The application site comprises a former, now vacant, Public House. It is a two-storey white rendered building that sits to the back edge of the footpath and has had a number of extensions to it, including a conservatory to the side and single storey extensions to the rear. The majority of the site now comprises a car park. To the west of the application site is a railway line, raised some distance above the site, and a number of semi mature trees located on the western boundary.

## **2.0 PROPOSAL**

2.1 The applicant seeks consent to change the use of the pub and alter and extend it to create 8 flats. As amended, the application would include increasing the height of the building by approximately 1.8m to form an extra storey as well as re-modelling the existing single storey extensions, including having a modest balcony to one of the first floor flats.

2.2 Vehicular access would be in a similar location to the existing with parking in close proximity to the building. Part of the extended car park is to be retained with no identified end use. An element of green space is also proposed around the building, with the main amenity space to the rear.

## **3.0 AMENDMENTS**

3.1 Amended plans have been received as described above. For the avoidance of doubt, the changes were made as concern was expressed about the scale of the extensions originally proposed within the Green Belt, the boundary to which is drawn tightly around the site.

Officers considered that the extensions originally proposed, which are within the Green Belt (GB), would have resulted in dis-proportionate extensions within the GB.

## 4.0 PLANNING HISTORY

- 03/01090/OL – Proposed demolition of existing public house and construction of a block of 12 two-bedroom apartment (outline application) – Withdrawn September 2003
- 04/01478/OL – Residential development (outline application) on car park adjacent (departure from Development Plan) – Refused permission January 2005
- 06/00522/FL – Redevelopment of site by the construction of 6 single bedroom apartments and 3 two bedroom two storey townhouses and associated car parking (departure from Development Plan) – Conditionally approved July 2006
- 09/00620/FL - Redevelopment of site by the construction of 6 single bedroom apartments and 3 two bedroom two storey townhouses and associated car parking (departure from Development Plan) – Conditionally approved September 2009
- 12/00609/FL – Application for a new planning permission to replace extant permission 09/00620/FL for the redevelopment of site by the construction of 6 single bedroom apartments and 3 two bedroom two storey townhouses and associated car parking (departure from Development Plan) – conditionally approved February 2013
- 13/00431 – application to remove condition 22 of planning approval 12/00609/FL for provision of social housing – refused permission July 2013
- 15/01085 - Demolition of public house and erection of 8 no Dwellings including revised vehicular access and parking (Amended Plans) (Further Amended Plans) – Conditionally approved December 2016

## 5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises the **North East Derbyshire Local Plan**. The policies considered most important in determining this application as follows:

GS1 – Sustainable Development

GS2 – Development in the Green Belt

GS5 – Settlement Development Limits

GS6 – New Development in the Countryside

NE1 – Landscape Character

NE7 – Protection of trees and hedgerows

NE8 – Tree planting

BE1 – General Design Principles

H2 – Housing development on other sites within the Settlement Development Limits

H3 – New Housing Outside Settlement Development Limits

H12 – Design and Layout of new housing

T2 – Highway Access and the impact of new development

T9 – Car parking provision

CSU3 – Protection of existing community facilities

CSU4 – Surface and foul water drainage

CSU6 - Contaminated land

- 5.2 The Council is currently in the process of preparing a new Local Plan. It is currently in the process of examination and weight should be attached to the plan as appropriate. The following policies in the evolving Local Plan, the **North East Derbyshire District Local Plan (Publication Draft)** are considered relevant to the determination of this application.

SS1 – Sustainable Development

SS2 – Spatial Strategy and the distribution of development

SS7 – Development on unallocated land within defined settlement development limits

SS9 – Development in the countryside

SS10 – North East Derbyshire green belt

LC4 – Type and mix of housing

SDC2 – Trees, Woodland and Hedgerows

SDC3 – Landscape character

SDC4 – Biodiversity and Geodiversity

SDC11 – Flood Risk and Drainage

SDC12 – High Quality Design and place-making

### 5.3 National Planning Policy Framework

The revised National Planning Policy Framework was published on 19<sup>th</sup> 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 with chapters 5 (delivering a sufficient supply of homes), 12 (achieving well-designed places) and 13 (protecting green belt land) considered to be particularly pertinent.

- 5.4 For the avoidance of any doubt, the application site is not affected by a Neighbourhood Plan.

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 6.1 The application has been appropriately advertised, with a site notice erected. Full consultation was undertaken on the amended scheme and one letter of objection has been received, a summary of the objection is given below:

- The increase in height would be out of character with the area and detrimental to the local vernacular with no three-storey buildings in the area;
- The scheme as previously proposed, with extensions to the side, was better and should be approved;
- The frontage of the building dates back to the early 1800's and should be retained.
- Consideration should be given to more conventional extensions of the existing building and not an increase in height, as has been done when The Prince of Wales Public House in Eckington was converted to flats.

- 6.2 **Ward Member (Cllr Dale)** has requested that the application be determined by the Planning Committee and shares some of the concerns raised by the objector.

- 6.3 **Unstone Parish Council** does not object to the application, although no observations have been made on the amended drawings.
- 6.4 Derbyshire County Council, as **Highway Authority**, note that the internal access needs to be increased from 4.5m to 4.8m wide. Subject to the above being completed and pertinent conditions being added, they raise no objection to the application.
- 6.5 The **Coal Authority** does not object to the application but make reference to a number of informatives that should be added to any decision notice if minded to grant permission.

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations are considered to be the impact of the proposal on the character of the area and the green belt; highway matters and residential amenity.

## **8.0 PLANNING ASSESSMENT**

### Principle of development

- 8.1 The application site has a protracted and lengthy planning history. There is an extant permission in place for the demolition of the pub and the erection of 8 dwellings and so the principle of redeveloping the site has been established.
- 8.2 There are other pubs in close proximity to the site and given that the Fleur De Lys has not been operational for a number of years there is not considered to be any reason to object in principle to the change of use of the building in accordance with policy CSU3 which seeks to secure the protection of existing community facilities such as public houses.

### Impact on the character of the area and green belt considerations

- 8.3 For clarification, the GB boundary is drawn tightly around the building and, therefore, the majority of the wider site, including the car park and the single storey extensions to the building, fall within the GB.
- 8.4 The scheme, as amended, has reduced the level of extension proposed to the building. Originally the scheme proposed extensions that would have been both two-storey and in the GB. In the amended scheme all the extensions proposed within the GB are now single-storey and would be in the location of existing structures that are to be demolished.
- 8.5 In terms of basic volume calculations, the original public house is 1,063.9m in volume with the extensions 280m, or 26% of the building's volume. The replacement extensions would be in the same location as the existing extensions and single-storey. The volume of the revised extensions are comparable with those already constructed, as would, in the Officer's opinion, the visual impact of the proposal on the openness of the GB. This is, therefore, considered acceptable.

- 8.6 In all other aspects, including the car parking, which is currently in situ, it is not considered that there would be any detrimental impact on the openness of the GB.
- 8.7 With regard to the impact of the proposal on the character of the area it is noted that the existing pub is a prominent building within the village being the first structure seen when entering from the north and being sited close to the back edge of the footpath.
- 8.8 To create the additional accommodation, the eaves and ridge heights are proposed to be increased in height by approximately 1.8m, with the additional floor formed being predominately contained in the roof space. There are few buildings in the vicinity of the site of the scale proposed. However, the increase in the height of the building is not considered excessive and Officers consider it would form an appropriate focal structure when entering the settlement.
- 8.9 In particular the front aspect of the building would retain an attractive fenestration layout, with additional openings proposed in the west elevation, overlooking the car park, with a number of Juliet balconies formed. Concern has been raised about the increase in the scale of the building but with the limited increase in height as well as retaining much of the character of the original pub, it is considered that the design of the building is acceptable and complies with policies outlined above in the Local Plan.

