

PLANNING COMMITTEE – 12 January 2021

REFERENCE NUMBER: 20 / 00978/ OL Application Expiry Date: 20 January 2021
Application Type: Outline Planning Permission

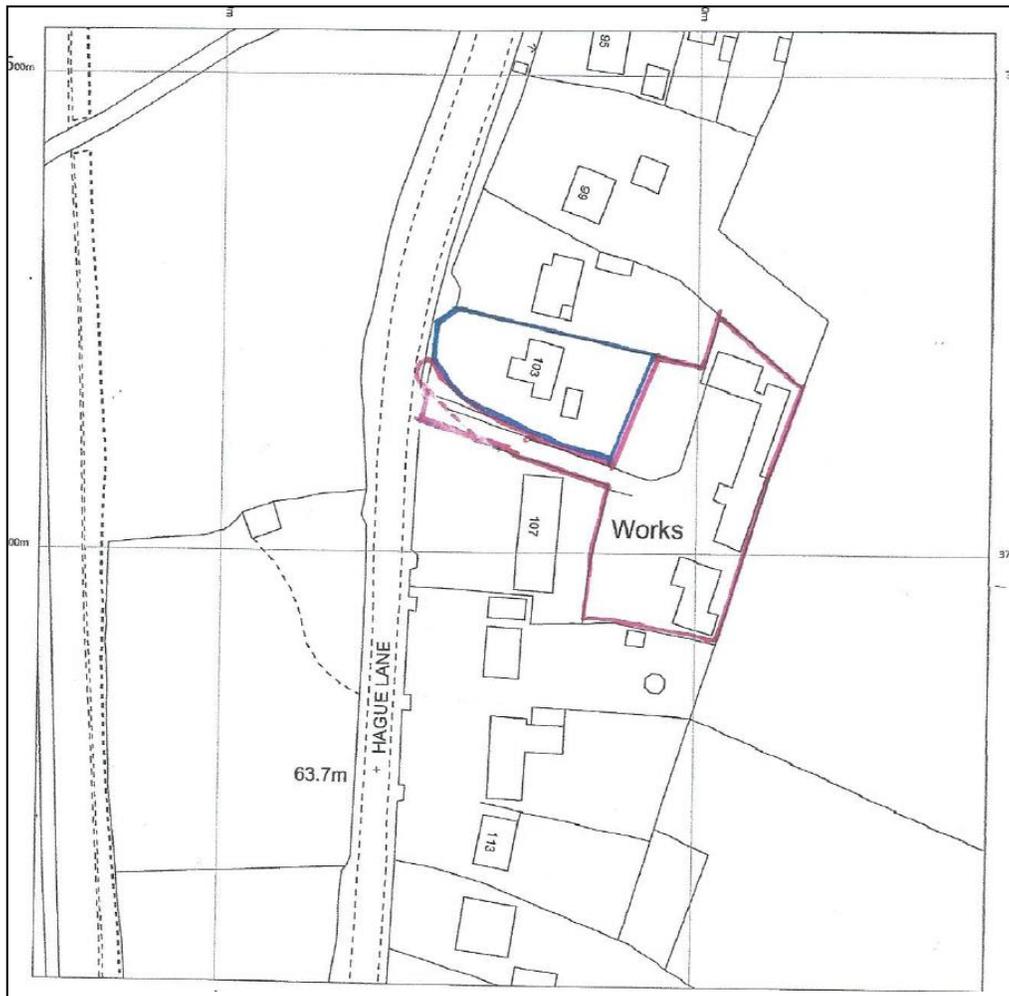
Proposal Description: Application to construct 4 bungalows (outline application with all matters reserved except for access) on land (Amended Title/Amended Plans)

At: Adjacent 105 Hague Lane Renishaw Sheffield S21 3UR

For: Mr John Milthorpe
Third Party Reps: 2 **Parish:** Eckington
Ward Name: Eckington South And Renishaw Ward

Author of Report: Denise Knipe – Asbury Planning **Date of Report:** 15/12/2020

MAIN RECOMMENDATION: GRANT



1.0 Reason for Report

- 1.1 The application has been called in to the committee by the Ward Member, Councillor Ridgeway. Councillor Ridgeway objects to the proposal based on overdevelopment and access issues as result of increase in traffic.

