

REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES

SECTION 1: Planning Applications

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

1. PLANNING APPLICATIONS

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) responses to County Matters and submissions to the IPC.

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Head of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Item **1.1**

Reg. No. **9/2013/0431/OS**

Applicant:
Mr Grenville Isham
Findacar & Easylease (Jetburg Ltd)
Willington Hall Hall Lane
Willington
Derby
DE65 6DR

Agent:
Mr Grenville Isham
Findacar & Easylease (Jetburg Ltd)
Willington Hall Hall Lane
Willington
Derby
DE65 6DR

Proposal: **THE RENEWAL OF PLANNING PERMISSION 9/2010/0378
FOR OUTLINE APPLICATION (ALL MATTERS TO BE
RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF
FINDACAR AND EASY LEASE (JETBERG) LTD CASTLE
ROAD CASTLE GRESLEY SWADLINCOTE**

Ward: **CHURCH GRESLEY**

Valid Date: **17/06/2013**

Reason for committee determination

The application has been brought to committee because it is a major application with more than two letters of objection being received.

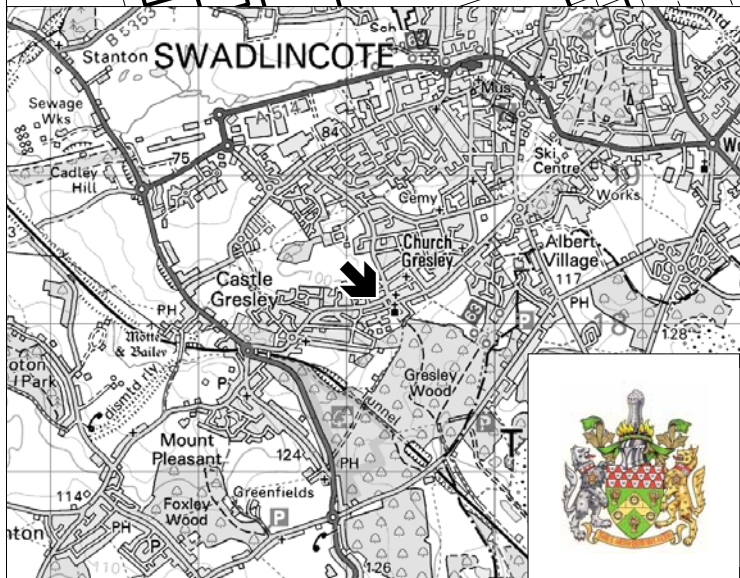
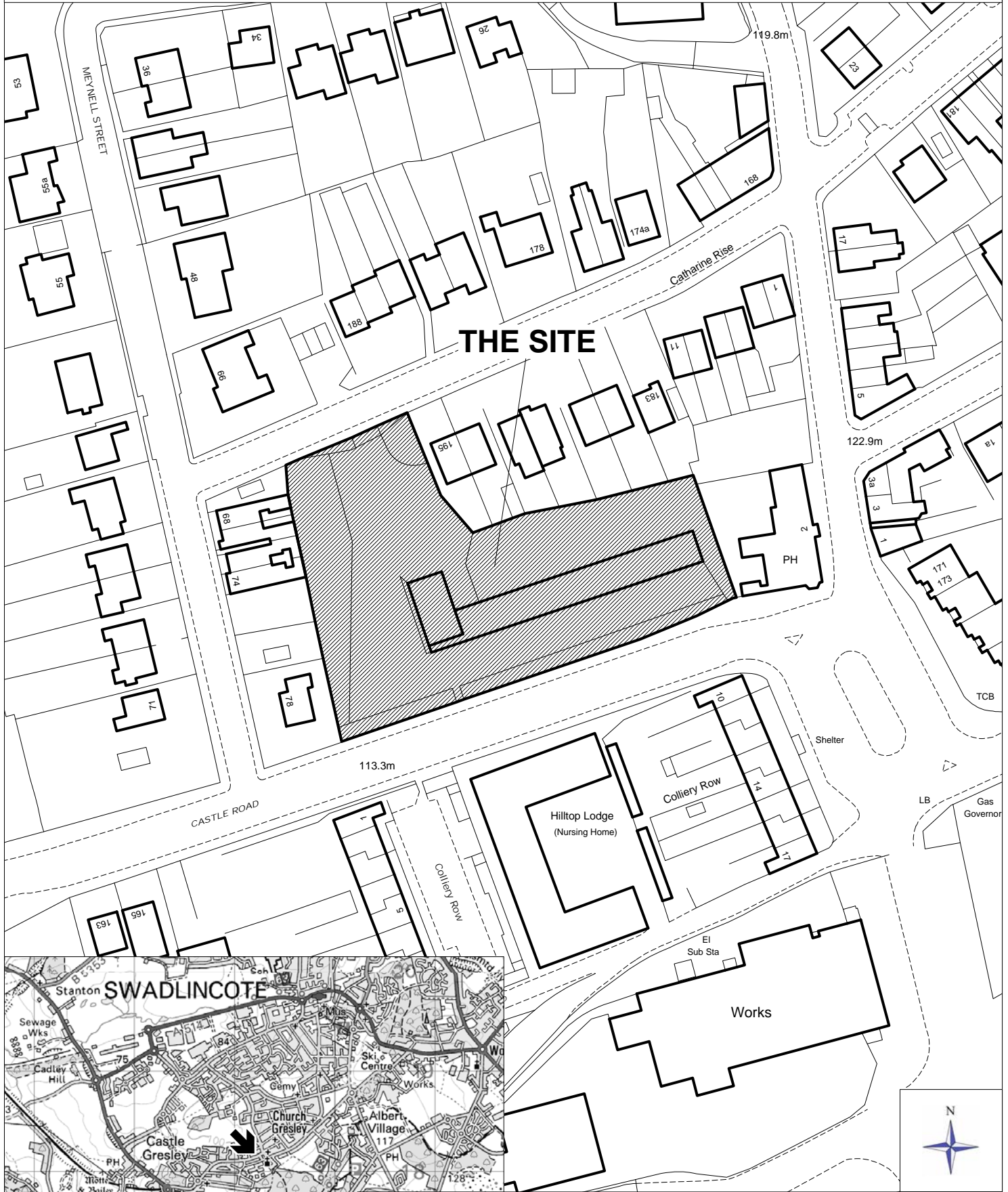
Site Description

This 0.32 hectare site is located on the northern side of Castle Road, Church Gresley adjacent to the junction with George Street. The site has a steep gradient reducing to the southwest and is currently occupied by a derelict car showroom office and garage buildings facing Castle Road, complete with a number of cars remaining within the garage. The Miners Arms public house is on higher ground to the northeast and the Hilltop Nursing Home (now vacant) and end terraced properties on Colliery Row are opposite on Castle Road. Residential properties on Oxford Street and Meynell Street are to the north and west. There are five semi-mature trees on the site to the rear of Nos. 68-74 Meynell Street and Nos.193 and 195 Oxford Street.

Proposal

This application is to renew the outline planning permission that was approved on 8th June 2010. An indicative layout was submitted with the original application showing 15

**9/2013/0431 - Findacar and Easy Lease (Jetberg) Ltd, Castle Road, Castle
Gresley, Swadlincote DE11 9HR**



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properties fronting onto both Castle Road and Oxford Street with a central access on the Castle Street frontage. However, the applicant confirmed at that time that only 14 dwellings would eventually be constructed owing to the threshold for affordable housing provision being 15 dwellings. Off street parking was shown to the side or front of properties and in a central parking area.

Applicants' supporting information

Other than a draft Unilateral Undertaking being submitted with this application no supporting information has been submitted as the proposal is for a renewal. However, in 2010 a Design and Access Statement was submitted, which outlined the reasoning behind the indicative layout in relation to the Council's space standards between dwellings, land levels and car parking provision. Ten 2-bedroom dwellings and four 3-bedroom dwellings are proposed with ridge heights likely to be 8 metres.

