

## PLANNING COMMITTEE –

**REFERENCE NUMBER:** 19 / 01202      Application Expiry Date: 03 August 2020  
Application Type: Full Planning Permission

**Proposal Description:** Construction of 4no four-bed detached dwellings with garages (Departure from the Development Plan) (Affecting Public Right of Way).

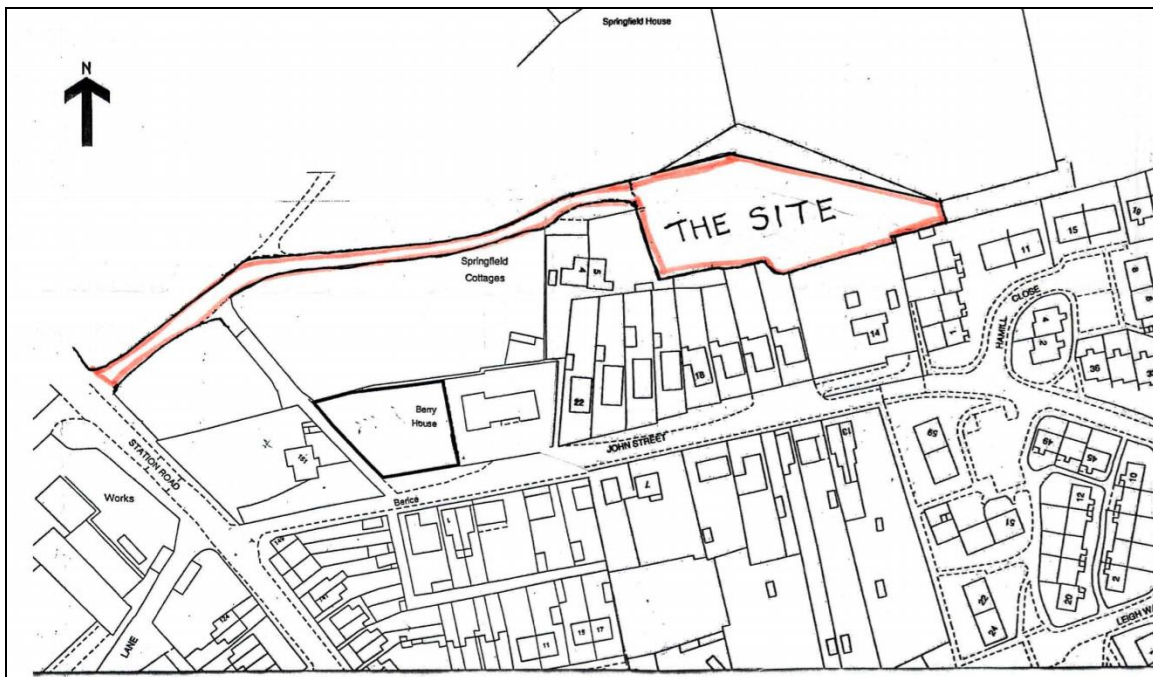
**At:** Land To The Rear Of Hamhill Close And 14 To 19 John Street Accessed From Station Road Hephthorne Lane North Wingfield

**For:** Mr Featherstone (D.F. Blasting Contractors) C/O Mitchell Proctor

**Third Party Reps:** 2      **Parish:** North Wingfield  
**Ward Name:** North Wingfield Central Ward

**Author of Report:** Aspbury Planning      **Date of Report:** 10 July 2020

**MAIN RECOMMENDATION: GRANT (Subject to Conditions)**



## **1.0 Reason for Report**

- 1.1 Two Ward Members, Cllr Jayne Barry and Cllr Nigel Barker, formally requested that, should the application be recommended for approval, the application be determined by Planning Committee.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site is roughly 0.36ha, located north of John Street and Hamill Close, North Wingfield. It is accessed from Station Road via a gravelled shared track in the ownership of Derbyshire County Council.
- 2.2 The dwellings are proposed to the eastern end of the site which slopes gently upwards to the east. The site is largely grassland with encroaching brambles. There are self-set saplings throughout the site and larger trees around the perimeter.
- 2.3 Historical mapping shows the site to have been a brick and tile works and, from the 1970s, a coal distribution yard. Although largely overgrown, there is evidence of this past use onsite including hard surfacing and collapsed brick buildings.
- 2.4 To the north are open fields and Springfield House. To the west is a pair of semi-detached houses accessed by the shared track. The track also serves three detached houses granted permission in August 2017 on land adjacent to Berry House. To the south are detached bungalows on John Street and two storey terraced and semi-detached houses on Hamill Close. There are open fields and young woodland to either side of the access track.

### **Proposals**

- 2.5 The full planning application is for 4 detached four bed houses with detached single or double garages. They will be orientated with their front elevation to the north. The rear gardens will back onto the rear gardens of the bungalows on John Street.
- 2.6 The access is to be widened to 4.1m and will include a vehicle turning space for use of emergency vehicles and service/delivery vehicles to the eastern boundary of the site
- 2.7 The proposal is not EIA development.

### 3.0 Relevant Planning History

- 77/00685/FL - On land adjoining to the east Renewal of Temporary Permission for use of land for stocking and bagging of coal and smokeless fuels - Conditionally Approved.
- 14/00679/OL - Outline application (all matters reserved) for the extension of an access road, creation of an area of grassland and the erection of 8 dwellings with parking - Conditionally Approved in 2015, expired 2018.

### 4.0 Consultation Responses

- 4.1 The **Parish Council** is concerned regarding the access to the site and its preparation to an adoptable standard and also the site representing an extension of the village envelope into the open countryside – The issues raised in these comments are dealt with at Section 7.
- 4.2 **The Coal Authority** was consulted and initially raised concerns regarding the potential impact of coal mining legacy on the application site. Following submission of further details, the authority lifted its concerns, subject to conditions (Condition 5 and 6 below). The conditions, necessary for appropriate remediation, have been accepted by the applicant.
- 4.3 **Derbyshire County Council Highways** raised no objections from a highway safety perspective, subject to conditions (Condition 7 to 12 below), which have been accepted by the applicant.
- 4.4 **Derbyshire County Council Flood Risk Management team** has no objection subject to conditions 16 to 19 below, which have been accepted by the applicant.
- 4.5 **Derbyshire Wildlife Trust** welcome that the proposals take on board the agreement from the previous permission to retain some of the existing species-rich grassland, as is retention and improvement of the hedgerows. DWT has no objection, subject to conditions 13 and 14 below, which have been accepted by the applicant.
- 4.6 **The Water Authority (Yorkshire Water)** made no objection to the proposals requiring a condition to protect the local aquatic environment and Yorkshire Water infrastructure (see Condition 15 below). This has been accepted by the applicant.
- 4.7 **NEDDC Environmental Health Officers** were consulted on the application - no comments were received.

4.8 **Chesterfield and North East Derbyshire + Bolsover Ramblers Association** were consulted and offered no objection to the proposals.

## 5.0 Representations

5.1 The application was publicised by neighbour letter and a site notice on 4<sup>th</sup> March 2020 – no correspondence has been received.

5.2 Ward Members, Councillor Jayne Barry and Councillor Nigel Barker support the Parish Council and object to the proposal. It is commented that the principle of development is contrary to the Local Plan and raises concerns on drainage capacity, residential amenity and impact upon the character of the area. These comments are dealt with at Section 7.

## 6.0 Relevant Policy and Strategic Context

### North East Derbyshire District Local Plan

6.1 The North East Derbyshire Local Plan (November 2005) forms the Development Plan for the area. The Local Plan policies most relevant to the proposals are set out below;

- GS1 – Sustainable Development
- GS6 – New Development in the Countryside
- BE1 – General Design Principles
- H12 – Design and Layout of New Housing
- NE1 – Landscape Character
- NE6 – Development Affecting Naturally Rare Species
- T2 – Highways Access and the Impact of New Development
- T9 – Car Parking Provisions
- CSU4 – Surface and Foul Water Drainage

6.2 The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Plan was paused, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in the autumn, with Plan adoption in early 2020. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.

6.3 The following Local Plan: Publication Draft policies are relevant to this application and are material consideration. Policies most relevant in the determination of this application are set out below.

- SS1 – Sustainable Development
- SS9 – Development in the Countryside
- SDC4 – Biodiversity and Geodiversity
- SDC12 – High quality Design and Place-Making
- ID3 – Sustainable Travel

#### National Planning Policy Framework

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

#### Successful Places

6.5 North East Derbyshire District Council's 'Successful Places' Interim Planning Guidance is applicable in the assessment of this application.

### **7.0 Planning Issues**

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 area, the amenity of neighbouring land uses, highway safety issues, drainage and ecology.

#### Impact upon the Character of the Area

7.2 The 4 four bedroom detached houses are to be built in red brick with stone heads and cills, with the roofs of dark grey tiles.

7.3 The layout respects that of the John Street homes that it backs onto, with rear gardens backing onto rear gardens. John Street and the surrounding area has a mix of house types with varying ages and styles with no single local style. Local Plan (2005) Policy BE1 stipulates that new development should a) respect the character and appearance of the surrounding area; and (b) contribute towards providing a safe and secure local environment. Policy SDC12 of the draft LP 2014-2034 stipulates that new development should respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings. It is considered that the proposals comply with the LP 2005 policies BE1 and draft LP 2014-2034 policy SDC12.

- 7.4 It is acknowledged that the application site is situated outside the Settlement Development Limit (SDL), the sites southern boundary runs along the SDL boundary. However, North Wingfield is one of the more sustainable villages in the District. The site is well related to the built up area of the village which has a good range of facilities and a bus service to surrounding settlements. The site is a sustainable location. Permission was granted in 2015 for 8 houses. There has been no material change to the principal planning issues to warrant a change in recommendation for this reduced scheme which remains acceptable.
- 7.5 Policy GS6 of the North East Derbyshire Local Plan states that in the countryside, new development will only be permitted where: (a) the development is for the operation of a use appropriate to such a location; (b) it is in keeping with the character of the countryside; (c) it causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality; (d) it does not require major new or improved infrastructure provision; (e) it causes minimal problems of noise, disturbance and pollution and other environmental impact; and (f) it does not represent a prominent intrusion into the countryside.
- 7.6 The concerns received from Ward Member Cllr. Barry include the sites location outside the SDL, in open countryside, the impact of the erosion of the village's greenfield areas and the detracting from the character, quality and setting of the area.
- 7.7 The comments include that the application site has only ever been used for agriculture and grazing and is as such a greenfield site. However, appraisal of historical mapping, the presence of hard standing and fallen buildings, and the sites planning history, suggests the site had non-agricultural uses in the past and is a brown field site.
- 7.8 Local Plan (2005) Policy NE1 Landscape Character, outlines that the varied and distinctive landscape character of the District should be conserved and/or enhanced. Development proposals that result in the loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted.
- 7.9 When standing on site, the evident past use and site character results in it contributing little to the setting of the open countryside beyond and providing little to no value as village greenfield. Likewise, views into the site from beyond are limited by the surrounding trees, thus any harm to the character and landscape of the area is negligible and the proposal does not represent a prominent intrusion into the countryside. It therefore complies with LP (2005) Policy NE1.

### Impact on Neighbouring Properties

- 7.10 The four houses back onto the back gardens of the bungalows of John Street to the south. Policy H12 (b) states that proposals will only be permitted if they do not have a detrimental effect on the amenities of neighbouring occupiers and land uses and adequate standards of privacy and outlook are maintained. The Publication Draft Local Plan Policy SDC12 (e) seeks to protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings and a high quality environment for future occupiers in terms of privacy, overlooking, overshadowing and/or any overbearing impacts. The policy is consistent with the NPPF and full weight can be attributed to it.
- 7.11 The Council's adopted Interim Design Guide 'Successful Places' seeks to ensure that developments respond positively without having detrimental impacts upon existing land uses. It promotes different levels of separation distances that relate to different situations (orientation, layout, design) to ensure overlooking, loss of privacy and light is avoided.
- 7.12 The proposed layout exceeds the recommended 21 metres (window to window) and is screened further by the existing trees along the boundary, all of which are to be retained. The site layout is of an appropriate size and shape to accommodate the dwellings and garages, parking and amenity space without resulting in detrimental impacts to residents of existing and proposed homes. No neighbour objections have been received.
- 7.13 The proposal therefore meets the requirements of Local Plan (2005) Policy H12 and emerging Local Plan Policy SDC12 (e).

### Highways considerations

- 7.14 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.15 The access is currently formed of crushed stone. The Highway Authority has raised no objection subject to conditions relating to repair, improvement and resurfacing of the access; a construction site compound with wheel washing facilities; visibility splays and space for the parking and turning all vehicles expected to visit the houses. These conditions are recommended for any permission.
- 7.16 The Highway Authority has indicated that no right of access exists over its land i.e. the access track for the proposed 4 dwellings. Whilst this has obvious implications for the delivery of the proposed scheme, the applicant is aware and would need to agree access rights to implement the

development. This does not represent a planning constraint to the development. The matter has been brought to the attention of the applicant and will also be highlighted in an informative note.

- 7.17 The access from Station Road carries Footpath No 37 North Wingfield No objection to the proposals was received from the Chesterfield and North East Derbyshire + Bolsover Ramblers Association.
- 7.18 The additional traffic could lead to significant wear and tear to the track surface and will be upgraded accordingly. The agreement for the private right of way between the County Council and developer will also agree any future maintenance contributions that would be required. Again, this has been brought to the attention of the applicant and can also be highlighted as condition to secure the improvements.
- 7.19 The comments of the Parish Council and Ward Members include concerns as to the non-adoptable standard of the access and the resulting harm of further traffic. The Highways Authority has included conditions requiring repair, improvement and resurfacing of the access. The applicant has agreed to all conditions recommended in this report. These would result in an improved access for all users.
- 7.20 Each property is provided with parking in accordance with the size of the dwelling. The proposals comply with the Adopted Local Plan policies T2 and T9 and Draft Local Plan policies SDC12 and ID3.

#### Drainage issues

- 7.21 The Derbyshire County Council Flood Risk Management team has raised no objection to the proposals subject to conditions relating to the development not increasing flood risk; surface water being directed to the most appropriate waterbody; surface water is managed appropriately during the construction and ensuring that the drainage system is constructed to the national technical standards for sustainable drainage.
- 7.22 Ward Member comments included concerns over surface water drainage. The submitted plans indicate that foul and surface water drainage will be to the public sewer at Station Road. The conditions stipulated by DCC Flood Management Team sufficiently address issues arising from the proposals. The drainage of the site is not a constraint to development. Yorkshire Water has also asked for a condition relating to the piped discharge of surface water from the development being in place prior to completion of the homes.
- 7.23 Adopted Local Plan Policy SCU4 stipulates that permission will only be granted where development can be (a) adequately drained of surface water and where possible incorporates sustainable drainage principles,



unless it can be demonstrated that their use would be inappropriate; and (b) adequately drained of foul water or contaminated surface water without giving rise to pollution. Subject to the conditions stipulated by DCC and YWA, which have been accepted by the applicant, the proposals comply with Policy CSU4.

### Ecology

- 7.24 The Derbyshire Wildlife Trust has commented that sufficient survey works have been carried out which follow good practice. The DWT note that proposals take on board agreements from the previous planning permission to retain some of the existing species-rich grassland. This is welcomed, as is retention and improvement of the hedgerows.
- 7.25 The DWT concluded that should the ecological mitigation and compensation measures be fully implemented in accordance with the submitted Ecological Impact Assessment and Mitigation, Compensation and Management Plan a net loss of biodiversity can be avoided. Adopted Local Plan Policy NE6, Development Affecting Nationally Rare Species, stipulates that development likely to have adverse impact upon species with no or very limited legal protection and which are known to be nationally rare will only be granted if; mitigation and/or compensatory measures can be put in place that allows the favourable conservation status of the species to be maintained on site.
- 7.26 In light of the above, and subject to conditions recommend by DWT, it is not considered that there are any ecological constraints to the proposed development and that they comply with Policy NE6.

## **8.0 Summary and Conclusion**

- 8.1 The proposal seeks full planning permission for 4 four bedroom houses and detached garages, on a site outside but adjoining the Settlement Development Limit of North Wingfield. The site contributes little to the character of the area both in terms of village greenfield land or providing to the openness of the countryside beyond.
- 8.2 The proposal would not cause a loss of residential amenity to nearby occupants or harm the character of the area. There are no highway safety objections or policy restrictions that preclude development of the site.
- 8.3 The proposal will not result in loss of village greenfield land and whilst it will increase the village envelope, the site provides a logical extension to the settlement boundary. Access improvements will be achieved via condition as will foul and surface water drainage.

8.4 The proposals represent an acceptable form of development in accord with applicable Policies of the North East Derbyshire Local Plan and National Planning Policy Framework.

## 9.0 Recommendation

9.1 GRANT Full Planning Permission subject to the following conditions.

1. The development hereby permitted shall be started within **3 years** from the date of this permission.
2. The development hereby approved shall be carried **out in accordance with the submitted plans** drawing numbers 19-770-01,02 and 03 dated September 2019 unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Notwithstanding the submitted details, before any above ground works commence, a plan to show the positions, design, materials, height and type of **boundary treatments** to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwellings is hereby approved.
4. Notwithstanding any submitted details before any above ground works commence, **specifications or samples** of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.
5. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of both shallow and areas of opencast **coal mining legacy**. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive **site investigations** shall be carried out in accordance with authoritative UK guidance.
6. Where the findings of the intrusive site investigations (required by condition 5 above) identify that **coal mining legacy** on the site poses a risk to surface stability, no development shall commence until a **detailed remediation** and mitigation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

7. Before any other operations are commenced, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the repair, improvement and **resurfacing of the vehicular access** route between Station Road and the application site. The dwellings hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.
8. Before any other operations are commenced, excluding Condition No 7 above, space shall be provided within the site for storage of plant and materials, **construction 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.
9. Throughout the period of development vehicle **wheel cleaning facilities** shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
10. Prior to the first occupation of a dwelling on the site the junction of the access with Station Road shall be provided with **visibility sightlines** extending from a point 2.4m back from the nearside carriageway edge measured from the centreline of the access, for a distance of 47m in each direction measured along the nearside carriageway edge, or in accordance with such other scheme as may subsequently be submitted to and approved by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained permanently clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
11. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No DL-1145-01-HW-001 for the **parking** and manoeuvring of residents', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
12. 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.
13. The development shall be carried out in strict accordance with the **Ecological Mitigation** and Compensation Management Plan including the species Working Method Statements, with any amendments agreed in writing.

14. A landscape and **biodiversity enhancement and management plan** (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-
- a) Description and location of features to be created, planted, enhanced and managed.
  - b) Aims and objectives of management.
  - d) Appropriate management methods and practices to achieve aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
  - i) Locations of bat boxes, bird boxes, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

15. The site shall be developed with separate **systems of drainage** for foul and surface water on and off site. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been **submitted** to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include , but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker. (To ensure that no surface water discharges take place until proper provision has been made for its disposal).
16. No development shall take place until a detailed design and associated **management** and maintenance plan of the **surface water** drainage for the site, in accordance with the principles outlined within:
- a. The proposed drainage strategy
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

17. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed **destination for surface water** accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
18. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional **surface water** run-off from the site will be avoided during the **construction phase**. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
19. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the **drainage** system has been **constructed** as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).