

PARISH Scarcliffe

APPLICATION Outline application for the demolition of existing buildings and erection of 11 dwellings with access from Main Street and Back Lane
LOCATION Land Between 11 And 19 Back Lane Palterton
APPLICANT Mr Will Kemp The Estate Office Bakewell Derbyshire DE45 1PJ
APPLICATION NO. 16/00410/OUT **FILE NO.**
CASE OFFICER Mr Steve Phillipson
DATE RECEIVED 18th August 2016

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Crane
REASON: Concerns regarding highway safety

SITE

Highfield Farm Yard site set between Back Lane and Main Street, Palterton and within the Conservation Area. The site is approximately 0.6Ha in area. Buildings on the west side of site include the farmhouse (artificial stone and slate) and some more traditional stone barns. To the eastern side of the site is a range of more modern agricultural buildings of no architectural value.

The site is within the settlement but is adjacent to countryside edge and on the top of the limestone escarpment with long distance views over the countryside to the west. To the south west is Palterton Hall (grade 2 listed building), to the south east is Hall Farm Yard and associated agricultural buildings. There are existing dwellings adjacent to the north and on the opposite side of Back Lane to the east.



PROPOSAL

Outline application for demolition of the existing dwelling and the majority of the farm buildings on site (excluding two of the stone barns) and erection of 11 dwellings. All matters are reserved for later approval except for access detail. Two main access positions are shown, one from Main Street which is expected to serve 5 dwellings and one from Back Lane which is expected to serve 4 dwellings. A second minor shared drive access is also proposed to Back Lane which is expected to serve 2 dwellings.

An indicative layout plan provided suggesting an agricultural courtyard style layout to the west side including barn conversions and the use of natural stone. To the east side a more suburban layout is suggested in brick for the 6 dwellings to be accessed from Back Lane. Roofs are to clad in slate or pantiles. Indicative elevations show 2 storey development.



Documents submitted include:-

- Planning Statement.
- Design and Access Statement.
- Heritage Statement – Concludes that the development alters the setting of Palterton Hall but any visual impacts are either neutral or slight; the development enhances the character of the conservation area; on balance the development would be a positive enhancement to the historic environment.
- Structural Surveys for retained stone buildings and wall to Main Street. This indicates that the southern barn will need works including rebuilding its northern section and replacement of the roof.
- Phase 1 site investigation – recommends phase 2 report including mining report and asbestos survey.
- Phase 1 Habitat Survey – indicates potential for roosting bats and nesting birds to be

present. A bat survey indicated presence of foraging bats but a low probability of bats roosting on site. Mitigation measures are suggested to deal with the low-moderate potential. Bird survey recommends mitigation measures.

- Transport Statement. – Concludes that the site is accessible in a rural context having a bus service, and the traffic generated would be unlikely to have a material impact on the operation or safety of the surrounding roads. Having regard to the existing farmyard use it is argued that there would not be a material intensification of use of either main street or Back Lane access.

AMENDMENTS

18/01/17

Revised indicative site layout Rev S

Revised indicative elevations Rev R

Extent of demolition plan (05)001

13/1/17

Revised access detail 5058 SK001 004 Rev D, and 003 D

Revised indicative site layout

Revised indicative elevations

02/12/16 Archaeological desk based assessment.

23/11/16 Additional Drainage Information

HISTORY (if relevant)

07/00179/FUL Widening of a vehicular access on Back Lane approved 2007.

CONSULTATIONS

Conservation Officer

30/9/16 Comments on initial scheme: The site lies within the conservation area of Palterton and is adjacent to Palterton Hall (Grade II Listed), I would also suggest that the site lies within the setting of Palterton Hall.

I do not have objections in principle to the demolition of the later modern farm buildings and farm house and the conversion of the historic farm buildings. I also do not object in principle to the introduction of some new dwellings on the site. The Elm Tree Farm site in Palterton, was successfully developed quite recently. This site is successful because it does not have a uniform layout and it has dwellings that echo the previous farm buildings and barns on the site in terms of massing and plan form.

I have some concerns about the proposed layout and house types shown. The layout should be more reflective of the existing farm, blocks of dwellings rather than a predominance of detached individual dwellings would be more appropriate. I would prefer to see the proposed detached house adjacent to Palterton hall replaced by a layout reflecting the previous (19th century O/S maps) farm buildings that were in a courtyard layout (*now shown on amended version of the indicative layout plan*). This would retain a solid stone boundary as existing (this is a strong feature in the conservation area) and enable a higher stone wall than is suggested in the structural survey as it would be part of a building. This would be more appropriate as it

sits next to the hall and it would retain this strong and dominant feature. It would also create a more organic and less uniform layout to the scheme.

26/10/16 Happier with the amended layout and building amendments.

8/12/16 Consideration of the impact on the trees necessary in front of Palterton Hall, due to close proximity to the new development. The trees contribute positively to the character of the conservation area. I feel that the individual access points proposed for the units facing back lane are too suburban, also the stone wall running along the existing farm boundary is an important feature in the conservation area and should have minimal intervention. One shared access would be more appropriate (*now dealt with on amended plans*).

DC Archaeologist

4/1/17 The submitted WSI along with the updated desk-based assessment is acceptable, and I recommend that the local planning authority has sufficient comfort to determine the application in line with NPPF para 128, requiring further archaeological work through a planning condition in line with NPPF para 141, as set out in the submitted archaeological WSI.

DCC Highways

19/12/16 No objections in principle subject to conditions requiring access visibility improvements, approval of a construction management plan, provision and maintenance of parking and manoeuvring space. Advisory notes also requested.

Parish Council

7/10/16 Scarcliffe Parish Council objects to this application on the grounds that the highways (including roads and pavements) in and around it are not adequate for the proposed increase in traffic and subsequent parking. The Parish Council has already recognised the difficulty to local residents (regarding parking issues) and have offered the use of their car park for the parents of local school children. We also feel the visibility splays at the Main Street entrance/exit to be inadequate.

DCC Flood Risk Team

14/12/16 No objections in principle subject to conditions and advisory notes re:-
No development until submission and approval of surface water drainage details in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems. To include a hierarchy for means of disposal of sw.

Severn Trent Water

3/11/16 No objections subject to approval of foul and sw drainage details.

Consulting Engineers

22/9/16 The Zonation Plans produced with the Landslide Hazard Survey Report show the site to straddle Zones 3, 4 and 5 with approximately one third in each zone. For developments in zones 3 and 4 the standard requirement is that the applicant should submit a slope stability report, with an assessment of whether slopes on the site can be considered to be stable and, if not, the measures that are planned to make them so. A slope stability report has not yet been provided.

It is noted from the site survey, however, that the site itself is relatively flat and that the actual slopes are unlikely to be steeper than 1 in 10. Existing overall slopes between Main Street and Back Lane and across the site are in the order of 1 in 40 and locally the slopes are about 1 in 16. With gradients of this magnitude, the site could reasonably be classified as within zone 5, for which no planning constraints would be required.

In consideration of the above, we see no reason to object to the development on the basis of slope instability.

Environmental Health Officer

15/11/16 We have reviewed the Phase 1 land contamination report that has been submitted as part of this application and would agree with the findings of the report that a further intrusive Phase 2 investigation is required including a ground gas investigation. The site is a agricultural farm that has a number of potential contamination sources and due to the proposed sensitive end use, we would recommend that a condition requires further survey work and implementation of any remedial works.

Derbyshire Wildlife Trust

Recommends conditions if planning permission is granted:-

The development shall be carried out in full accordance with the Preliminary Ecological Appraisal with regards to the protection of retained habitats and all ecological enhancements Proposed; a detailed lighting strategy; an invasive non-native species protocol; No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds 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; a construction environmental management plan.

If works have not been undertaken by June 2017 further surveys for bats will be required.

Advisory note: If works have not been undertaken by June 2017 further surveys for bats will be required.

PUBLICITY

Advertised in the press and on site, 13 properties consulted. 3 representations received:-

One letter states no objections provided we still get peace and quiet and no trouble makers.

One resident requests that the properties be constructed from local stone, that one unit be single storey or sited further away from Palterton Hall and no windows facing into the Hall garden. Consideration should be given to the visual impacts on the Listed Hall.

One objection on grounds:-

Additional traffic congestion particularly at peak periods on an already busy road.

The number of parked cars around the proposed additional access points due to parents taking and retrieving their young children to/from Palterton Primary School.

Loss of access visibility due to parked cars.

Should have one single point of access from Back Lane - We suggest that the front elevations be turned to face inwards into the cul-de-sac with driveways leading off from the cul-de-sac to reduce traffic impact and maintain privacy to facing properties on Back Lane (*officer*

comment: inward facing development is generally considered to be poor in terms of urban

design).

POLICY

Bolsover District Local Plan (BDLP)

As the Bolsover Local Plan was prepared and adopted prior to 2004, 'due weight' rather than 'full weight' should be attached to its policies dependent upon the degree of consistency with the NPPF.

GEN1 (Minimum Requirements for Development)
GEN2 (Impact of Development on the Environment)
GEN4 (Development on Contaminated Land)
GEN5 (Land Drainage)
GEN6 (Sewerage and Sewage Disposal)
GEN7 (Land Stability)
GEN8 (Settlement Frameworks)
HOU2 (Location of Housing Sites)
TRA1 (Location of New Development)
CON 1 (Development in Conservation Areas)
CON10 (Development Affecting the Setting of Listed Buildings)
ENV5 (Nature Conservation Interests Throughout the District)
ENV8 (Development Affecting Trees and Hedgerows)

National Planning Policy Framework

Paragraph 14 – *advises that permission should be granted for sustainable development. Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.*

Paragraph 17 states that:- *“A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”*

Paragraph 132 *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

Paragraph 134. *“Where a development proposal will lead to less than substantial harm to the*

significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

Paragraph 137 *“Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.”*

Other

Historic Environment SPD
Successful Places Guidance

Statutory Duties

Planning applications affecting conservation areas and listed buildings:

Section 66 creates a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

Residential development is acceptable in principle within the settlement framework hence the proposal complies with policies HOU2 and GEN8 and TRA1.

Whilst an indicative layout and elevations have been provided to illustrate how 11 dwellings might be accommodated on site, it should be noted that permission is sought in outline and that only point of access detail is to be considered for approval at this time. So whilst representations have been made about layout and privacy and the scale/height of development these are matters which can only be fully considered at reserved matters stage.

The main issues to consider for this application are impacts on highways safety, heritage assets, ecology and potential technical constraints.

Highway Safety

The proposal would result in additional traffic generated by 6 dwellings accessed from Back Lane and 5 dwellings accessed from Main Street. The indicative plan shows no link through the site (note although an alternative future layout could include a link it could be prevented by condition if deemed necessary). In terms of traffic generated by the small number of dwellings proposed it not considered to be significant nor a material increase over the existing farm and residential use; particularly if traffic is split between Main Street and Back Lane. A condition can also be used to require at least 2 off-street car parking spaces per dwelling such that on-street parking should not occur. The concerns of the resident and the Parish Council are noted regarding the traffic and parking problems associated with busy school drop-off/pick-up times but the proposal will not materially affect the existing situation and is temporary in nature. Both highways are otherwise very lightly trafficked.

As amended by setting the highway walls back and rebuilding them the development is able to achieve the required visibility splays 2.4m x 43m at both accesses. This would be an improvement to visibility over the existing situation. Therefore it is considered that there are no material adverse highway safety impacts and the proposal complies with policy GEN1 and GEN2 in this regard.

It is considered that a construction management plan as requested by County Highways is not a necessary condition for this scale of development.

Heritage Impacts

Subject to a condition requiring an archaeological field evaluation following demolition to slab level there should be no reason to refuse in terms of impacts on below ground heritage interests.

The site is adjacent to and is within the setting of Palterton Hall (Grade II Listed). The proposal will result in changes to the context of the setting of the listed building. However the Conservation Officer does not object to the application in principle and therefore, subject to a well designed reserved matters submission and appropriate conditions it is considered that the proposal should not have an adverse impact on setting. The existing stone walls along the shared boundary and mature trees on the Hall side should not be affected.

The proposal will also result in changes to the character of the conservation area. The more modern farm buildings will be demolished as will the artificial stone farmhouse. These buildings are not of particular architectural or historic interest and their loss should not adversely affect the character or appearance of the conservation area provided that the replacement buildings are of an appropriate design, layout and materials. Use of natural stone will be required by condition especially at the Main Street side.

The indicative layout submitted with the application has been revised to show a more acceptable form of development, although it should be noted that further design improvements will be required especially at the Back Lane side in order to achieve an acceptable form of development. However for the purposes of this outline application it is considered that the site is able to accommodate 11 dwellings in an acceptable form.

Ecology

The demolition of existing buildings open to birds and bats may potentially affect nesting and roosting. It is considered that the impacts can be adequately mitigated and compensated for by following the recommendations of the submitted habitat survey. This can be required by condition in accordance with policy ENV5.

Some of the conditions sought by the Wildlife Trust can be adequately dealt with by means of advisory notes to the applicant in order to avoid the duplication of control of matters already covered by other legislation. This includes additional survey work and pre-commencement checks for nesting birds and roosting bats and an invasive non-native species protocol.

Drainage and Ground

The Council's Consulting Engineers advise that ground stability is not an obstacle to

development on this site. Although further information on means of disposal of surface water and potential ground contamination/remediation is required to reduce the risk of flooding and from potential ground contamination this can be obtained by means of planning conditions.

Other Matters

The proposal is for a relatively small development of a size which would not normally generate S106 obligations.

Crime and Disorder: No significant issues

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): See above

SSSI Impacts: N/A

Biodiversity: See above

Human Rights: No significant issues

Conclusion

Residential development is acceptable in principle within the settlement framework. The proposal will result in changes to the appearance of the conservation area and also to the setting of the grade 2 listed Palterton Hall. However the site is capable of accommodating the amount of development sought and subject to appropriate quality layout and designs (to be determined at reserved matters stage) the proposal should not have a negative impact on the conservation area or the setting of the listed Hall. Subject to conditions no impacts have arisen that would justify the refusal of planning permission.

RECOMMENDATION

The current application be APPROVED subject to the following conditions provided in précis form to be formulated in full by Assistant Director of Planning/Planning Manager in consultation with the Chair and Vice Chair of the Planning Committee

Conditions

1. Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. 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 and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3. Application for approval of reserved matters shall be accompanied by detailed drawings and plans clearly showing the extent of demolition and the manner of rebuilding of any natural stone buildings and stone boundary walls. The reason for any demolition shall be stated.

4a) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation (FAS Heritage, WSI v.3 1216) submitted as part of the planning

application. In particular, following demolition to slab level only, no further development shall take place until the archaeological fieldwork on site has been completed to the satisfaction of the local planning authority.

4b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

5.No below ground development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Nonstatutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

6.Submission of a survey for potential ground contamination and implementation of any remediation necessary.

7.The development shall be carried out in accordance with the submitted Preliminary Ecological Appraisal with regards to the protection of retained habitats and the ecological enhancements proposed.

8. Notwithstanding the detail submitted with this application a revised design and access statement shall accompany application for approval of reserved matters. The proposal shall include the use of natural magnesian limestone, slate and red clay pantiles and some use of red brick. Vernacular design and detailing will also be needed to preserve the character of the conservation area and the setting of the adjacent listed building. Existing stone buildings and boundary walls should be retained where practicable and rebuilt where not in horizontal coursing using magnesian limestone. The passage of traffic between Main Street and Back Lane should be prevented.

9.Provision of the new accesses to Main Street and Back Lane in accordance with the revised drawings site layout Rev S and visibility splays in accordance with revised access detail 5058 SK001 004 Rev D, and 003 D.

10.Provision and maintenance of at least 2 off-street parking spaces per dwelling and turning space.

11. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels and the proposed ground floor level(s) of the buildings.

Advisory Notes including inter alia:-

The applicant is advised that the layout plan and elevations submitted with the application are indicative only and are not hereby approved. Further amendments and details will be required at reserved matters stage to reach an acceptable design solution.

Further to condition XXX above the proposed destination for surface water needs to accord with the hierarchy in Part H of the Building Regulations 2000 i.e. :-

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

Further information is available in the consultation response 14/12/16 provided by DCC Flood Risk Management Team.

An invasive non-native species protocol should be devised and followed detailing the containment, control and removal of invasive weeds on site.

No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds should 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. Nesting Birds are protected under the Wildlife and Countryside Act 1981. Bats are also a protected species and if works have not been undertaken by June 2017 further surveys for bats are advised.