Planning History

9/2010/0378 – Outline application (all matters to be reserved) for residential development - approved 08/06/2010

9/2009/0318 – Renewal of outline planning permission 9./2006/0247 for residential development – withdrawn 26/06/2009

9/2006/0247 – Renewal of outline planning permission 9/2003/0019 for the residential development of approximately 0.32 hectares of land – approved 24/04/06

9/2003/0019 – Renewal of planning permission 9/1999/0770 for the residential development of approximately 0.32 hectares of land – approved 05/03/2003

9/1999/0770 – Renewal of planning permission 9/1196/0658 for the residential development of approximately 0.32 hectares of land – approved 18/01/2000

9/1993/0580 – Residential development of approximately 0.32 hectares of land- approved 30/11/1993

Responses to Consultations

The County Highway Authority has no objections subject to the inclusion of highway conditions as per the previous consent being imposed plus a further condition relating to the internal dimensions of any domestic garage being part of the final scheme to ensure their usability.

The Environmental Protection Officer (Contaminated Land) has no further comments other than a request to impose contaminated land conditions as per the previous consent.

Derbyshire County Council has requested the following provision through a Unilateral Undertaking: -

- On-site provision of infrastructure to enable high-speed broadband.
- £430.65 towards the provision of additional waste management capacity at Newhall HWRC.
- £5,400 for up to 15 dwellings for additional library service revenue costs.
- £34,197.03 for three primary school places

Severn Trent Water Limited has no objections subject to a condition in respect of the submission and approval of a scheme for the disposal of surface water and foul sewage.

The Coal Authority requests an informative relating to potential hazards arising from former coal mining activity.

Responses to Publicity

Four copies of a standard letter have been received from neighbouring residents, which, in theory do not raise objections provided that a condition is attached to the planning permission requiring a retaining wall to be built, as their properties are at a higher level than the application site. Also they seek assurances that any disturbance of the land will not cause contamination to neighbouring land and relevant measures be taken to ensure that this does not happen.

They confirm that should the Local Planning Authority not to amend the application to take into account these conditions they would have to object to the application. The application has not been amended and consequently these letters have been construed as objections.

Development Plan Policies

The relevant policies are:

Local Plan Saved Housing Policies 4 and 11, Environment Policy 10 and Transport Policy 6. Housing Design and Layout' SPG

National Guidance

National Planning Policy Framework (NPPF), paragraphs 7, 14, 17, 49, 56, 57, 121

Planning Considerations

The main issues central to the determination of this application are:

- Principle of residential development
- Residential amenity
- Highway Issues

Planning Assessment

Principle

The principle of residential development on this site has long been established by the granting of numerous outline permissions every three years since 1999. This application is a further renewal of the 2010 permission. There has not been a change in Local Plan policies since that permission was granted. However, the National Planning Policy Framework (NPPF) has superseded national planning policy statements and guidance notes. Notwithstanding this fact, the NPPF is somewhat stronger than its previous counterparts in that it stresses the importance of approving schemes that are sustainable without delay, as is the case here. In light of the above it is considered that the principle of residential development on this site is acceptable.

Residential amenity

All matters have been reserved for future consideration; however, planning legislation does require the submission of an indicative plan and scale parameters of the development, which were submitted as part of the 2010 application. The indicative layout approved at that time only indicates that it may be possible to accommodate 15 dwellings on site in the form proposed. The approved 2010 layout confirmed that the Council's space standards can be met on site in relation to existing neighbouring properties and sufficient private garden space and parking areas could be accommodated.

There are significant land level differences between the site and existing properties, with properties on Meynell Street being approximately 2 metres lower than the site, and properties on Oxford Street being 3-4 metres higher in places. The layout indicates that only side elevations of proposed properties could be adjacent to the western boundary with Meynell Street and distances of 26-29 metres can be achieved between the proposed properties and existing properties on Oxford Street. A distance of 21 metres could be achieved between proposed properties and those on Colliery Row opposite and Hill Top Nursing Home, which, although currently vacant is likely to be the subject of a planning application to convert the building into apartments in the near future. A degree of overshadowing at 78 Meynell Street may occur with the indicative layout, however, this can be assessed in detail at reserved matters stage and steps to mitigate any impact, such as positioning properties further back into the application site and/or reducing land level differences, could be taken. It is therefore considered that a suitable layout could be achieved that would not have a significant impact on the amenities of the neighbouring residents. Owing to the significant changes in land levels the previous condition relating to slab levels to be submitted as part of any reserved matters application should be imposed on this permission, should Members resolve to approve the proposal.

Highway Issues

The County Highway Authority has no objections subject to repeating previously-imposed highway conditions plus a further condition relating to the internal dimensions of any domestic garages to be included in the detailed scheme.

Other Issues

The semi-mature trees on the site could easily be incorporated into a detailed scheme as they are positioned adjacent to the boundaries of the site. The site is not within a flood risk area and adequate surface water drainage can be secured by condition.

Section 106 contributions for health, education and open space are sought via a Unilateral Undertaking, which has been forwarded to the applicant for signatures. With regard to the requirements from Derbyshire County Council relating to broadband provision, waste management and library revenue costs, these specific contributions have not been ratified by the District Council and, as such, are considered to be onerous and would not stand up to scrutiny at this time.

With regard to the neighbouring residents' request for a retaining wall, this is a matter that would be addressed at construction stage, as appropriate. It would not be reasonable to seek to control this matter by planning condition.

In conclusion, residential development of the site is considered acceptable in principle and the indicative layout has established that a suitable layout in terms of the impact on existing residential amenity and highway issues could be achieved. There has been no material change in circumstances since the previous grant of permission. The proposal is therefore in accordance with Local Plan Saved Housing Policies 4 and 11, Environment Policy 10 and Transport Policy 6 and the sustainability objectives of the National Planning Policy Framework.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

Subject to the receipt of a signed Unilateral Undertaking for the provision of £551 per dwelling for healthcare provision, £34,197.03 for education provision and £372 per person towards open space provision; **GRANT** permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale, appearance, access and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings with four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available.

4. With regard to condition 2 above, the submitted landscaping scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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.

6. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

7. Any development of the site served from Oxford Street shall be on a frontage basis only subject to satisfactory details of access location and plot layout.

Reason: In the interests of highway safety.

8. There shall be no means of access between A514 Castle Road and the eastern 40 metres of the site frontage.

Reason: In the interests of highway safety.

9. Access to Castle Road shall be laid out in the form of the County Council's 2 metres by 2 metres by 45 degree standard splayed design. All driveways shall be surfaced with a bound material for a distance of at least 5 metres from the highway boundary, in order to avoid the transfer of debris onto the highway and measures taken to avoid surface water draining onto footways.

Reason: In the interests of highway safety.

10. Prior to the commencement of development details of suitably surfaced turning facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to first occupation of any part of the development, or in accordance with any alternative timetable agreed in writing by the Local Planning Authority, the facilities shall be provided as such thereafter.

Reason: In the interests of highway safety.

11. Where a domestic garage is provided as a car parking space within the development, the internal dimensions of the garage shall measure a minimum of 3 metres by 6 metres.

Reason: To ensure that any domestic garage is capable of being used by the occupier, in the interests of highway safety.

12. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protection and pollution control.

13. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties and the locality generally.

14. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall

include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.

B) Prior to occupation of the development (or parts thereof) an independent verification report shall be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

C) In the event that it is proposed to import soil onto site in connection with the development, this shall be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

15. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

16. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the locality.

17. The number of dwellings on the site shall be limited to 14 only.

Reason: The threshold for the provision of affordable housing is 15 dwellings, as stipulated in the Council's document 'Section 106 Agreements - The Developer's Guide, version 8 dated April 2010 and no provision has been made within the Unilateral Undertaking accompanying this planning permission for affordable housing.

Informatives:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

You are advised to contact Derbyshire County Council prior to the submission of a reserved matters application if it intended to serve more than five dwellings from a private drive. Further to the above informative the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from http://www.south-derbys.gov.uk/business/pollution/contaminated_land/default.asp

Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the pollution control officer (contaminated land) in the environmental health department: pollution.control@south-derbys.gov.uk.

The applicant is advised to ensure that surface water is prevented from escaping from the site and flooding properties on the western side, which are at a lower level.

This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990.

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner by determining the application in an efficient manner. As such it is considered that the Local Planning Authority has implemented the requirements set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Item **1.2**

Reg. No. **9/2013/0515/U**

Applicant:
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Bespoke Inns
2 Milton Grange
Main Street
Milton
Derby
DE65 6EF

Agent:
Mr Ian Harding
Building Design Group Ltd
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Bitterscote House
Bonehill Road
Tamworth
Staffordshire
B78 3HQ

Proposal: **RETOSPECTIVE APPLICATION FOR THE CHANGE OF
USE FROM PRIMARILY RESIDENTIAL TO MIXED
RESIDENTIAL / OFFICE USE AT 2 MILTON GRANGE MAIN
STREET MILTON DERBY**

Ward: **REPTON**

Valid Date: **03/07/2013**

Reason for committee determination

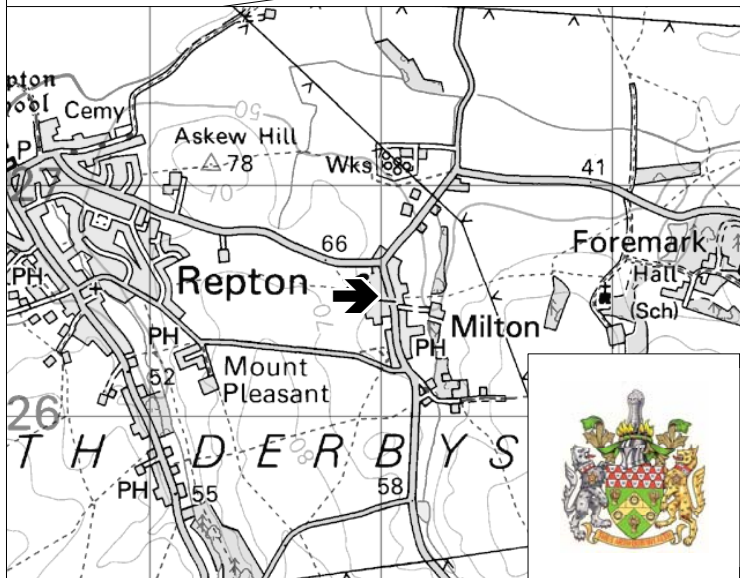
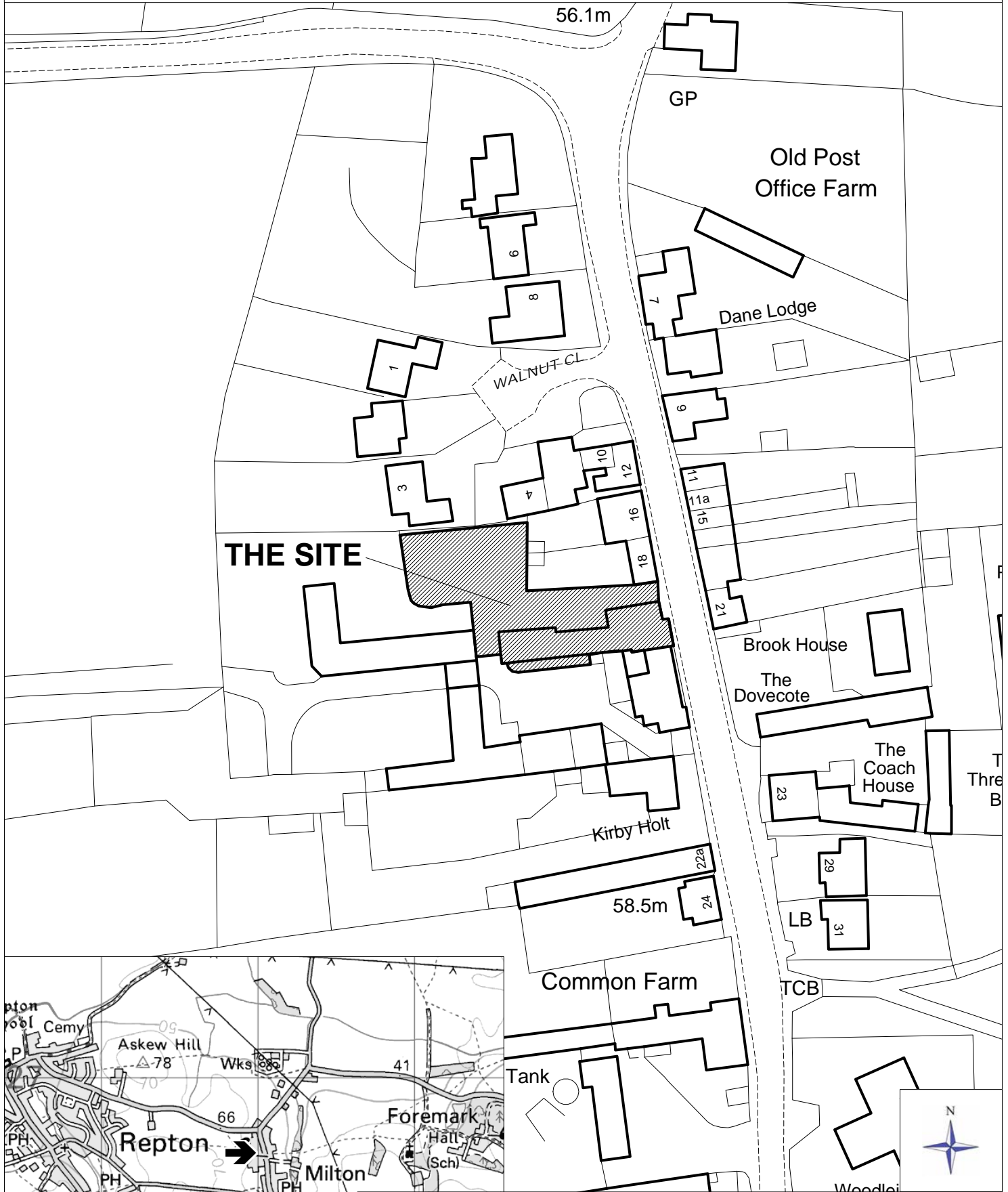
This item is reported to the Committee at the request of a Councillor Stanton on the grounds that local concern has been expressed about a particular issue.

Site Description

The site comprises part of a former barn conversion at The Farm, 20 Main Street, Milton, granted permission in 1990. The farm and its buildings are Grade II listed buildings. Consequently 4 dwellinghouses were created (collectively referred to as Milton Grange), all benefitting from access off Main Street. 1 Milton Grange faces onto Main Street – the remaining properties front a private courtyard. Number 2 benefits from a private driveway to the north and, along with numbers 3 and 4, benefits from a reasonable sized private garden. A public footpath passes through the courtyard and into the open countryside to the west of Milton Grange.

The courtyard is hard surfaced in tarmac with peripheral elements of blue brick pavers. A run of private garages sit within this courtyard serving numbers 1, 3 and 4. The dwellings all

9/2013/0515 - 2 Milton Grange, Main Street, Milton, Derby DE65 6EF



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South Derbyshire District Council. LA 100019461. 2010

have a number of openings which face onto this courtyard – including the applicant’s property.

Proposal

No physical changes to the property are proposed – both externally and internally. It has however been identified that a material change of use from a dwellinghouse to a mixed residential and office use has occurred. This application seeks to regularise that use, comprising the use of a single room as an office, along with shared use of a ground floor WC, to provide for up to 3 employees.

Applicants’ supporting information

Design and Access Statement (DAS)

This outlines the social and physical context of the site and the settlement of Milton, as well as noting the former use of the buildings, their listing, and their conversion to their present uses. The DAS outlines that it is intended to use one room and an adjacent toilet to provide for up to 3 employees. It proposes no material alterations to the interior or exterior of the dwellinghouse, with access remaining as it exists and parking within the vicinity of the building.

Despite what is stated in the DAS, no Listed Building Consent application has been submitted. Consequently, in so far as the DAS alludes to the creation of a step to aid access to the room in question; as this is not detailed on plans such works are not considered under this report and indeed would be unauthorised if they were to proceed.

Planning History

9/1990/0093 9/1990/0094	Conversion into four dwellings of the outbuildings and Grade II Listed farmhouse [at The Farm, 20 Main Street]	Approved 25 September 1990
9/2002/0429 9/2002/0430	Extension and conversion of barns into four dwellings and the farmhouse into two dwellings (including the erection of garages) [at The Farm, 20 Main Street]	Refused 27 August 2002
9/2005/0319	The erection of a detached double garage (Listed Building Consent)	Approved 13 May 2005
9/2011/0524 9/2011/0526	Alteration to external elevation enlarging existing window opening to create new doorway at	Approved 3 October 2011
9/2012/0915 9/2012/1005	The erection of an extension, wall and gates and a glazed veranda	Approved 22 January 2013

Amendment to plans

The plans initially submitted proposed parking provision within the central courtyard – outside of land within the applicants' control. Representations claim that the applicant has no legal right to park vehicles on this courtyard by way of covenants attached to the land. Both these factors led to officers seeking that parking provision was made within the application site, not least so conditional control could be exercised if permission were to be granted.

An initial amendment was received on 12 August which was distributed for consultation. This proposed parking between the applicant's property and 18 Main Street. However this was further revised on 14 August to place two parking spaces within the garden. Those plans were distributed the same day for comments and it is those revisions which are considered herein. Representations received following the preparation of this report will be reported to Members at the meeting.

Responses to Consultations

The Highway Authority considers the proposed development will have no detrimental highway implications and, on this basis, there are no highway objections to this application. Notwithstanding this, the latest revisions are still subject to consideration.

The Conservation officer has advised that there is not considered to be a material harm arising to the setting of the listed buildings by way of the use and associated parking (which would likely include hardstanding).

The Environmental Health officer has no comments to make on the application in respect of contaminated land.

The Parish Council highlights the need for adequate provision for employees' vehicles when considering this application.

Responses to Publicity

9 objections from immediate neighbours have been received, with further representations in light of amended plans. Concerns and comments include:

Highway and pedestrian safety

- a) There is not enough parking space for a business to be located at the property;
- b) Vehicles are parked on the street opposite Milton Grange each week day; presenting significant problems or hazard to residents' access/egress onto Main Street due to obstruction of visibility;
- c) The on-street parking has increased since 2 Milton Grange has been used as an office, with at least two staff already parking on Main Street on a daily basis;
- d) Double yellow lines should be painted on Main Street if the application is allowed;

- e) Planning permission was originally granted for only 4 dwellings, as the 6 dwellings originally applied for was considered to cause a traffic hazard; and of these only 3 were permitted to have access through the courtyard (not the applicant's dwelling);
- f) Access from the courtyard onto Main Street is not suitable for additional traffic;
- g) 2 Milton Grange has no parking rights in the courtyard as access and parking to this property is further north on Main Street, where the neighbour at number 18 has access rights across this space;
- h) Milton Grange and the Brook Farm development have young children and teenagers, and there is concern for their safety in crossing the road
- i) A public footpath runs through the courtyard, and vehicles using the courtyard could cause conflict with pedestrians;
- j) Inconsistency between the number of proposed employees and the number of parking spaces;
- k) The owner also has a motorboat parked on land not owned by him for weeks at a time during the summer;

The application versus observed use to date

- l) Several business ventures are owned by the occupier of 2 Milton Grange and/or registered to this address;
- m) A greater number of employees already attend than is stated on the application form and in the DAS, along with further visits and deliveries throughout the day creating much more traffic and noise than as is presented under this application;
- n) The suggestion that the business has operated since 2004 is questioned in so far that it has only been noticeably used as such for the past two years;
- o) The resident does not appear to reside at the property for considerable periods of time, giving an impression that the primary purpose of the property is of a business office;
- p) Staff arrive at 8:30 and do not leave until after 6pm on many occasions, contrary to that being applied for;
- q) How would the Council enforce strict adherence to the office use proposed as it bears little resemblance to the current use of the property?
- r) No detail on how business expansion will be managed is supplied.

Residential amenity and character of the area

- s) Noise, disturbance and nuisance impacts on neighbours, and the fact that the proposed entrance is a gateway which connects with a bedroom at number 3;
- t) Inappropriate to introduce a commercial activity to such an area;
- u) Detrimental to the quality, character and amenity value of the Conservation Area;
- v) Council has a statutory duty to designate and manage Conservation Areas, which includes consideration of the uses within it;
- w) Milton Grange is one of only 7 listed buildings in Milton;

Other matters

- x) The application is retrospective;
- y) If permission is granted it is legitimising unacceptable and illegal behaviour dating back over years;
- z) If granted this could lead to others requesting permission for the same;
- aa) Consider the barn conversions should remain as residential use only, as originally intended; and
- bb) Will business rates be charged retrospectively?

A number of representations also allude to an unauthorised use of and shed on adjacent land and temporary obstruction of the public footpath. The use and shed are subject to separate investigation and not part of, or crucial to, the proposal now presented. Obstruction of public footpaths is a matter for the County Council to consider, should a formal complaint be lodged.

Representations also claim that following the 2011 permission, the applicant has divided the property by inserting a further kitchen so subletting can occur; and that the applicant does not reside at the property. This matter has been investigated by officers and whilst a new kitchen is present, the property is not subdivided.

Some residents have advised of the covenants which exist on the use of the property and others within Milton Grange, and that legal advice is being sought in this respect. One representation conveys the stance that should permission be granted, they will be forced to resort to the covenants to prevent its implementation and that they will seek to recover their legal costs from the Council.

Development Plan Policies

The relevant policies are:

- South Derbyshire Local Plan 1998 (saved policies): Employment Policy 5 (E5), Employment Policy 8 (E8), Environment Policy 12 (EV12), Environment Policy 13 (EV13), and Transport Policy 6 (T6).

National Guidance

- National Planning Policy Framework (NPPF) paragraphs 14, 17, 19, 21, 28, 32, 120, 123, 128, 129, 131, 186, 187, 203, 206 and 215.
- Circular 11/95 – the use of conditions in planning permissions.

Planning Considerations

The main issues central to the determination of this application are:

- The implications of a greater use already occurring
- Impact on highway and pedestrian safety
- Impact on residential amenity
- Impact on the character of the area
- Benefits of the proposal

Planning Assessment

It is first considered necessary to address the points raised between (x) and (bb) above. Whilst the application is retrospective that does not mean that Members should feel obliged to take a more lenient approach; nor does it command a negative initial stance. Planning legislation allows for retrospective applications. In this context an approval would not

“legitimise unacceptable and illegal behaviour” – not least for the fact it is not illegal until formal action is taken.

The concern over precedent is also unfounded, as each application is considered on its own merits with regard to prevailing planning policy and guidance, the specifics of the proposal and potential cumulative effects alongside existing uses. Future applications could legitimately be resisted should it be felt that a “threshold” had been reached. Whether business rates will be charged retrospectively is not a planning consideration.

The implications of a greater use already occurring

Representations allude to multiple businesses, employees and vehicles already utilising the premises for commercial purposes; and this use is already greater than that applied for. Members are reminded that for a sound decision to be made here, that there is no scope to assume what might occur beyond that decision. The application is for a mixed residential and business use with the latter element to serve 3 employees. It is not an application which seeks allowance for 5, 6, 7 or more employees. The applicant recognises this and thus would have to work within the parameters of any permission granted, or look to relocate the business. It is on this basis that the Council must consider that the application is made in good faith.

If the worst case scenario were to occur and the business operation continued to the claimed extent, regard is had to whether breaches could be easily identified. The applicant seeks the use of *one room* as an office to cater for 3 employees (along with shared use of the ground floor WC). If permission were given and limited to 3 employees, then the presence of more would be an observable and enforceable breach. Whether the employees work for the same business or 3 different businesses is not a relevant measure either – it is instead the comings and goings of the employees and ancillary activities of deliveries and visitors; and those can be limited or prevented through further planning control. Whether the residential element of the premises is not occupied regularly does not lead to the conclusion that the entire premises can or will be used for business purposes. Any permission can clearly define the physical extent of the business use. Ultimately it is for the applicant to consider whether he wished to step beyond the limits of any permission and face the consequences, or scale back the level of activity to fit within those controls.

Should permission be given and the applicant chose to use the premises outside of any condition controls imposed, Members are reminded that the Council can serve Breach of Condition Notices (BCN) and, should it consider appropriate, a Stop Notice. The applicant would have no right of appeal against a BCN such that the financial penalties of repeated breaches could be quite severe.