2.0 Proposal and Background

- 2.1 The application site lies within the Settlement Development Limits for Renishaw. There are residential properties to the west, fronting Hague Lane, forming a linear form of development. To the east is the open countryside, designated as Green Belt.
- 2.2 The application site is located to the rear of properties 103 and 107 Hague Lane with access provided between the two dwellings.
- 2.3 The site was originally used as a sawmill and most recently used for offices and storage for two building construction companies. The site comprises of a number of prefabricated and brick buildings, including storage containers. Number 103 was also used as an office in connection with the commercial use of the site.
- 2.4 The site slopes upwards from Hague Lane with the existing buildings sitting on the higher topography with the open countryside (Green Belt) beyond to the east.
- 2.5 The area is predominantly characterised by single storey dwellings. Number 101 and 103 contain rooms in the roof space. The dwellings are set back from Hague Lane and have long rear gardens, with the exception of number 107 which only has a strip of amenity area to the rear along the common boundary of the site.
- 2.6 The proposal is seeking outline planning permission with all matters reserved for redevelopment of the site with upto 4 single storey detached dwellings. An indicative layout plans has been provided which has been amended following concerns raised in relation to the scale for the provision of 5no. bungalows on the site, in particularly how a development can protect the privacy of number 103.
- 2.7 The red line boundary has also been reduced leaving more rear garden to number 103.

3.0 Relevant Planning History

3.1 None relevant for the site.

4.0 Consultation Responses

4.1 **Derbyshire Highways Authority:** Detailed design of the access will be required with any reserved matters application. No objection to the principle of the redevelopment subject to conditions.

4.2 **Environment Health Officer:** The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliance. An informative should be included on the decision notice.

4.3 There are no objections subject to pre-commencement conditions relating to investigations/remediations of contaminants on site from its former use.

4.4 **Coal Authority:** The proposed dwellings, and alterations to the access point, fall within the parts of the site that are outside the Development High Risk Area and on this basis there is no requirement for a Coal Mining Risk Assessment and therefore no objection.

4.5 **Eckington Parish Council:** No comments received.

5.0 Representations

5.1 **Ward Member:** Councillor Ridgeway objects on grounds that the proposal represents overdevelopment of the back gardens and the suitability of the access to serve the proposal.

5.2 A Site Notice was posted on 5 November 2020. Nearby neighbours were consulted by letter. As a result 2 representations have been received. Concerns have been expressed citing that there is insufficient information to make a more detailed assessment of the proposal. Concerns have been raised in regard to how boundaries shared with number 107 will be maintained/managed, how plots A and B will impact upon number 101's privacy; drainage of the site and suitability of the access to accommodate the level of cars to serve the development.

5.3 The Application is seeking the principle of residential development and further consideration on the scale, appearance of the dwellings, access, layout and landscape are all matters reserved for further consideration. Any detailed application will need to have regard to the Councils design

Guidance Successful Places to ensure that a satisfactory relationship between existing properties is maintained.

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises the **North East Derbyshire Local Plan**.

6.2 In respect of the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:

- GS1 Sustainable Development
- GS5 Development within the Settlement Development Limits
- H12 Design and Layout of new Houses
- BE1 General Design Principles
- T2 Highway Access and the Impact of New Development
- T9 Parking Provision for Development

6.3 Other relevant policy documents include the Successful Places Design Guide and Affordable Housing SPD.

6.4 The emerging **North East Derbyshire Publication Draft Local Plan 2014-2034 (DLP)** 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 Council paused the Plan, 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 the Plan will achieve adoption in early 2021. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.5 In respect of the Draft Local Plan the most relevant policies to this application are considered to be as follows:

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- SDC12 High quality Design and Place-Making

6.6 Material Considerations

6.7 National Planning Policy Framework (2019)

- 6.8 The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with chapters 5 (delivering a sufficient supply of homes) and 12 (achieving well-designed places) considered to be particularly pertinent.

7.0 Planning Issues

- 7.1 The planning issues relevant to the proposal are whether the proposal accords with the policies of the Development Plan, i.e. is it acceptable in principle, its impact on the character of the area, its potential impact on the amenity of existing residential property occupiers, highway safety and other technical issues.

Each matter is considered in detail below.