#### Impact on the residential amenity

- 8.10 With regard to the impact of the proposal on residential amenity the main impact is likely to be on the neighbouring property, Hawthorne House. This is a two-storey property that sits along a similar building line to Fleur De Lys and has primary habitable room windows orientated toward the front and rear. The rear aspect of Hawthorne House rises up from the road, heading toward the railway line, and the dwelling has a number of outbuilding/extensions to the rear, which are orientated toward the application site.
- 8.11 In terms of existing impacts on amenity it is noted that there are four windows that sit close to the boundary, two at ground floor and two at first floor, along with one recessed on the rear extension. The scheme as proposed would also result in an increase in massing along the boundary through the increase in height of the building.
- 8.12 However, the pub sits lower than the neighbouring rear garden and any increase in overlooking from ground floor windows would, therefore, be negligible. At the first floor level two windows are to remain and one additional window is proposed. However, given the relative heights it is not considered there would be any direct views from 'window to window' in Hawthorne House and so the relationship is considered acceptable.
- 8.13 It is acknowledged that there would be an impact from the development on the amenity of Hawthorne House, not least from the increase in massing of the building; however, it is not considered that the impact would be unacceptable given the existing situation, the extant permission in place and the fact that only a single additional window is proposed.

8.14 A balcony would be created on the rear but with appropriate screening on the east elevation the impact on amenity would be acceptable.

Other matters

8.15 Parking is to be allocated to each flat and the highway authority have no concern over the provision proposed, or its layout. An amended plan has been received increasing the width of the access.

8.16 There would be an element of 'retained' land whose end use is unknown. However, given that it is an existing public house car park there is no overriding concern with regard to impacts of this on openness or the green belt.

8.17 There is no concern with regard to the coal mining legacy on-site.

Conclusion

8.18 It is considered that the principle of development is supported in that there is an extant permission in place for the demolition of the pub and a redevelopment of the site and, following the receipt of amended plans, it is considered that there would be no detrimental impact on the openness of the GB.

8.19 The building would increase in height; however, this is not considered to be significant in the context of the site and its surroundings and the character of the building would be retained.

8.20 Furthermore, residential amenity would be respected and highway safety not compromised.

8.21 The application is, therefore, deemed to comply with policies GS1, GS2, GS5, GS6, BE1, H2, H3, H12, T2 and T9 of the adopted North East Derbyshire Local Plan; policies SS1, SS2, SS7, SS9, SS10LC4 and SDC12 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

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**9.0 SUMMARY OF CONSULTATIONS**

<u>County Highways:</u>	No objection, subject to conditions
<u>County Planning:</u>	No comment
<u>Environmental Health:</u>	No comment
<u>Drainage:</u>	No comment
<u>Access Officer:</u>	No comment
<u>Footpath:</u>	No comment
<u>Neighbour:</u>	One objection
<u>Coal Authority:</u>	No objection
<u>Ward Member:</u>	request that Members determine the application
<u>Parish Council:</u>	No objection

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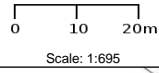


## 10.0 RECOMMENDATION

That the application be **GRANTED** planning permission, subject to the following conditions, the final wording of which is delegated to the Planning Manager

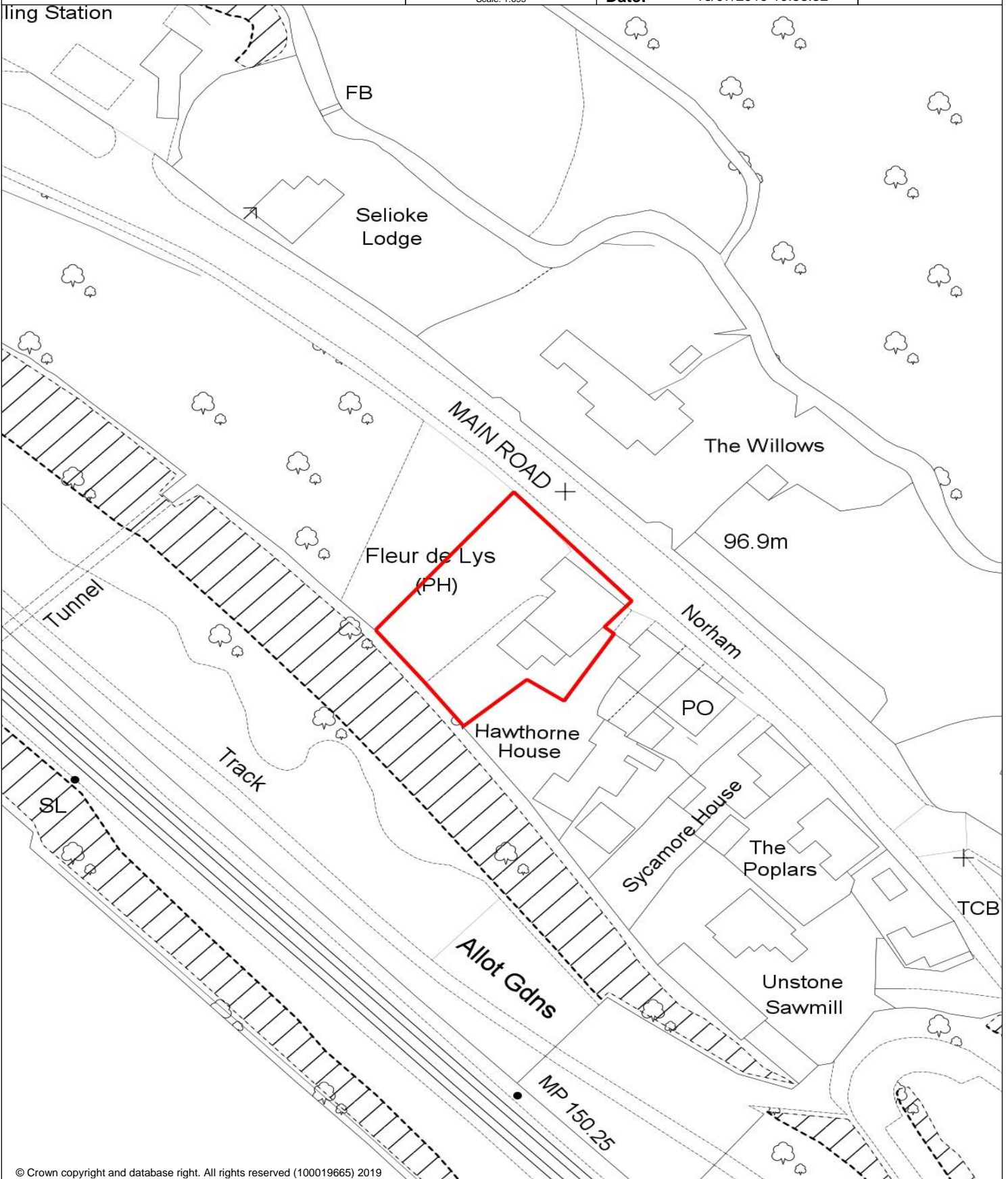
- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the submitted plans: J1858 03A And J1858 02D  
  
unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
- 3 The proposed materials shall match those of the existing building as closely as possible.
- 4 The 1.8m privacy screen as shown on the proposed east elevation to the balcony shall be in situ prior to first occupation of the associated flat and shall be retained as such thereafter.
- 5 Throughout the construction phase, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, wheel cleaning facilities, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 6 Prior to occupation of the first dwelling the proposed vehicular accesses shall be formed to Main Road (B6057) in accordance with drawing number 02D, and provided with a 2.4m parallel visibility sightline across the entire frontage of the development controlled by the applicant fronting Main Road (B6057), the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m (0.6m in the case of vegetation), measured above the adjacent carriageway channel .
- 7 Within 28 days for the new access being formed, the subject of Condition No 6 above, the existing vehicular access shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority
- 8 No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 02D for 9 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

- 9 There shall be no gates or other barriers within 5 metres of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.
- 10 No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.



Author: K. Spelman

Date: 16/07/2019 10:58:52



**APPLICATION NO.** 19/00219/FL

**APPLICATION** Conversion of existing stable building to a single dwelling (Conservation Area)

**LOCATION** Land at The North West Corner Of Main Road And Quarry Hill Troway Marsh Lane

**APPLICANT** Mrs Roper

**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

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**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 site that is in mixed use for agriculture and equestrian located to the north west of the junction of Main Road and Quarry Hill, Marsh Lane. The site lies outside of any Settlement Development Limit therefore wholly within the designated Countryside, within the Green Belt and the Moss Valley Conservation Area.
- 1.2 The site comprises of a stable block, an open fronted agricultural building used for storage, a further storage barn and sits within a 5 acres of land. The buildings are located along the northern boundary of the field. The applicant has two ponies and a small herd of rare breed sheep which are kept on site. The stable building, subject to this proposal is said to not be required for the keeping of the ponies and is now redundant. There are two field shelters in the field to the south.
- 1.3 A mature hedgerow forms the front boundary to the north west and north east and provides screening of the buildings from Main Road. Access to the site is from Main Road with the track leading to the collection of buildings which are separated from the fields by a post and rail fence. Hard standing areas are provided around the buildings.

## **2.0 PROPOSAL**

- 2.1 Full planning permission is sought for the conversion of the timber L-shape stable building to be used as a two bedroom residential property with associated access and parking. The stable comprises four looseboxes and a small utility/tack room and was granted planning permission in 2011 (Ref: 11/00702/FL).
- 2.2 The L-shaped plan size of the building 10.8m long x 3,6m wide north to south and 10.8m x 3.6m east to west. The external wall is timber frame construction consisting of 50x75mm vertical standards spaced at 400mm centres. The

internal partition walls are also timber frame construction consisting of 50mm x 75mm standards at regular centres. The roof of the building is supported by vierendeel type trusses spaced at 1300mm centres spanning front to rear with an overhang of 1m at the front. The trusses support 50mm x100mm timber rafters covered with corrugated sheeting. The floor/foundation is a 150mm thick reinforced concrete slab. The slab extends beyond the footprint of the building to the front yard. The top of the floor slopes slightly to the front for washing/hosing down purposes.

2.3 The application is supported with a Structural Survey which states that the building is suitable for habitation although a number of works would have to be undertaken. These comprise the following:

- The concrete floor slab/foundation is structurally sound and acts as a raft to support the building. However, the floor will require levelling in the form of levelling screed incorporating a damp proof membrane and thermal insulation in accordance with the Architect's details.
- The roof trusses and rafters will require strengthening without removal by introducing additional members.
- The external walls are structurally sound but will require insulation and a damp proof membrane or similar.

2.4 The proposal would infill the overhanging roof, removing and repositioning the east and south elevation in favour of increasing the internal floor space. New windows and door openings are proposed.

2.5 There is already a defined curtilage around the building, marked by the timber post and rail fence. Parking for the future occupiers is proposed to the east utilising the existing concrete apron with an amenity area provided to the west, currently used as open storage.

### **3.0 AMENDMENTS**

3.1 Amended plans were received on the 21 June 2019 which omits the floor to ceiling glazed gable on the southern elevation and shows the front of the stable building being repositioned to the end of the roof overhang, increasing the floor space. Sections of walling will need to be infilled on the gables. The existing stable doors will be replaced by full height windows and patio doors. New windows are proposed on the south and west gable.

3.2 For the avoidance of doubt the plans for consideration are:

D/JVNA - 19.000/19.004 PL03 Rev A – Proposed Elevations & Floor Plans  
GD/JVNA - 19.000/19.004 PL01 – Site Plan  
GD/JVNA - 19.000/19.004 PL00 – Location Plan

### **4.0 PLANNING HISTORY**

4.1 84/00887/FL | Retention of horse shelter. Status: Conditionally Approved

4.2 **11/00702/FL | Construction of L-Shaped wooden stable block on concrete base (Conservation Area) Status: Conditionally Approved**

- 4.3 13/00561/FL | Construction of three-sided wooden feed storage barn (Conservation Area) Status: Conditionally Approved
- 4.4 15/01120/CATPO | Notification of intended pruning works to six sycamore trees within the Moss Valley Conservation Area Status: No objection
- 4.5 17/00296/FL | Application for the construction of timber framed and clad open fronted agricultural building for use as sheep shelter and tractor and implement store (Conservation Area) (Amended Plans). Status: Conditionally Approved
- 4.6 18/00455/TPO | Application for various tree works within woodland covered by NEDDC TPO 9 (W1). Status: Conditionally Approved

## 5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises of the saved policies of the North East Derbyshire Local Plan (adopted November 2005).
- 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
- GS7 – Change of Use and Conversions
- 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
- SDC1 - Re-use of Building in the Green Belt and Countryside
- SDC3 - Landscape Character
- SDC5 - Development within Conservation Areas
- SDC12 - High quality Design and Place-Making
- ID3 - Sustainable Travel

## 5.5 National Planning Policy Framework 2019

The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 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 the 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 170 is particularly relevant in Conserving and Enhancing the Natural Environment and states that the planning system should contribute and enhance the natural environment and protect valued landscapes.
- 5.10 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.
- 5.11 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).

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

- Sustainable Buildings SPG
- Successful Places SPG

## 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 5 July 2019 to allow consideration by the Planning Committee.

6.2 A site notice was placed at the entrance of the site on the 20 March 2019 by the Applicant.

6.3 **Ward Councillor(s):** Councillor Gordon requested that the application is heard by the Planning Committee (prior to the local election in May 2019). The planning reasons given relate to inappropriate development in the Green Belt.

6.4 **Eckington Parish Council:** Objects to development in the Green Belt.

6.5 **Highways Authority:** No objections are raised by the Highway Officer who advised that the TRICs data held by the Authority indicates that this proposal would not result in any significant difference in vehicular activity to what could occur under the current use class and therefore the existing access arrangement is considered acceptable to serve this proposal. Conditions can be imposed to provide appropriate onsite parking.

6.6 **Environment Health Officer:** Environmental Protection have advised that the historic mapping indicates the proposed development site lies immediately adjacent to the former Bramley Moor Quarry which would appear to have been subsequently infilled and is marked as a 'refuse tip' on mapping editions published in the 1950s and 1960s. Therefore, there is the potential for land contamination, including ground gases to impact on the proposed development. As no supporting information has been submitted with the application Environment Protection are requesting pre-commencement conditions to ensure the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019. The applicants are advised of the requirements of the NPPF in relation to the provision of adequate site investigation information, prepared by a competent person. Paragraph 179 of the NPPF is clear in that responsibility for securing a safe development for a site affected by contamination rests with the developer and/or land owner.

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

## 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.



## **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 permanent and substantial construction and preserve the openness of the Green Belt. The site, subject of the application, is also outside any defined development limits where new housing is not generally supported. This proposal is for the re-use of an existing timber stable building and the application has been supported by a structural survey that advises that the building is capable of habituation with modification, which includes putting a damp proof membrane over the existing concrete slab, reinforcing the existing trusses/roof supports and insulation to all walls. In order to function as a dwelling whole sections of timber walling is to be removed and repositioned/replaced.
- 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 proposal 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 given that the building is already existing it is not considered that the harm would result to the Conservation Area. The site is well confined and any domestic use around the building would be screened by the existing mature vegetation along the western boundary and the buildings themselves.
- 8.4 The proposal is seeking to reuse the existing timber stables to create a single storey residential dwelling. The scope and extent of strengthening work as stated in the Structural Report may prove to be significant as the manufacture of the outbuilding was not intended to provide the structural performance required by a dwelling. The building is not substantial being a timber framed building with no foundations and external shiplap boards.
- 8.5 In view of the above, it is officers view that the building does not meet the definition of being of a permanent and substantial construction as set out in the NPPF; and would conflict with the Local Plan Policies in relation to development in the Green Belt, and conversions of buildings generally. On this issue it is therefore concluded that the proposals represent inappropriate development within the Green Belt.
- 8.6 Inappropriate development is by definition harmful and should not be approved except in very special circumstances and none have been advanced. On consideration of the proposal it is not considered that the principles of development is acceptable due to the form and construction of the stable

building. The proposal would require major intervention in allowing the building to function as an independent dwelling and fails to comply with LP policy GS7.

### **Impact upon the Openness of the Green Belt**

- 8.7 The proposal relates to the reuse and conversion of a timber looseboxes and tack room. The application has been supported with a Structural Survey that advises that subject to modification the building could be converted for habitable use. 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.
- 8.8 The timber stable building sits adjacent to existing agricultural storage buildings and is in a mixed use; agriculture and equestrian. The proposal will utilise the existing hard standing areas in front of the stable for parking of vehicles and an amenity area is to be created to the west of the building. This area is currently used for outdoor storage associated with the agricultural/equestrian use and would be replaced with the domestic paraphernalia associated with domestic use. Whilst there would be a degree of change it is not considered that there would be any greater impact upon the openness of the Green Belt and therefore the change of use would be negligible.
- 8.9 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.

### **Impact upon Neighbouring Properties**

- 8.10 The site is wholly within the open countryside and therefore would not give rise to loss of residential amenity as a result of the change in use.

### **Highway Safety**

- 8.11 The conversion would be served from the existing access to the southwest of collection of buildings. Two parking spaces are to be provided to serve the conversion and would be separate from the agricultural buildings. 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.

### **8.13 Material Consideration**

- 8.14 The applicant has advanced an argument that other stables in Troway have been approved for conversion and therefore a precedent has been set. On reviewing the permissions given, in the case of 14/00979/FL & 16/01331/FL both stable buildings where either constructed from block work or stone and considered to be of permanent construction. 15/01126/FL and 18/00012/FL was for a similar

construction to the proposal and was approved by the planning committee. Each application is to be adjudged on its own merits and in the case of this timber framed building and the works identified, it is not considered that the building is substantial or of permanent construction and does not comply with LP Policy GS2 and GS7 and emerging policy.

## Conclusion

- 8.15 The proposal is seeking to convert an existing timber stable building to create a single storey two bedroom dwelling to be used by the applicants who wish to provide security and surveillance for the small holding. The proposal is supported with a Structural Report which alleges that the buildings can be made acceptable for human habitation with modifications. The proposal seeks to rebuild approximately 50% of the original building and introduces large glazed sections and new doors and window openings.
- 8.16 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 they would not require major reconstruction or alterations and that there would not be a greater impact upon the openness of the Green Belt. It is not considered that the building is suitable for residential conversion due to the fact that it requires to be substantially upgraded to provide suitable accommodation for all year living accommodation. The proposal is considered to be inappropriate development and Very Special Circumstances are therefore required to be demonstrated. Providing security and surveillance is not considered to qualify as Very Special Circumstances to warrant the conversion of a timber structure, which is contrary to the Development Plan when taken as a whole.
- 8.17 Taking into account all material considerations and comments received, the application is recommended for Refusal.

## 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 objections, subject to pre-commencement conditions.
<u>Drainage:</u>	No comments to make.
<u>Access Officer:</u>	N/A
<u>Footpath:</u>	N/A.
<u>Neighbour:</u>	none.
<u>Others:</u>	
<u>Ward Member:</u>	Councillor Gordon call in.
<u>Parish Council:</u>	Object

## 10.0 RECOMMENDATION

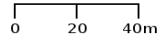
- 10.1 That planning permission is **REFUSED** for the following reason:-

## 10.2 Refuse

1. The application building is a timber framed building which is located within the North East Derbyshire Green Belt. The National Planning Policy Framework sets out that the re-use of buildings is not inappropriate development provided that the building is of a permanent and substantial construction. It is clear from the submitted information that the building would need extensive work to make it habitable, including structural work to the roof trusses and provision of new structural stud walls. Whilst the building may be in good condition the building is not of a substantial construction, being a timber framed building with no foundations.

The building therefore does not meet the definition of being a permanent and substantial construction and would represent inappropriate development within the Green Belt. Inappropriate development is by definition harmful, and the personal circumstances of the applicant do not represent the very special circumstances which would outweigh the harm to the Green Belt.

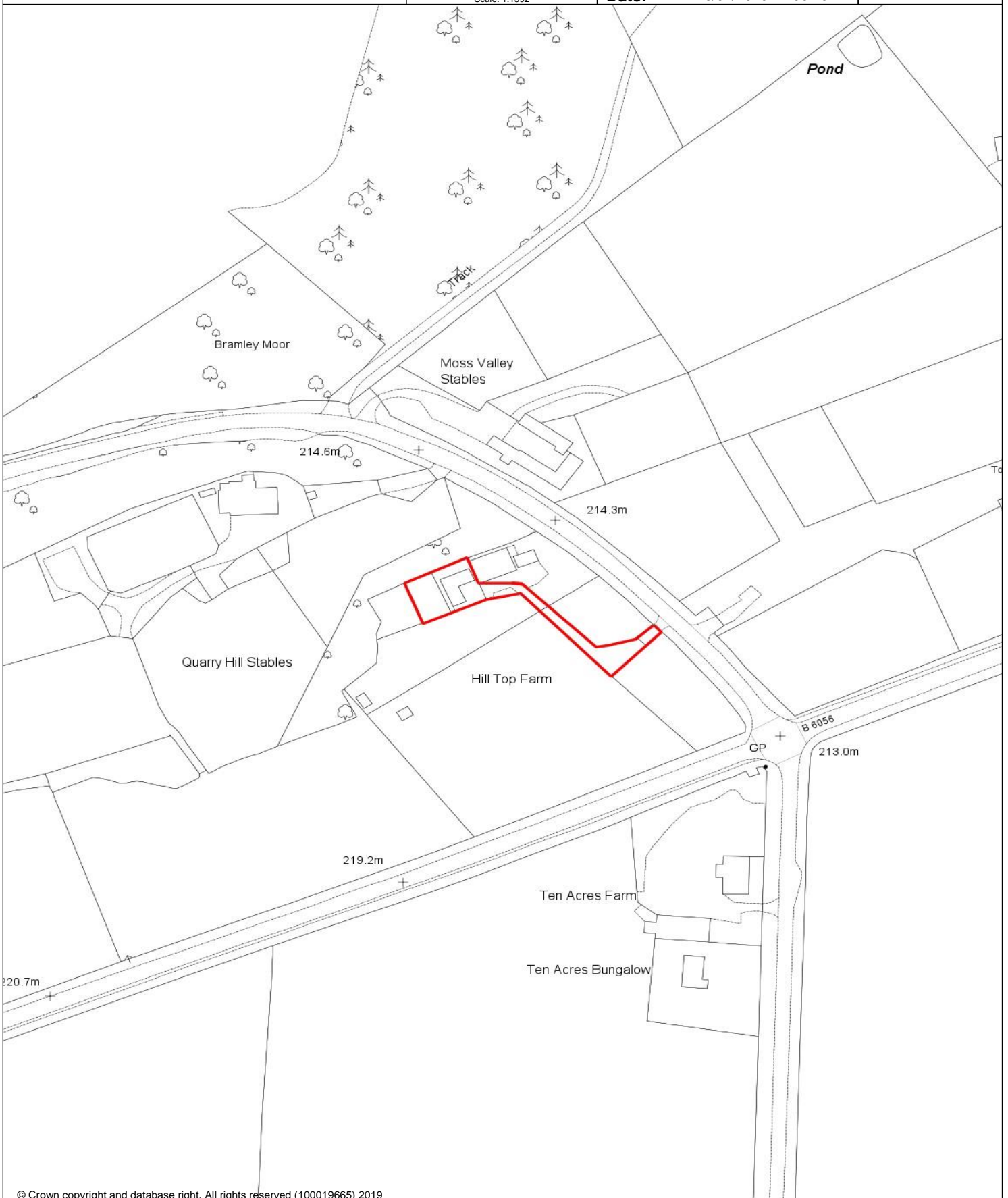
To grant permission would therefore be contrary paragraphs 145 and 146 of the NPPF and Local Plan Policies GS2, GS7 and BE1 of the North East Derbyshire Local Plan.



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Author: K. Spelman

Date: 16/07/2019 11:06:23



**APPLICATION** Proposed additional gated vehicular access  
**LOCATION** Yew Tree Cottage, Hemming Green, Old Brampton  
**APPLICANT** Mr & Mrs R Woolley  
**APPLICATION NO.** 19/00472/FL **FILE NO.** N/A  
**CASE OFFICER** Mr Kevin Figg  
**DATE RECEIVED** 1<sup>st</sup> May 2019

REFERRED TO COMMITTEE BY: Cllr Martin Thacker

REASON: Concerns that the proposed additional access would have a potential impact on highways safety.

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## 1.0 SITE DESCRIPTION

- 1.1 The application property is a stone built detached two-storey dwelling set well back from the highway on a substantial plot. The property is currently undergoing an extensive scheme of refurbishment including extensions approved under planning application 19/00032/FLH and a detached double garage constructed under permitted development.
- 1.2 The land falls away from the north to the south and the property backs onto open countryside with a public footpath (PROW 55) to the side. The other properties in the vicinity are an eclectic mix of single and two-storey dwellings of varied design and appearance.
- 1.3 There is an existing vehicular access to the east of the site adjacent to a stone barn that abuts the highway.
- 1.4 The site lies adjacent to the defined Settlement Development Limit for Hemming Green and within the Green Belt.

## 2.0 PROPOSAL

- 2.1 The proposal is for the creation of an additional gated vehicular access to the west of the site to allow a more direct approach to the recently constructed detached garage.

## 3.0 AMENDMENTS

- 3.1 There have been no amendments to the application as submitted.

## 4.0 PLANNING HISTORY

376/208 - renovations and alterations to cottage – approved 13/04/76

576/471 – kitchen extension – approved 06/07/76

19/00012/TPO – application for works to trees covered by TPO 22 (G18) – approved 14/02/19

19/00032/FLH - construction of a single-storey front extension, two-storey side extension and single-storey rear extension with balcony above – approved 22/02/19

19/00408/AMEND - non-material amendment pursuant of 19/00032/FLH for addition window in lounge, hall and w/c, Bi fold door re-siting in breakfast kitchen and window resizing in dressing room – approved 03/05/19

## 5.0 PLANNING POLICY CONSIDERATIONS

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

BE1 (General Design Principles)

GS5 (Development in Green Belt)

T2 (Highways Safety)

### Emerging North East Derbyshire District Local Plan

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 whilst under examination the Local Plan is currently paused. In accordance with Annex 1 of the NPPF, the Public Draft is considered to carry some weight at this stage.

SS10 (North East Derbyshire Green Belt)

### National Planning Policy Framework

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

## 6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The site notice was correctly displayed on a telegraph pole adjacent to the existing access and expired 17/06/2019. Two adjoining neighbouring properties were notified in writing.

6.2 A **Ward Member** has requested that the current application be decided by Planning Committee and raised concerns that the additional access would have an impact on highways safety.

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

6.4 The **County Council Highways Authority** has raised no objections.

6.5 Representations have been received from neighbouring residents with the following concerns:

- The proposed gates would be out of character with the surrounding area;
- The new access would require the partial demolition of a long established dry stone wall;
- The property already has a perfectly adequate existing access and driveway;
- The new access and gates would be directly opposite existing neighbours driveways;
- The new gates would spoil neighbour's views towards the open countryside;

## 7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for this application are the impact of the proposal upon the amenity of neighbouring occupiers, impact of the proposal on the

character and appearance of the site and the surrounding area, impact on the openness of the North East Derbyshire Green Belt and the potential impact of the proposal on highways safety.

## **8.0 PLANNING ASSESSMENT**

- 8.1 Local Plan policy GS2 requires that development within the North East Derbyshire Green Belt should not be detrimental to the character and appearance of the site or its surrounding environment nor have any detrimental impact on the amenity of neighbouring occupiers or uses.
- 8.2 Local Plan policy T2 requires that development is served by a safe access with appropriate gradient, width, alignment and visibility.
- 8.3 Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 8.4 The highway adjacent to the application site is a classified road (C111) subject to a 30mph limit and carries part of a bus route.
- 8.5 The additional access now proposed would be to the west of the application site frontage and would be set back 8.0m from the highway edge. The proposed gateway would be 4.0m wide and the solid timber gates a maximum of 2.5m high with supporting stone pillars 2.0m high.
- 8.6 The Highways Authority has commented that the requisite visibility splays are available within the highways limits at the location proposed for the new access and on that basis raised no objections to the proposal. The Highways Authority has requested that a condition be included in any approval requiring that no gates or other barriers are installed within 5.0m of the nearside highways boundary and open inwards only. [The current scheme proposes inward opening gates set back 8.0m from the highway edge.]
- 8.7 The proposal would require the partial demolition of a dry stone wall along the site frontage but since this would only involve the loss of 4.0m of a 40m stretch of low walling, it is not considered that this would be significantly harmful to the character or appearance of the surrounding area. [The demolition of the wall does not require planning permission.]
- 8.8 The solid timber gates would be a maximum of 2.5m high at the centre point but would be set well back from the highways edge and partially screened by the mature trees along the site frontage. Although there are no other solid gates of a similar size within the immediate vicinity, there are existing wrought iron gates of comparable height further along Hemming Green to the east of the application site. On balance, it is considered that although the solid gates would be an atypical addition to the streetscene, their proposed installation would not be demonstrably harmful to the character of the surrounding area.
- 8.9 It is not considered that the creation of the new gated access would have any impact on the amenity of the adjacent neighbouring residents nor the properties on the opposite side of the highway, which would be a minimum of 16m away from the proposed access. [There is no right to a view across land within the ownership of others.]



8.10 It is not considered that the proposal would have any significant impact on the openness of the North East Derbyshire Green Belt.

### **Conclusion**

8.11 Overall, it is considered that the vehicular access now proposed represents acceptable development that would not be harmful to the amenity of neighbouring residents or the appearance and character of the surrounding area and would result in no demonstrable harm to highways safety in the area. It is therefore considered that the proposal complies with the requirements of the relevant Local Plan Policies and guidance within the National Planning Policy Framework.

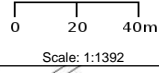
## **9.0 SUMMARY OF CONSULTATIONS**

<u>County Highways:</u>	Received comments.
<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>	Received comments.
<u>Others:</u>	N/A
<u>Ward Member:</u>	Received comments.
<u>Parish Council:</u>	No comments received.

## **10.0 RECOMMENDATION**

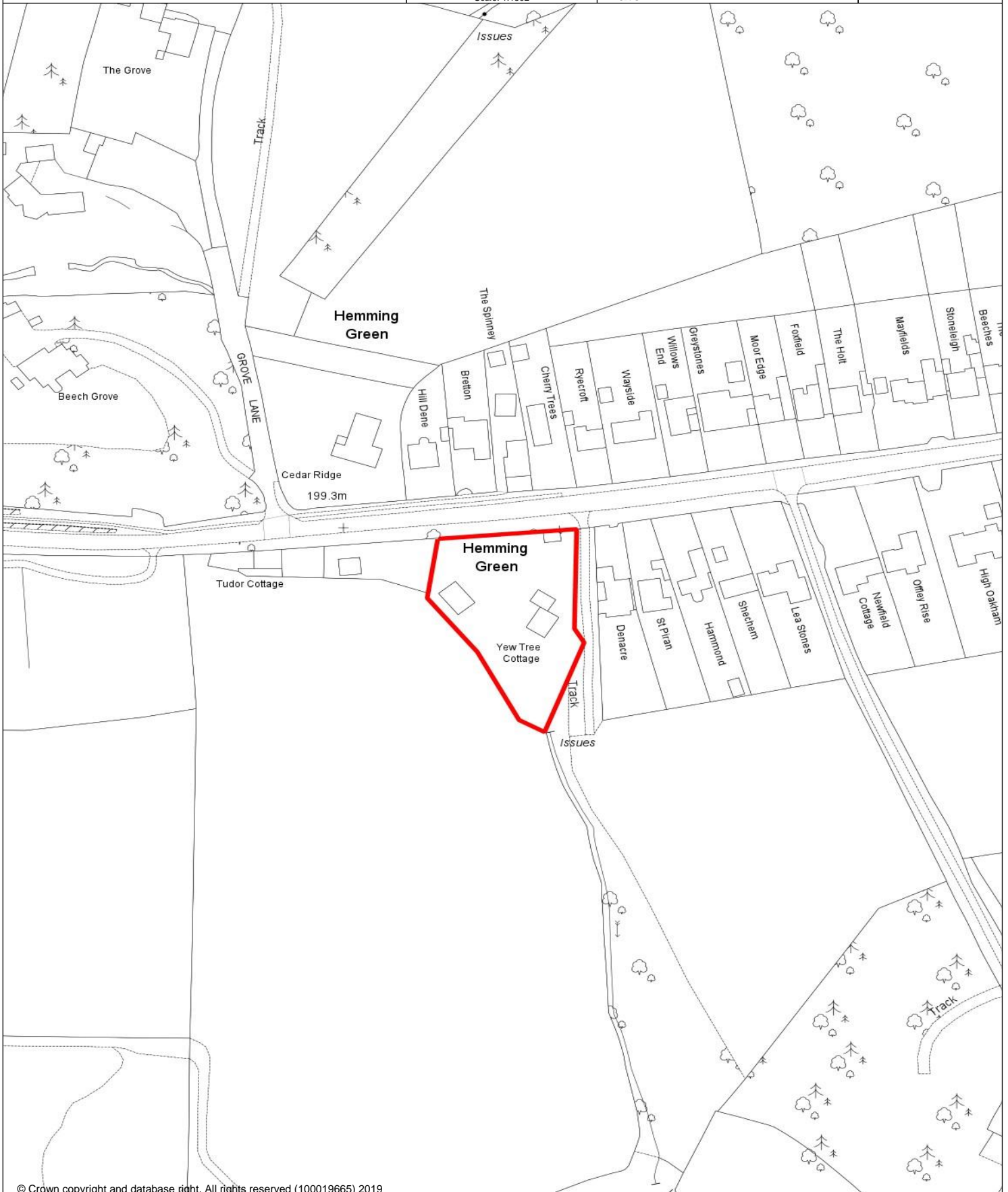
Planning permission be **GRANTED** subject to the following conditions:

- 1 1.1 (Standard Full)
- 2 The development hereby approved shall be carried out in accordance with the submitted drawings received 01/05/2019; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
- 3 There shall be no gates or other barriers within 5m of the nearside highway edge and any gates shall open inwards only.



Author: K. Spelman

Date: 16/07/2019 11:11:27



**APPLICATION NO.** 17/00269/FL

**APPLICATION** Outline application (with all matters reserved) for the variation of conditions 5 and 7 (Affordable Housing) pursuant to 14/01290/FL (Major Development)

**LOCATION** Land to the west side of Chesterfield Road, Holmewood

**APPLICANT** Mr S & G Dore

**CASE OFFICER** Susan Wraith

**DATE RECEIVED** 16 March 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: None

REASON: Major Development of strategic importance

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## 1.0 SITE DESCRIPTION

1.1 The site lies close to, although beyond, the settlement limits of both Holmewood and North Wingfield. It forms part of the gap between the two settlements. It is presently in agricultural use although has planning permission in outline for residential development.

1.2 The site is allocated for residential development in the evolving Local Plan.

## 2.0 PROPOSAL

2.1 The application seeks to vary two conditions which were imposed on the outline permission and which require the provision of affordable housing. The conditions in question are as follows:

**Condition 5:** The development hereby approved shall comprise the following maximum levels of development:

- i. 10.9 ha residential, comprising a maximum of 550 dwellings **of which not less than 20% shall be affordable housing;**
- ii. ....etc

**Condition 7:** The reserved matters submissions shall provide for the delivery of **affordable housing of up to 40%** of the overall housing numbers, depending on economic viability, and **shall not provide for less than the delivery of 20% of affordable housing** within each phase of the development.

2.2 The original application proposed no affordable housing. This proposal was not supported by officers and so at the applicant's request the application was held in abeyance so that further consideration could be given towards making an affordable housing offer.

2.3 Over the time that the application has been pending the applicant has undertaken further survey and design work. In April this year a report was presented to the Planning Committee that proposed a development of up to 515 dwellings (up to 550 dwellings were originally proposed) with an offer of 6% affordable housing on each phase of the development. This would equate

to approximately 31 affordable homes overall. The offer was conditional upon there being no requirement for public art (the subject of a condition in the original permission), no s106 monitoring fee and a reduction in the S106 education contribution from the County Council ask of £1,900,000 to £1,120,000. This was approved by the Committee.

- 2.4 The application is accompanied by a viability report, undertaken by consultant Chartered Surveyors. The Council commissioned an independent review of the viability report which concurred with its findings. The applicant has provided further updated viability information based on a development of 515 dwellings.
- 2.5 An up to date phasing plan and Landscape Master Plan also accompany the application.
- 2.6 The application is made under s73 of the Act which provides for consideration of the removal and/ or variation of conditions as applied for and all other conditions (apart from the time for commencement condition(s)). However, the principle of the development cannot be re-visited under this type of application.
- 2.7 The County Council expressed great concern over the reduction in the education contribution. The contribution would not be able to pay for the necessary expansion of Tupton Hall School to accommodate children living on this development. As a result the County would not be willing to sign a deed of variation to the agreement.
- 2.8 Further discussions have taken place with the Leader, Deputy Leader and Planning Portfolio Holder of the District Council and with the County Cabinet Member for Young People and Officers at the County Council. The County has now advised that an increase in the education contribution to £1,420,000 would be an acceptable compromise. This would lead to a decrease in the amount of affordable housing from 6% being 31 units to 4% being 21 units (based on 515 homes being developed). This rebalance of the available funds is agreeable to the Leader, Deputy Leader and Planning Portfolio Holder of the District Council and is recommended for approval to the Planning Committee later in this report. The applicant has also agreed with this change and is now anxious to complete the S106 Agreement and the issuing of the Decision Notice to be able to progress the development.

### **3.0 AMENDMENTS**

- 3.1 None other than as outlined in 2.8 above.

### **4.0 HISTORY**

- 4.1 14/01290/OL – outline planning permission granted in 12 August 2016 for housing (up to a maximum 550 dwellings), public house/restaurant, small commercial units and associated leisure space subject to conditions and a s106 agreement (education provision).
- 4.2 18/01102/RM – reserved matters application for access, structural landscaping, SUDs scheme, paths and open space – pending consideration.

- 4.3 18/01103/DISCON – application seeking approval of the details for construction management, employment/training, land remediation, phasing, travel plan and various other detailed matters – pending consideration.

## **5.0 PLANNING POLICY CONSIDERATIONS**

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### **North East Derbyshire District Local Plan**

- 5.1 There are a number of development plan policies relevant to the development and its conditions which were taken into account at the time of the decision to grant outline planning permission. That most relevant to the current proposal is H6 - Affordable Housing Provision in the Main Settlements.
- 5.2 Policy H6 cannot be applied directly to the proposal as the site is outside (not “in”) a settlement as defined in the Local Plan. However, it is appropriate to take into account its purpose which is to ensure that major housing developments deliver an element of affordable housing taking into account identified need. Paragraph 5.44 of the Local Plan states that the Council will seek the provision of up to 40% of all new dwellings as affordable dwellings.

### **Emerging North East Derbyshire Local Plan**

- 5.3 Policy LC2 - Affordable Housing of the emerging plan states that all new housing proposals of more than 10 dwellings will be required to provide a percentage of affordable housing. Within the area of the appeal site the amount of affordable housing to be sought is 20%.
- 5.4 The policy takes account of viability issues and states that the provision of affordable housing may be varied where it can be demonstrated that the level being sought would make the development unviable in the light of changing market conditions, individual site circumstances and development costs.
- 5.5 The emerging plan is now at an advanced stage. Whilst there are still some detailed issues to resolve concerning this policy (mainly around the “affordable housing” definition) in essence the policy reflects the most up-to-date market evidence. It is, therefore, considered that policy LC2 should carry more weight than the affordable housing policy of the current local plan insofar as the indicative 20% figure and its concession regarding viability is concerned.
- 5.6 Policy ID1 of the Plan states that where new development necessitates the provision of new or improved infrastructure (such as education provision) the developer will be required to make a contribution to its funding.

### **Affordable Housing Supplementary Planning Document [SPD]**

- 5.7 This SPD gives further detail on meeting the need for affordable housing in NED although, having been adopted in 2008, needs to be read in the context of current circumstances and up to date national and emerging local policy. It states that the Council will take every opportunity to secure affordable housing.

## **National Planning Policy Framework [NPPF]**

- 5.8 Chapter 5 sets out what a local planning authority [LPA] should do to support the Government's objective of significantly boosting the supply of homes, including developing policies for market and affordable housing to meet objectively assessed needs.
- 5.9 Paragraph 62 states that where a need for affordable housing is identified planning policies should specify the type of affordable housing required and, generally, expect it to be met on site.
- 5.10 Paragraph 57 states that it is for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment, and that the weight to be given to it is a matter for the decision maker having regard to all the circumstances.

## **Planning Practice Guidance [PPG]**

- 5.11 The PPG gives specific practical guidance on viability and decision taking which should take account of the current circumstances. The weight to be afforded is a matter for the decision maker. The PPG states that viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interests through the granting of permission.

## **6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS**

- 6.1 **NEDDC Housing** – State that there is a need for more affordable housing in the district, as demonstrated in the Strategic Housing Market Assessment 2013 which concluded that 482 units of affordable housing would need to be built each year to 2031 to fully meet housing need. This is above the projections for all housing tenures so is unlikely to be achieved, but it does give an indication of the level of unmet affordable housing need in the district. The site is in North Wingfield Ward but relates to the settlement of Holmewood; both areas show a need for more affordable housing. Would expect an affordable housing requirement on a site of this size that will be phased over a number of years. The affordable housing should be owned and managed by a Registered Provider with 100% nominations rights to the Council. The units should be 2 bedroom (4 people) and 3 bedroom (5 person) houses for rent.

**NEDDC Environmental Health** - No comments received.

**DCC Highways** – No objection to removal of conditions subject to layout being constructed in accordance with approved plans.

**DCC Forward Planning** – The reduction in dwellings from 550 to 515 would reduce the pupil yield to 77 Secondary pupil places and 31 Post16 pupils. Based on the original cost multiplier the 77 Secondary pupil places would amount to a required contribution of £1,322,565.09 and 31 Post16 pupils to £577,464.90. Total £1,900,029.99. The project would remain the same as

Tupton Hall School, Project A: Classrooms. Whilst there is now also a need for Primary places no additional contribution is being sought at this stage.

**Yorkshire Water** – Further details and revised Flood Risk Assessment needed to confirm the strategy for surface water drainage as previously advised.

**Ward Councillor** – No comments received.

**North Wingfield Parish Council**- Strongly objects and has requested a meeting with the developer.

6.2 The application was publicised by Site Notice and an advertisement in the local press. 133 neighbours were notified by letter. 6 objection letters have been received. There have been no letters of support. The reasons for objection are summarised as follows:

- The current infrastructure (roads, doctors, schools, public services) would not sustain the increase in population or traffic.
- There would be an increase in crime (lack of local policing), litter, unsociable behaviour, noise and traffic pollution.
- Increased pressure on current traffic levels on Chesterfield Road and Williamthorpe Road with public safety concerns.
- People living on the proposed development are unlikely to work locally.
- Loss of views and semi-rural location.
- Increased lighting impact on residents and wildlife.
- Increased pressure on the current lack of Council management of dog waste and litter in the community.
- Another new housing development is currently under construction in the area.
- The need for affordable housing is essential to give young people the chance to purchase their own property and avoid the need for renting.
- It is a large scale greenfield site development. Developments should be centred on brownfield sites.

## **7.0 PLANNING CONSIDERATIONS**

7.1 The main issue in this case is whether the conditions that require 20% affordable housing in the original consent granted are reasonable in the current circumstances and whether it would be appropriate to substitute revised conditions requiring 4% affordable housing and to reduce the level of education contribution.

## **8.0 PLANNING ASSESSMENT AND SUMMARY**

8.1 At the time of the outline application it was anticipated that there would be abnormal costs involved in the development, in particular with regard to land stability and remediation works given its previous mining history. A viability assessment (reviewed for the Council through the District Valuer on that occasion) accompanied the outline application. On the basis of the viability evidence presented at that time the affordable housing conditions were framed to require a minimum provision of 20% and not, necessarily, the aspirational level of 40% as was generally being sought at that time.

- 8.2 Since the time of the outline permission the applicant has undertaken an intrusive site survey which indicates that 70% of the plots would need to be piled (foundations) and 30% would need deep foundations. These works (it is argued) will substantially add to the development costs of the site.
- 8.3 A fresh viability report was undertaken on behalf of the applicant which reflects these additional piling and foundation costs. Some further adjustments were made in respect of gross development value, marketing and finance costs (a 7-8 year development period is predicted). This led to a conclusion, in the report, that there was insufficient value in the scheme to deliver any affordable housing if all other requirements for the development were to be met (e.g. education contribution, SUDs scheme, off-site highway works, junction improvements, play area, open space, playing field etc).
- 8.4 The Council commissioned its own independent professional review of the applicant's Viability Report. In essence, the review concluded (based on a number of assumptions) that the applicant's report was reasonable as to the generality of its findings on the amount of value in the scheme.
- 8.5 Subsequently, more detailed design and survey work has been undertaken by the applicant. This has shown that up to 515 dwellings can be delivered (and not the 550 as originally envisaged). As a result of this reduction in numbers the required education contribution has reduced from £2.0 m to £1.9 m (approx.). However, the reduction in overall numbers, in turn, results in a reduction in the value of the development. It has not been considered necessary, in these circumstances, for the Council to commission a further independent review of the viability assessment due to the clarity of the original report.
- 8.6 The applicant has, re-considered the position now that proposals are at a more advanced stage. Conditional upon there being no requirement for any contribution towards public art or a s106 monitoring fee, and upon the Council accepting a reduced offer of £1.42m (approx.) towards education provision (against the required sum of £1.9m), the applicant has agreed to the provision 4% affordable housing at each phase of the scheme whilst meeting the other requirements of the planning considerations in full.
- 8.7 Although not to the aspirational level of the Council's evolving policy, for affordable housing, and below the required level of education contribution – this offer is at the margin of what can be provided as indicated by the viability evidence and as verified by the Council's consultant. Officers conclude that it will provide for some affordable housing towards meeting the continued identified need in the district, and make a reasonable contribution towards the necessary education provision whilst the site, as a whole, will still make a significant contribution towards the Council's overall future housing supply.
- 8.8 The requirement for a contribution towards "public art" within the current Local Plan is not carried forward into the evolving Local Plan. When taking into account other positive aspects of the scheme including the landscaped spine road, a comprehensive SUDs scheme, the on-site playing field and pavilion, play area and footpath linkages, it is considered that the development will provide significant public-realm benefits such that the waiving of the requirement for public art can be justified in this case.



- 8.9 Additionally, any future monitoring of the S106 will be limited (it concerning only the collection of the education contribution) such that Officers consider that the monitoring fee can be waived in this case to secure some affordable housing provision.
- 8.10 When taking into account all the above matters Officers consider that the requirement for 20% affordable housing, as set out in the original conditions, can no longer be justified. The applicant's offer of 4% together with an increased sum towards education is considered reasonable in these overall circumstances.

## CONCLUSIONS

- 8.11 The applicant has set out clearly why the requirement for 20% affordable housing can no longer be provided on the site in the light of the updated viability evidence, site investigation and design work. In these circumstances it is considered that the applicant's offer to provide 4% affordable housing, with £1.42m education contribution but no public art and monitoring fee is reasonable.
- 8.12 It is, therefore, concluded that on balance, permission should be granted conditionally.
- 8.13 The granting of a permission under s73 (variation of condition) gives rise to the issuing of a fresh planning permission. Thus, all the conditions of the original outline will need to be reviewed and updated as necessary and the S106 Agreement (covering the education contribution) will need to be modified.
- 8.14 If Planning Committee agrees, in principle, with the Officer recommendation to approve the scheme it is recommended that the issuing of the decision, together with the updating of all conditions and modification of the s106, is delegated to the Planning Manager (Development Management).

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## 9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections, subject to previous details
<u>County Planning:</u>	No objections, revised education contribution
<u>Environmental Health:</u>	No comments
<u>Drainage:</u>	No comments
<u>Water Authority:</u>	Requires further details
<u>Footpath:</u>	No comments
<u>Neighbour:</u>	6 objections
<u>Others:</u>	None
<u>Ward Member:</u>	No comments
<u>Parish Council:</u>	Strongly objects

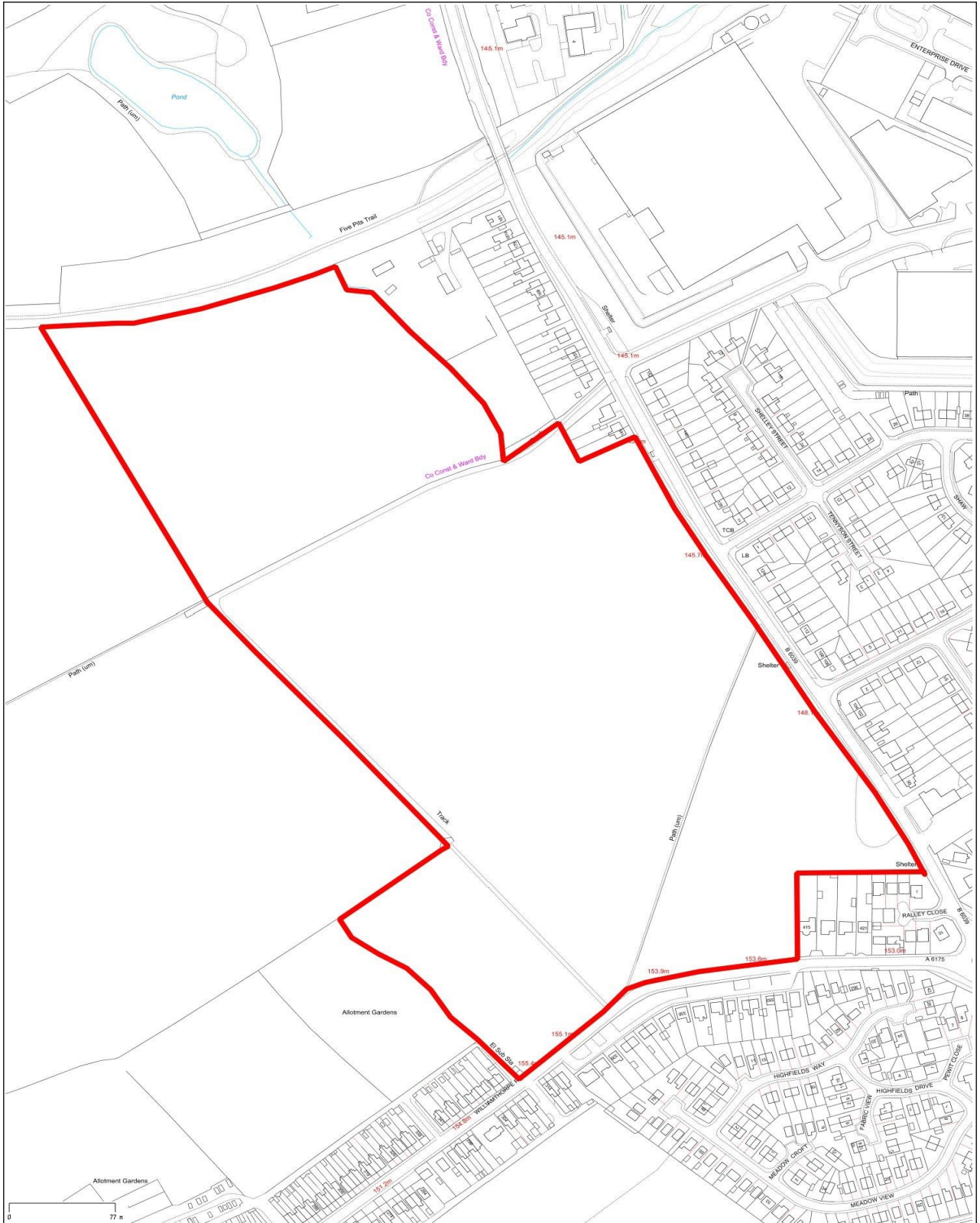
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## 10.0 RECOMMENDATION

### 10.1 GRANT planning permission

10.2 That the Planning Manager (Development Management) be authorised to issue the decision with conditions as appropriate following modification to the s106 agreement (revised education contribution), conditions to cover the following general matters as contained in the outline planning consent originally granted:

- Time limits for reserved matters and commencement
- Quantum of development (including no more than 515 dwellings)
- Affordable housing @ 4%, (21 units if 515 homes proposed)
- Education contribution @ £1,420,000
- Phasing
- Further viability updates
- SUDs
- Foul drainage scheme
- Playing field, pavilion, parking
- Play area, leisure gardens
- Landscaping
- Ecological mitigation and enhancement
- Chesterfield Road crossing facility
- Junction improvements and off-site highway works
- Travel plan
- Chesterfield Road/Mansfield Road monitoring and improvements
- Lighting
- Employment and training
- Public house/restaurant, commercial units and parking
- Land contamination
- Construction method statement



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