Hence it is from the above discussion that Members are reminded that the applicant is seeking (with regard to the application form):

- Office use within one room of the premises;
- Associated use of the WC for employees;
- Employee numbers limited to 3;

- Operating hours of 0900 to 1700 hours Monday to Fridays only; and
- Provision of an additional 2 parking spaces.

The assessment proceeds on this basis, with frequent regard to whether conditions can make residual concerns over impacts acceptable.

Benefits of the proposal

The proposal would deliver economic development within the District. The NPPF provides significant weight to development which achieves economic growth (paragraph 19). It also makes specific reference to *“facilitating flexible working practices such as the integration of residential and commercial uses within the same unit”* (paragraph 21). Further support is lent by paragraph 28 and Local Plan policies which look to encourage investment and sustainable business development in the District. There is thus significant weight in favour and any reasons to resist the proposal must be individually or cumulatively significant to counter this.

Impact on highway and pedestrian safety

Saved policy E5 allows for business development within rural villages, including through the conversion of existing buildings. This is subject to the scale of the business being compatible to the scale of the development, and that highway and environmental impacts are acceptable. Saved policy T6 requires that safe and suitable access, parking and manoeuvring can be provided and that the proposal does not interfere with the free flow of traffic. The Highway Authority has been consulted on the application and raises no objection. This is a highly material point in determining that the increase in the use of the access is acceptable and that the outward effect on public highway safety can be appropriately accommodated. Notwithstanding this, the need for adequate parking provision is noted. Within the scope of that being applied for, and with regard to parking provision normally required for offices, the provision is considered reasonable – particularly when considering the proposed hours of use and that residential parking could be interchangeable. In this light a condition can be attached to ensure that the spaces are retained for parking of vehicles only and sufficient manoeuvring room is provided.

The representations regarding covenants on Milton Grange are noted. The lack of a right to park vehicles upon it has been addressed by way of amended plans. Whether a right to access across the courtyard exists is not material to this decision, as appropriate access can be achieved within land owned by the applicant.

Impact on residential amenity

Members' attention is drawn to the common scenario where a business can be conducted at a dwellinghouse without, as a matter of fact and degree, it constituting a material change of use. The key is that the use remains ancillary to the primary use as a dwellinghouse, although this depends on a number of factors, including the number of rooms dedicated to a different use, whether clients attend the premises, etc. However that cannot be achieved at 2 Milton Grange for two reasons: (1) a condition on the 1990 permission which prevents any

business use whatsoever, and (2) that the extent of the use both existing and proposed is considered to constitute a material change of use.

The point of the above paragraph is to highlight that businesses can sit alongside a residential use without material harm to neighbouring amenity (or other planning considerations). Indeed recent changes to permitted development rights reaffirm that residential and business uses can operate side by side. Hence without the 1990 condition, it is not unreasonable to assume that a business could operate here, to a lesser degree than is proposed now, without creating material harm to neighbouring amenity and thus constituting a material change of use. The key is thus whether the impacts from that now proposed are demonstrably “worse” to warrant a refusal; and whether conditions can appropriately limit impacts to make the proposal acceptable. The existing condition does not preclude a different decision now, nor command a continued stance to prevent business use.

The concerns relate more to the comings and goings of employees and deliveries, rather than an office use in principle. With regard to the application made, it is not considered that the comings and goings of up to 3 employees presents an *unacceptable* impact on neighbouring amenity – particularly when residents’ vehicles will already cause some degree of disturbance to others. In addition the public footpath through the courtyard and close to habitable windows also tapers the degree of privacy which can presently be achieved by residents. The hours of operation proposed can be conditioned and easily monitored for any breach – both by the Council and neighbours, ensuring that residents are not subject to undue disturbance during the evenings and weekends.

Turning to delivery vehicles, this element of the use poses a concern. It is not considered possible to impose a condition which would limit deliveries to a certain location or to certain days or times – especially when deliveries could include both those under the control of the applicant and those provided by third parties. However the applicant has agreed to the imposition of a condition to prevent any deliveries to the site. This is considered enforceable, as again both the Council and neighbours can monitor this.

Planning and enforcement officers have also visited the site on multiple occasions and observed in the majority there are no employees present. Representations claim a consistent use. Notwithstanding this, consideration has been given to the fact that planning permission runs with the land and not the owner/occupier. Hence the maximum effect must be considered; but given the aforementioned controls which can be applied, it is not considered significant adverse impacts would arise.

Impact on the character of the area

Saved policies EV12 and EV13 seeks that development does not have an *adverse* impact. The principle of a commercial activity within a residential setting or within a Conservation Area is acceptable in planning terms. Both local and national policy guide businesses to within settlements where inevitably residential uses will sit adjacent. The Conservation officer does not raise issue with the proposal, with the use having little impact on visual amenity and character. In terms of the additional parking provision, it is also considered this

has a very limited degree of harm to the setting of the listed buildings and appearance of the Conservation Area given its position and existing context. On this basis, the impact is not considered to be adverse which could command a refusal.

Summary

In light of the above discussion, the limited and controllable use of a small element of the property is not considered to give rise to adverse highway safety, neighbouring amenity, visual amenity or heritage impacts. In line with the NPPF the Council has proactively considered what controls may be appropriate to address residual concerns, and it is felt that these are reasonable and enforceable.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The business use hereby approved shall only be used for purposes within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification; and shall be limited to within the room labelled 'Office' on the plan referenced 2727/04 Rev C received by the Local Planning Authority on 14 August 2013.

Reason: In the interest of protecting neighbouring residential amenity.

2. The B1(a) use shall not involve more than 3 employees at these premises.

Reason: In the interest of minimising employee movements so to protect neighbouring residential amenity.

3. The business use hereby approved shall not occur at these premises other than between 0900 hours and 1700 hours Mondays to Fridays. The use hereby permitted shall not occur whatsoever on Saturdays, Sundays, Public Holidays and Bank Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

4. No deliveries shall be taken at or despatched from the site.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

5. The use hereby permitted shall not continue until the applicant has submitted to and received approval in writing from the Local Planning Authority, details of the parking spaces to be provided (notwithstanding the plan provided), details of access and manoeuvring to these spaces, surfacing details of both parking and manoeuvring areas, and a timetable for the provision of such works. Once provided in accordance with the approved details, the spaces shall thereafter be maintained free of obstruction for the parking of vehicles associated with the use hereby approved.

Reason: In the interests of providing sufficient parking provision for the use hereby approved and in the interests of the setting of the listed building and the amenity of the area.

Informative:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, seeking amendments, meetings and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Item **2.1**

Reg. No. **9/2013/0342/FX**

Applicant:
Mr W Roper
Mill Green House
Brook Lane
Scropton
Derby
DE65 5PN

Agent:
Mr Peter Diffey
Peter Diffey & Associates Ltd
Cotesbach Villa
54 Woods Lane
Stapenhill
Burton On Trent
DE15 9DB

Proposal: **THE ERECTION OF SIX DWELLINGS WITH
IMPROVEMENTS TO SITE ACCESS AND TO BROOK
LANE/ LEATHERSLEY LANE JUNCTION ON LAND
ADJACENT TO MILL GREEN HOUSE BROOK LANE
SCROPTON DERBY**

Ward: **HILTON**

Valid Date: **16/05/2013**

Reason for committee determination

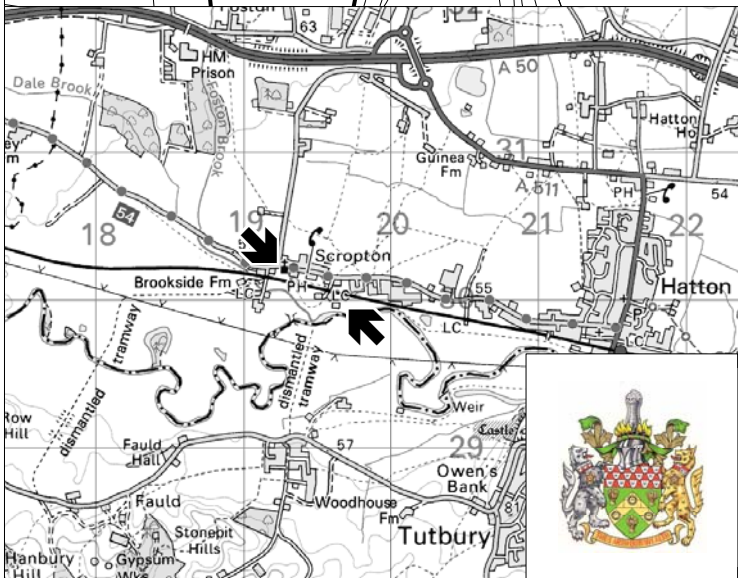
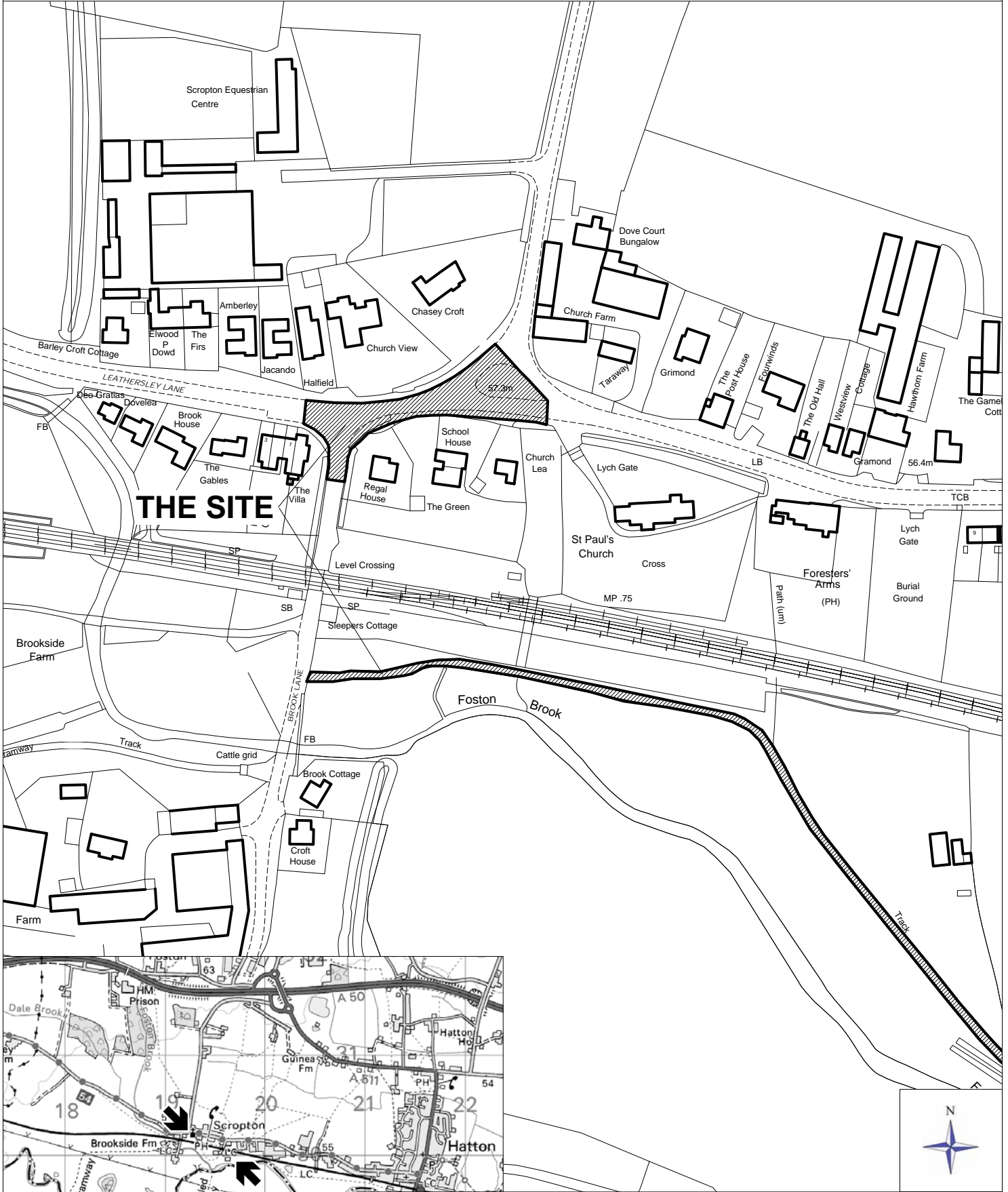
Councillor Bale requested that this application be brought to Committee as local concern has been expressed about a particular issue and unusual site circumstances should be considered by Committee.

Site Description

The site comprises an area of former sidings that was formed to provide a rail link to the Fauld munitions depot. The land was raised above the level of the natural ground to facilitate the formation of the sidings. The land is in poor condition and there are some areas that are lower than others. Other than where the existing converted buildings have formed garden areas the land is overgrown and has naturally regenerated with trees and shrubs established on the land proposed for housing development.

The site is bounded to the north by the railway lane and the south by the River Dove. There is no significant boundary feature to the east and west other than scrubby hedges and trees.

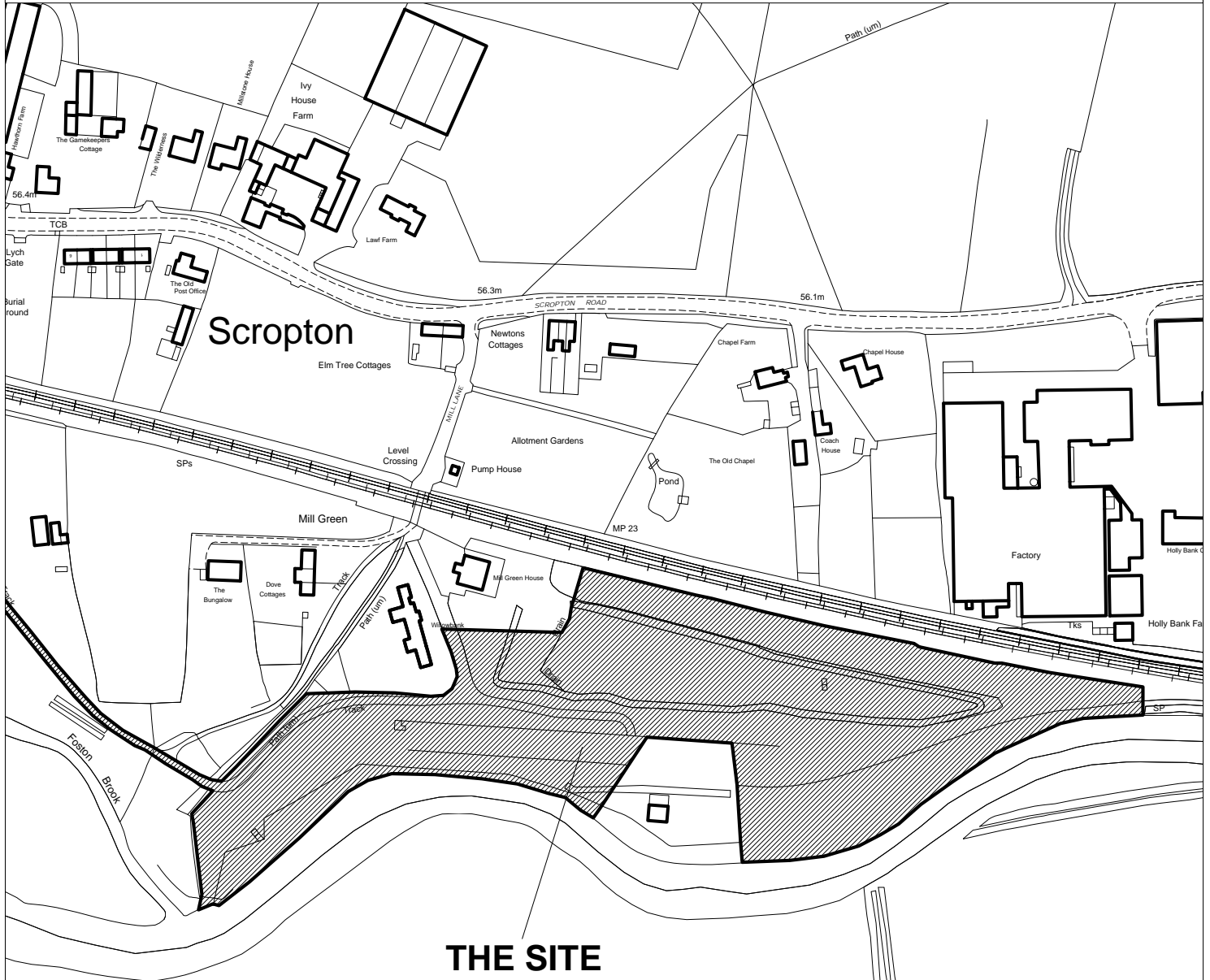
9/2013/0342 - Land adjacent to Mill Green House, Brook Lane, Scropton, Derby (DE65 5PL)



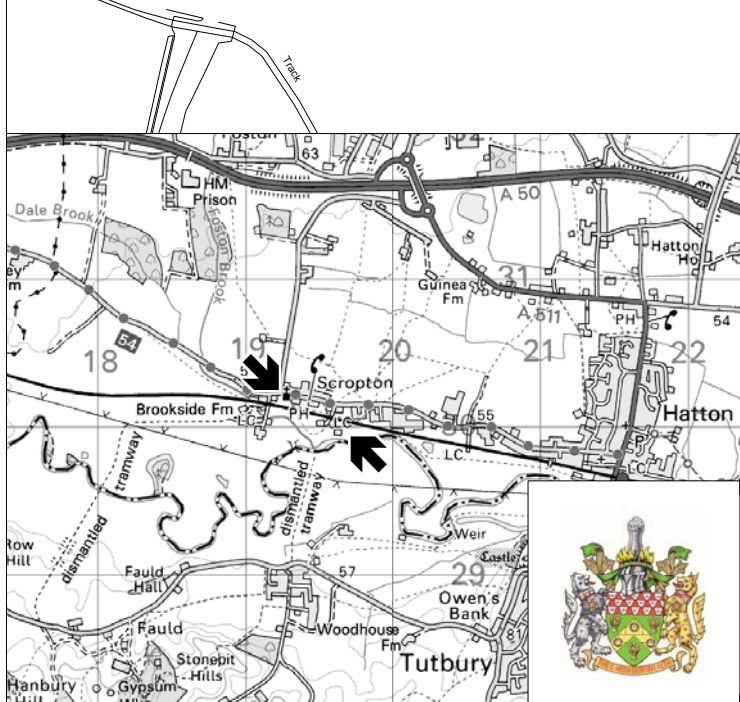
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South Derbyshire District Council. LA 100019461. 2010

9/2013/0342 - Land adjacent to Mill Green House, Brook Lane, Scropton, Derby (DE65 5PN)



THE SITE



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Access to the site is via Brook Lane, an unmade track off Leathersley Lane, via a private drive formed through the flood plain to the application site. There is a separate access to other cottages on Mill Green via Mill Lane. There is a gated level crossing with a telephone link to the Signal Box, where users are required to call prior to crossing the track. This access would be used as an emergency access to the site in the event of flooding of the main access.

Proposal

The application is for 6 detached houses set on the higher parts of the site with minimum finished floor levels to ensure that they are clear of the water in a worst case flood. It is argued that this type of house is required because of the proximity of the site to major employers (Toyota, JCB, Nestle) that are almost all expanding and would generate a need for the houses.

The houses proposed would be of a timber frame construction with a brick and tile cladding to the frame. They would have a two storey appearance although there is provision for accommodation in the roof in most of the house types. Provision is made in the dwellings to facilitate home working.

The access to the site would primarily be from the private drive off Brook Lane that would be upgraded and provided with passing places. In order to meet County Highway Authority requirements the access from Brook Lane to Leathersley Lane is proposed for improvement with a change to traffic priorities at the junction with Watery Lane. Existing parking areas at the junction would be replaced should planning permission be granted.

In response to the Network Rail comments the application has been amended to move Plot 5 to a point 9m from the site boundary with the rail line. The applicant will liaise with Network Rail on those issues that cannot be included on any permission as conditions. Those that can be conditions are accepted by the applicant as necessary.

Applicants' supporting information

- The applicants argue that the site is brownfield land raised above natural ground levels by the importation of gypsum waste is in a derelict state; it confirms the brownfield status of the land. The sidings were formed and a locomotive shed constructed along with a large transshipment shed and other structures. The large shed was demolished but the remaining structures have over time been converted to residential use.
- The applicant has canvassed the local community and there is substantial local support in the form of a petition.
- The proposed dwellings would be constructed to Code Level 5 or above to minimise energy consumption with heat pumps or solar energy and photo-voltaic cells. Rainwater would be harvested for use in the homes.
- The plots would be sold individually and the final appearance of the houses may vary from those proposed in the application as individuals seek to place their preferences on the designs.

- There is a regular bus service through the village providing good access to local services and employment as well as a school bus service being available. The shops at Hatton are within 2.5 km as is the railway station.
- All of the above contribute to making the reuse of the site for house a sustainable form of development.
- Flooding issues – the applicants assert that the work undertaken in the flood risk assessment are sufficient to demonstrate that the site can be developed without risk to future occupiers as it has been demonstrated that the site lies outside the floodplain and as such the requirement for the Sequential Test in the NPPF do not apply. The proposals would cause no additional flood risk to other off site dwellings.
- It is acknowledged that the access does lie within the flood zone but emergency access/egress is available via Mill Lane that also provides a pedestrian route to the bus services on Scropton Lane, there is a bus stop at the junction with Mill Lane.
- It is argued that the NPPF strongly supports the development of the land, not only because it is a brownfield site but also because it would contribute to meeting the council's shortfall in housing land supply. The lack of a supply can override other material considerations and the housing supply provisions of the Development Plan are completely out of date. For the reasons set out above, this is a sustainable development in the right place at the right time. The development would not be visible from the wider countryside and would provide a small amount of housing as a windfall development on an appropriate site. Supporting evidence is supplied to demonstrate that there is a demand for this type of housing development.
- In the light of all the above it is argued that the site should receive favourable consideration under to presumption in favour of sustainable development and the applicant is willing to enter a Section 106 agreement to provide education, social, highway and wildlife open space provision. No affordable housing provision is proposed.

Planning History

Over the years various planning permissions have been granted that have resulted in the conversion of buildings on the site to residential use. The last of these was a pump house adjacent to the River Dove. In addition in the 1980's planning permission for use of the land for tourist accommodation was granted. This development would have been accessed via a new bridge over the River Dove had planning permission been implemented.

Responses to Consultations

Foston and Scropton Parish Council object to the development on the following grounds:

- The Parish Council consider there is no need to alter the Leathersley Lane Junction, the resultant loss of parking would be regrettable.
- The alteration to the road is suggested over a 5-year period, this should be done prior to the development being generally commenced.
- There is concern about the increase in the amount of traffic over the level crossing.
- The Environment Agency should be consulted about the issues arising from the flood relief scheme as this may affect the future residents.

East Staffordshire Borough Council has no objection but would anticipate a material justification for this development within the countryside.

The Environment Agency has considered the up to date Flood Risk Assessment and concluded that, notwithstanding the Flood Zone 3 notation on the Council's mapping system, the FRA demonstrates that the proposed dwellings, but not the access track, lie outside the area that is susceptible to flooding and as such has no objection subject to the recommendations in the FRA being included as conditions. It has commented in detail on the detail of the surface water drainage design.

The County Highway Authority has no objection subject to conditions requiring the provision of junction improvements in accordance with a previously approved detailed design before any other works are commenced; modification of the existing access to Brook Lane with appropriate visibility splays; widening of the internal access road to 4.2m width; the erection of a physical barrier to prevent construction or development traffic using Mill Lane and the provision of adequate parking provision to serve the development in accordance with the application drawings.

The Police Crime Design Officer comments that high class housing can attract a greater propensity for burglary.

The County Development Control Archaeologist notes that there is archaeological in the site arising from its association with the Fauld Munitions depot and as such recording of the remains should take place in the event that planning permission was granted and a condition is recommended.

The Environmental Health Manager (Contamination) requires the imposition of conditions should planning permission be granted.

Severn Trent Water has no objection subject to conditions requiring the submission of foul and surface water drainage proposals.

The Derbyshire Wildlife Trust conclude that the site has insufficient wildlife interest on its own to qualify as a local wildlife site but it does provide an undisturbed wildlife corridor alongside the River Dove. The recommendations for the buffer zone proposed in the application are supported. If permission is granted, conditions are recommended to secure the proposed zone during the development phase and require a management plan for the retained areas.

Network Rail – requested an amendment to the application to move one of the dwellings further away from the railway land boundary and subject to that amendment and the imposition of conditions, has no objection to the application.

Responses to Publicity

Two letters have been received in response to publicity and the following objections and comments in support of the application have been made:

- a) There is the potential for the houses to overlook an adjacent property, but this would be avoided if the proposed layout is adhered to but a landscape scheme is requested to avoid this occurring.

- b) The change to the surface of the access road and the hard surfacing of the current drive to the rail crossing is welcomed, but it is requested that the number of passing places be increased to cater for the amount of traffic generated by the new development, it is considered that the amount of traffic suggested in the application is underestimated.
- c) Parking provision should be sufficient and be provided within the curtilage of each dwelling to avoid the necessity of parking on the access roads.
- d) A 15mph speed limit is requested to reduce noise and increase safety within the developed area.
- e) A smooth tarmac surface should be used on the access where it passes Willowbank, the previously request screen would also help to minimise noise from the access.
- f) The proposal to improve the junction at Leathersley Lane is welcomed.
- g) The application should be conditioned to ensure that all ball games are limited to garden areas so as to maintain the quiet enjoyment of the site currently experienced in dwellings. The proposed ponds and green areas should be maintained by the developer to ensure that they become well established.
- h) The improved access should not be used as a means to close the Mill Lane level crossing as this would force other traffic Brook Lane access.
- i) The proposal has taken into account many of the current residents' concerns and has been thoughtfully designed. The development would have some impact but would bring compensations in the form of increased community presence at the site.
- j) Scropton needs more affordable homes and not large detached dwellings.

Development Plan Policies

The relevant policies are:

Local Plan: Housing Policy 8, Transport Policy 6, Environment Policy 1.

National Guidance

The NPPF at paragraphs 11, 14, 17, 55 & 215.

Planning Considerations

The main issues central to the determination of this application are:

- The Development Plan with regard to the advice in the National Planning Policy Framework.
- Impact on the character of the area.
- Access.
- Flooding.

Planning Assessment

The Development Plan with regard to the advice in the National Planning Policy Framework.

The Development Plan remains the prime vehicle for determining planning applications. The policies in a Local Plan continue to carry greater weight in determining planning applications where they are in line with the principles and advice set out in the National

Planning Policy Framework. In this case the quoted Local Plan policies are considered to be in line with the NPPF and as such can carry due weight (Paragraph 215).

In terms of the development plan, Local Plan Saved Environment Policies 1 & 8, the proposal is for six detached houses in a location that is in the countryside by virtue of its isolation from the village confine. Policy requires that for a location in the countryside for housing to be justified, housing development should be limited to that which is necessary to the operation of an established rural business; be replacement of an existing dwelling or the conversion of an existing building to residential use. These proposals meet none of these policy requirements and are contrary to the advice in Paragraph 55 in the NPPF, which advises local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances (these being similar to the Local Plan criteria).

The applicant has drawn attention to the lack of a 5-year supply and suggests that this should override other Development Plan policies so that the shortfall in supply can be addressed and that the presumption in favour of sustainable development should favour the application. However this site for 6 dwellings cannot be described as a strategic site that would contribute in any meaningful way towards making up the shortfall in a 5-year housing land supply; at best it would make an insignificant contribution. A shortfall in the housing supply does not justify new small scale isolated residential development in the countryside, such as this, against the advice in paragraph 55 of the NPPF.

The applicant argues that there is local support for the proposal. However planning law, emphasised in Paragraph 11 of the NPPF, requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Given the strength of the relevant countryside policies, this support does not outweigh the development plan in this instance. The government has introduced a statutory process for communities to promote a shared vision for their neighbourhood and deliver the sustainable development they need, through Neighbourhood Plans. Such plans are required to be in general conformity with the strategic policies of the local plan and their preparation must follow due process.

Impact on the character of the area.

The site lies well outside the defined village confine to the north west of the development site, separated by the railway line (this being a very strong physical feature) and open land beyond. The land was once developed. However there are scrubby trees and shrubs within the site, such that the remains of permanent structures and hard surfaces have blended into the landscape in the process of time, resulting in the site being seen as a part of the countryside rather than as a contiguous extension to the village. This is particularly apparent on the approach to the site via the proposed access track from Brook Lane. The addition of 6 new dwellings, each in a substantial curtilage, would significantly alter the character of the locality. It is acknowledged that areas of regeneration would be retained as nature reserve as a part of the application proposals, but the urbanisation of a significant part of the application site would be apparent should permission be granted.

The development would therefore not only be contrary to the Local Plan and NPPF policies for development in the countryside, but would also result in consolidated and visually obtrusive residential development in an isolated location to the detriment of the character and intrinsic beauty of the local countryside.

It is acknowledged that various buildings within the site have been converted to residential use. The access to these converted buildings is via the drive that would be utilised to serve the new dwellings, the retention of the original buildings being in accord with Local Plan Housing Policy 7. The impact of the converted buildings on the character of the regenerated area can be seen on the site. The formation of gardens has reduced the vegetated character of the developed areas and has an urbanising influence on the immediate locality. This urbanisation of these parts of the site is balanced by the remaining area of regenerated land that helps to emphasise the rural character of the site.

Access

The proposals would necessitate alterations to the Brook Lane/Leathersley Lane junction. Subject to this and other recommended conditions of the Highway Authority there would be no demonstrable harm to highway safety interests.

Flooding

Part of the site is in Flood Zone 3a as identified on the Environment Agency's flood risk maps. Paragraph 100 of the NPPF advises that development should generally be directed away from such areas. However in this case the applicant has demonstrated, with engineering evidence that the dwellings would not be at significant risk of flood because of the site's particular land levels. For this reason the Environment Agency does not object, subject to conditions.

Conclusion

The site is isolated from the main built limits of Scropton, separated from it by open land and the Derby – Stoke rail line. This is not a location for housing that is sustainable and the adverse impact of permitting the development would significantly and demonstrably outweigh the benefits arising from the housing development when assessed against the NPPF as a whole. There are policies in the extant Local Plan that seek to protect the countryside in line with paragraphs 55 and 215 of the NPPF and these can be afforded significant weight. The provisions of Local Plan Environment Policy 1 and Housing Policy 8 that seek to protect the countryside from harmful development are relevant to the determination of the application. The proposed development would appear as the visually obtrusive consolidation of an isolated group of converted buildings in the countryside on land that has naturally regenerated in the process of time following a previous use. There is no valid justification for the housing to be located in the countryside and proposal is therefore contrary to the aforementioned Development Plan policies that continue to carry weight in accordance with the provisions of Paragraphs 11, 14, 55 and 215 of the NPPF.

Recommendation

REFUSE planning permission for the following reason:

1. The site is isolated from the main built limits of Scropton, separated from it by open land and the Derby - Stoke rail line. This is not a location for housing that is sustainable and the adverse impact of permitting the development would significantly and demonstrably outweigh the benefits arising from the housing development when assessed against the NPPF as a whole. There are policies in the extant Local Plan that seek to protect the countryside in line with paragraphs 55 and 215 of the NPPF and these can be afforded significant weight. The provisions of Local Plan Environment Policy 1 and Housing Policy 8 that seek to protect the countryside from harmful development are relevant to the determination of the application. The proposed development would appear as the visually obtrusive consolidation of an isolated group of converted buildings in the countryside on land that has naturally regenerated in the process of time following a previous use. There is no valid justification for the housing to be located in the countryside and proposal is therefore contrary to the aforementioned Development Plan policies that continue to carry weight in accordance with the provisions of Paragraphs 11, 14, 55 and 215 of the NPPF.

Informative:

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. However despite such efforts, the planning objections and issues have not been satisfactorily addressed, in particular with regard to development plan and national policy for isolated new housing in the countryside. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.