Principle of Development and Application of Policy

- 7.2 The application site lies within the defined Settlement Development Limits for Renishaw. Local Plan (LP) (2005) policy GS1 and emerging Local Plan (PDLP) policies SS1 & SS2 seeks to ensure that all development proposals 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 towards achieving a sustainable pattern of development. It favours development within settlement limits unless there are other policies in the plan that supports the proposal.
- 7.3 Policy GS5 of the adopted Local Plan (2005), PDLP policies SS7 seeks to ensure that proposals within the defined settlements are in keeping with the character of the area, 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. Saved policy H2 and NP policy HOU1 support new dwellings on unallocated sites within the SDL.
- 7.4 Officers consider that the principle of the residential development within the SDL is acceptable.

Impact upon the Character of the Area

- 7.5 The proposal relates to the redevelopment of a former commercial site to the rear of a linear row of bungalows fronting Hague Lane. The site lies on the higher topography and looks down on to number 101, 103 and 107. 107 has a short rear garden and a retaining wall with a row of mature conifers form the boundary treatment. There is no boundary treatment to 103.
- 7.6 The application is seeking outline consent with all matters reserved for the construction of 4 no. bungalows. Matters relating to layout and design would be for later consideration in the form of a reserved matters application. However, an indicative layout plan has been provided which shows a possible arrangement of the plots to be located on a similar footprint to the commercial buildings; and as stated in the description of development the units would be bungalows which could be conditioned.
- 7.7 The development would be served from the existing access off Hague Lane. Development to the rear would be glimpsed from the access and between the existing dwellings when travelling along Hague Lane. It is considered that subject to the restriction of the development to single storey heights of no greater than 6.5 metres, the bungalows could be designed to respond to the general character of the area and therefore not have a greater impact than the existing site which is formed of dilapidated buildings.
- 7.8 The rear boundary is currently formed by the field hedgerow interspersed with trees, separating from the open field beyond. A development of 4no. bungalows would be highly visible from the surrounding countryside and would be more prominent than the current arrangement of buildings which are mostly flat roofed temporary buildings.
- 7.9 Whilst the principle of redeveloping a brownfield site is acceptable under current local plan policies careful consideration will need to be given to the rear boundary treatment. Matters relating to landscaping would be controlled through a formal reserved matters application which would include the boundary treatments.
- 7.10 It is considered that an acceptable redevelopment of the site could be undertaken whilst responding to the site levels and edge of village location. These can be conditioned to be provided with a reserved matters application.

Impact upon neighbouring properties

- 7.11 The properties most affected by the proposal are those existing dwellings situated to the west on the lower land level. The proposal will ultimately

change the outlook from these properties and the residents have raised objections based on overlooking. The indicative layout shows a possible arrangement of 4no. bungalows. This was reduced from 5 units due to concerns that it represented an overbearing development to number 103.

- 7.12 The Council's SPG "Successful Places" is a guide which sets out separation distances to minimise overlooking and loss of light. For a window to window arrangement it is stated that the separation distance should be 21 metres, for a window facing onto a blank wall this is reduced to 12 metres. However, the guidance also states that the separation distances may be relaxed and advises the assessor to take into account the topography, screening and take into account what rooms the windows serve. (ie. habitable rooms).
- 7.13 Whilst there are no detailed drawings submitted, the separation distances stipulated within the SPG can be provided and demonstrates that the proposal should be compliant with the Council's Design Guidance in terms of providing appropriate separation distances between neighbouring buildings and the proposed dwellings. The relationship of the proposal with the existing residents is considered acceptable subject to the detailed design of the plots and therefore capable of complying with the local plan policies H12 and PDLP Policy SDC12.
- 7.14 Furthermore, the Council's Design Guide seeks to provide adequate amenity and private space for the future occupiers. Any reserved matters application will need to demonstrate that it can meet the minimum standards of amenity space and separation distance between the dwellings a promoted through the Design Guidance 'Successful Places'.

Highway Safety

- 7.15 The proposal will utilise the existing access which is shown on the submitted plan would be 5m wide. The land level does not increase significantly until well in excess of 10m from the highway boundary so allowing a slope of no more than 1 in 15 for the first 10m from the highway boundary.
- 7.16 There is sufficient land within the applicants control as shown on the amended site location plan to provide the pedestrian intervisibility splays and a footway along the access drive if required.
- 7.17 The Highways Authority have commented and have raised no objection subject to conditions. As such, it is considered that the development is in accordance with the relevant policies of the North East Derbyshire Local Plan (policy T2 and T9).

Drainage and Flood Risk

- 7.18 The site is not within the Environment Agency's flood risk areas and is shown as Flood Zone 1, which has the lowest probability of flood risk. The objectors have raised issues of surface water flooding from the adjoining field.
- 7.19 The developer has a duty to ensure that over the lifetime of the proposal that they will not add to flooding problems in the area. Local Plan (2005) Policy CSU4 seeks to ensure that adequate drainage of surface water and foul water is incorporated into development proposals. Derbyshire County's flood team have not commented on the proposal and technical reports will be required with the submission of a detailed application.
- 7.20 Yorkshire Water Authority have responded with no objection and requests conditions be imposed to the outline consent requiring sustainable urban drainage systems for the site. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The application is not one that triggers a consultation with the Environment Agency.
- 7.21 Officers consider that in view of the above, and subject to the necessary conditions the development could be made acceptable from a drainage perspective.

8.0 Summary and Conclusion

- 8.1 The site is located within the defined Settlement Development Limits for Renishaw and a brownfield site where the principle of residential development is considered to be acceptable in so far as Local Plan Policies GS1, GS5 and H2; and Publication Draft Local Plan Policies SS1, SS2 and SS7 are concerned.
- 8.2 The application is seeking outline consent for the principle of the development of up to 4no. residential properties of a bungalow design and scale with all matters reserved.
- 8.3 The site in its present condition does not contribute positively to the area and the redevelopment for housing will ensure its long-term management. Given the site constraints and prominence as a result of the rising topography, it is considered necessary that the scale be restricted to single

storey scale only; and necessary for permitted development rights to be removed to allow the Council to control the site.

- 8.4 It is considered that conditions can be imposed to make development of the site acceptable from a residential amenity perspective and to ensure compliance with the Councils Design Guidance, Successful Places. There are no highway objection that prevents development of the site for housing.

9.0 Recommendation

- 9.1 GRANT Full Planning Permission subject to the following conditions (with any amendments as necessary delegated to the Planning Manager

Conditions

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale and appearance of the building(s) the means of access and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started

REASONS: The application is in outline only and not accompanied by detailed plans.

3. The dwellings shall be restricted to single storey with a height no greater than 6.5 metres to the highest ridge.

REASONS: In the interest of preserving the residential amenities of the existing properties and respecting the edge of village location in accordance with the Policies GS5, BE1, H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan.

4. As part of any Reserved Matters application details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed

finished ground levels of the site, relative to a datum point which is to remain undisturbed during development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

5. REASON: In the interests of the appearance of the area and in accordance with policies GS5, BE1 and H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan

6. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the appearance of the area and in accordance with policies GS5, BE1 and H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan

7. As part of any reserved matters application 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 any of the dwellings hereby approved, and it shall be retained as approved.

REASON: In the interests of the appearance of the area and in accordance with policies GS5, BE1 and H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan

8. As part of any reserved matters application, a detailed plan showing the positions, species and crown spread of trees to be retained within the application site, together with details of measures for their protection for the duration of the works shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works hereby

approved have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered. Unless otherwise agreed in writing by the Local planning Authority.

REASON: In the interest of the amenity of the area and in accordance with Policies GS5 and NE7 of the North East Derbyshire Local Plan; and Policy SS7 and SDC3 of the Publication Draft Local Plan.

9. No works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

REASON: In the interests of protecting wildlife and in accordance with policy NE6 of the North East Derbyshire Local Plan and Policy W13 of the Wingerworth Neighbourhood Plan.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON: In the interest of satisfactory and sustainable drainage

11. 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:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

REASON: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

12. The access to the proposed private driveway will be from Hague Lane, which is an adopted highway. The visibility splays of 2.4m x 120m should be provided and maintained in both directions and the area in advance of

the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

13. The proposed access shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being retained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
14. The private driveway access should be minimum 5.0m wide and shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel).

REASON: In the interest of amenity of the area in accordance with Policy GS6 and H12 of the North East Derbyshire Local Plan.

16. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

REASON: In the interest of amenity of the area in accordance with Policy GS6 and H12 of the North East Derbyshire Local Plan.

17. Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland

and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,

- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

18. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.:

19. No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by 17 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in above and satisfy 19a above.

c) Upon completion of the remediation works required by 17 and 19a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

20. Before any other operations are commenced, 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.

REASON: In the interest of highway safety in accordance with the Policy T9.

21. 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.

REASON: In the interest of highway safety in accordance with the Policy T9.

Appendix A – Notes

Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority