

ITEM 2

Variation of condition 30 (external dimensions and elevational treatments) of application CHE/12/00028/FUL - Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property, 132 Church Street North, Old Whittington, Chesterfield for Marsh Green Construction Ltd.

Local Plan: Not allocated

Ward: Old Whittington

Plot No:

Committee Date: 19th September 2022

CONSULTATIONS

Chesterfield Civic Society:

We have no objection to the application being granted. The applicant should investigate the history and appropriately discharge all conditions.

The Coal Authority:

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. Refer to Standing Advice.

Archaeology:

Manor Syck Farm is a historic site and is shown on the earliest available map of Whittington, Sandersons map of 1835. The Farmhouse possibly dates to the late 18th or early 19th century and the stone barns are presumably of a similar age. As such they are heritage assets.

This office has previously advised on application CHE12/00028/FUL and within the context of that advice the variation to the condition will have no material effect on any buried archaeology over and above that consented previously. Please however re-consult your own buildings and conservation officer to determine if the variations materially affect the character of the building complex.

CBC Design Services:

According to the Environment Agency flood maps the site is not located within Flood Zone 2 or Flood Zone 3 and not liable to surface water flooding. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Details of the proposed disposal of foul and surface water including any details of surface water attenuation/balancing works. Any amendments to existing drainage on site may require consent from Building Control. Any new connections to the public sewerage system will require prior consent from Yorkshire Water.

Highway Authority:

The revised plan indicates appropriately sized parking spaces in place of the garages, as on the previously approved plans, and the internal road does provide sufficient width for the first 5m+ in to the site to allow two way traffic. There is also some turning facility to the rear of the site which, although tight, would allow small delivery vehicles to manoeuvre. There does not appear to be any other alterations proposed which are contrary to previous highway requirements and on that basis there are no highway objections to the proposed alteration to condition 30 of the original consent.

Representations: Two received which are summarised under section 6.0 below.

2.0 THE SITE

- 2.1 Manor Syck Farm is a range of traditional farmhouse and farm buildings located close to the Conservation Area of Old Whittington. The site backs onto open countryside which is designated Green belt land as defined in the Adopted Local Plan. Work has commenced on site in line with the original permission from 2012.

- 2.2 The site is narrow to the frontage where the existing access is located and widens to the rear. It is closely contained by existing housing to the east and north west. To the south is a listed building Holly House School which dates from the early 19th Century. There is also the listed raised pavement to the corner of Church Street North and Church Lane North and the listed dwellings at 48 and 50, 54 and 56 Church Street North.



2.3 Recent site images:

Farm house Plot 1:



Barn attached to farm house plot 2:



Barn running at 90 degrees to plot 2 - Plot 3:



Plot 4 front and rear:



Rear of Plots 1 and 2 and end of Plot 3:



Area of Plot 5:



Site frontage:



3.0 SITE HISTORY

3.1 CHE/12/00028/FUL Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property. Conditional permission 03.04.2012.

4.0 THE PROPOSAL

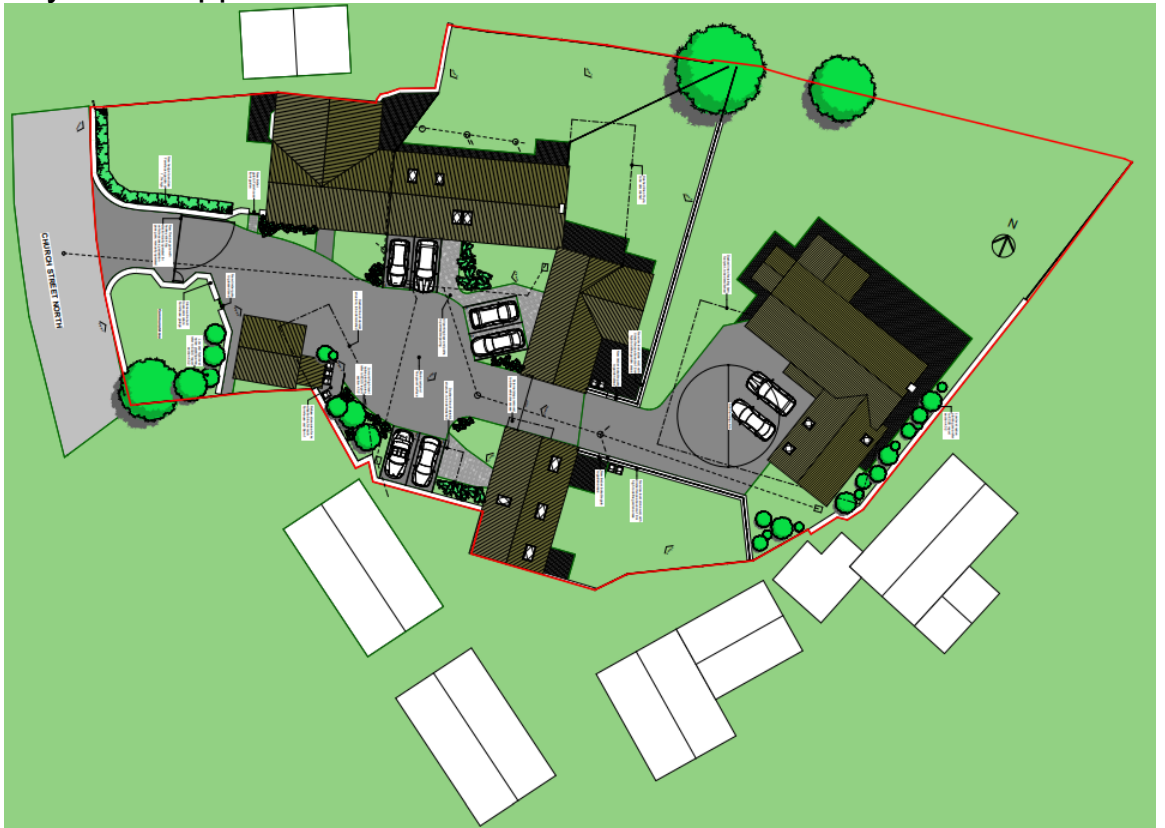
4.1 In accordance with the above permission dating from 2012 and which has been confirmed as extant, this application seeks to amend the details of that application amending the approved plans via a S73 application to vary the condition relating to the approved plans.

4.2 The main amendments proposed to the layout are:

- The parking to Plot 4 has moved to the rear of the garden.
- Plot 5 which is the new build element has moved further North.
- The roadway has been narrowed and the locations of garden and hard surfacing to each plot amended.
- Access to the agricultural land to the rear is to be retained.

4.3

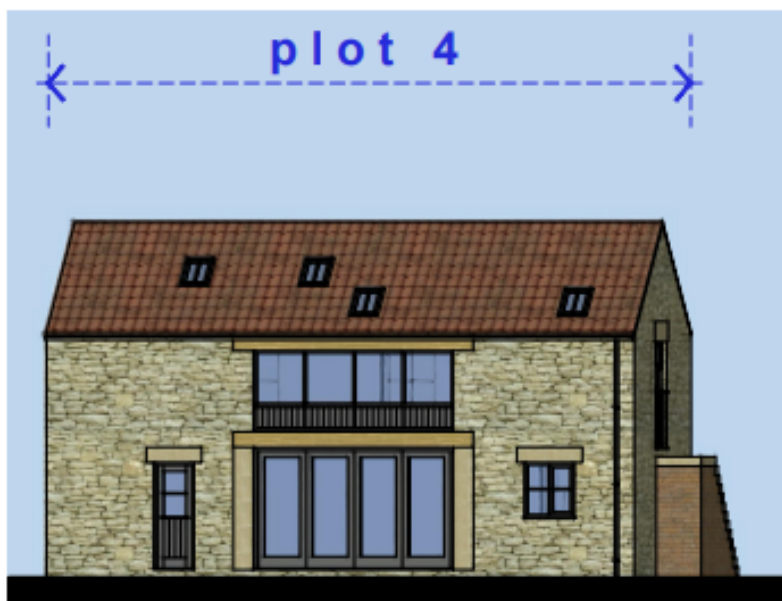
Layout as approved:



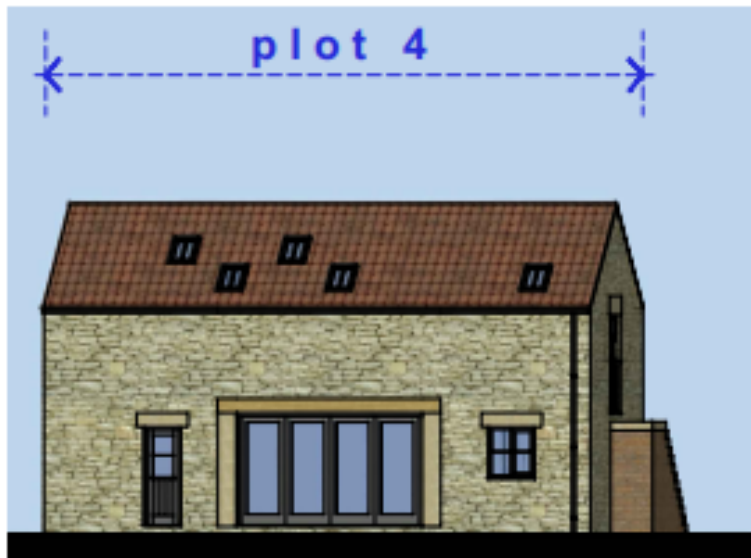
Layout as proposed:



- 4.4 In addition, there are changes proposed to each individual plot:
- 4.5 Plot 1: The original farmhouse is to be retained, re-using existing openings. It is intended that a bay window feature will be added to the front facing side elevation on the ground floor.
- 4.6 Plot 2: The barn attached to the farmhouse is in a poor condition, to the bricked frontage of the building large new openings are proposed including double height glazed elements. To the rear on the ground floor elevation new openings are proposed. There are no windows proposed to the rear upper floor.
- 4.7 Barn 2 now plot 3: At right angles to plots 1 and 2 forming part of that range. It is no longer proposed to demolish the elongated brick-built part of this barn and extend the original stone building. It is now proposed to re-use the whole barn including the later brick. There are no windows to the upper floor of the rear elevation to Plot 3.
- 4.8 Barn 3 now Plot 4:
The detail relating to this plot has alter through the application process. The originally submitted plan including a large, glazed opening to the upper floor rear elevation.
As initially proposed:



Due to neighbour concerns over amenity impacts this plot has been amended to remove the upper floor window and install a further roof light.



The stone stair to the side of the building is to be retained.

4.9 Plot 5: This is the new build dwelling to the rear of the site which is to be moved further to the north. Other than the relocation of the plot the dwelling remains largely the same with slight alterations to window and door design and is now proposed to be a fully stone finished building rather than a mix of stone and render as originally proposed.

4.10 In considering this application it is only these changes to the plans that are to be considered, all other matters remain as originally approved.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP15 Green Infrastructure
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety

5.5 Principle of Development

5.5.1 The principle of the development is not for consideration as this was established through the 2012 permission and which was implemented. It is the detail on the plans which is now being sought to be varied.

5.6 Design and Appearance

5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

5.6.2 Layout:

The layout of the scheme which has altered the position of parking areas and gardens is considered to be appropriate to the setting of the buildings. Whilst some soft landscaping has been shown to the frontage

of Plots 2 and 3, this would be more appropriate as hard surfacing as the yard area serving the barns. This can be considered in more details through the discharge of conditions for landscaping.

- 5.6.3 The layout includes a bin collection area to the site frontage behind the stone boundary wall, this is welcomed and appropriately deals with refuse collection matters. Parking is now proposed closer to the site frontage for Plot 1 and for visitors. Whilst this will be more visible in the street scene this can be softened through landscaping and will have minimal impact due to the retention of the boundary wall.
- 5.6.4 Boundary treatments across the site are shown and are generally acceptable. However, where the boundary details split the frontages of the yard area to the barns such as to the front of Plots 3 and 4 a more subtle treatment is required. In addition, where railings are shown to open countryside boundaries and between rear plots then a simpler form of treatment would be more appropriate. Whilst there are areas of the site where a 1.8m high timber fence is appropriate this needs further consideration close to the site access as this is highly visible within the street scene. A condition will therefore be needed to consider this in more detail.
- 5.6.5 The proposal intends a change to the siting of the proposed new dwelling on the site, Plot 5 is intended to move further towards the rear of the site. The amended siting in terms of design and character is considered to be appropriate and allows greater movement for vehicles to the front of the property.
- 5.6.7 Concern has been raised that the access into the site will be adoptable. It is highly unlikely that such a form of road would ever be considered appropriate for adoption by the Highway Authority. Concern has also been raised that the layout now includes access to the agricultural land to the north of the site and it is feared that this will be for future development. Retaining the agricultural access to the rear of the site is considered to be reasonable. Should further development ever be proposed in this location then this would be given due consideration under a separate planning application, however it should also be noted that this is Green Belt land.
- 5.6.8 The amendments to the layout of the scheme are therefore considered to be acceptable in line with policy CLP20 of the Adopted Local Plan.
- 5.6.9 Design changes:

On the whole the design changes proposed as described in section 4.0 above are considered to be appropriate to the character and appearance of the original buildings, as a group of traditional farm building and in terms of the wider street scene. The scheme as now proposed is generally an improvement in terms of character and appearance from the originally approved development.

- 5.6.10 Details of the development such as material and finishes will need to be considered in more detail via condition. There is already a submission relating to this, although not a point where the details have been agreed.
- 5.6.11 Subject to conditions the amendments to the elevations are considered to be appropriate in line with policy CLP20 of the Adopted Local Plan.

5.7 Impact on Residential Amenity

- 5.7.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.7.2 Concerns have been raised by neighbouring residents specifically in terms of the rear upper floor window to Plot 4, where a large opening was proposed. In negotiation with the agent this window has now been removed and a further rooflight added to which is considered to address the concerns of the neighbouring resident.
- 5.7.3 Concern has also been raised regarding the location of the parking area to Plot 4 being adjacent to the boundary with the neighbour and that this will result in additional noise and nuisance. The parking area is close to the boundary with the neighbouring property but is adjacent to a high boundary wall which will provide a level of screening between the properties. It is not unusual to find parking to neighbouring properties in close proximity. The proposed parking if not in this location would be located adjacent to another existing property boundary resulting in the same impacts albeit to another resident. Given the screening in place and that this is only parking for one property the parking area is considered to be appropriately located and to result in acceptable impacts.
- 5.7.4 The retention of the elongated barn to Plot 3 being single storey only will not result in any additional impacts to neighbouring residents.
- 5.7.5 The relocation of Plot 5 further towards the north of the will bring the building closer to the garden of the adjacent property. However, the

separation between the properties and it being located to the north will ensure any amenity impact in terms of the neighbouring garden and home are acceptable.

- 5.7.6 The proposed amendments now sought are considered to result in acceptable impacts to neighbouring residents in accordance with policy CLP14 of the Adopted Local Plan.

5.8 Highway Safety

- 5.8.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

- 5.8.2 The access remains as originally approved and the roadway into the site is on the same route as originally approved albeit now narrower to allow for gardens and parking to the units within the site.

- 5.8.3 The concern about the adoptable standard of the road and access to the field to the rear are addressed in para 5.6.7 above.

- 5.8.4 The highway authority have considered the revised scheme and have raised no concerns. The originally related and still relevant conditions will therefore be reimposed. On this basis the proposal is considered to be acceptable in highway safety terms in accordance with policies CLP20 and 22 of the Adopted Local Plan.

5.9 Biodiversity, impact on protected species, enhancement

- 5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity”.

- 5.9.2 The original permission included a number of conditions relating to ecology mainly in terms of the potential for Barn Owls to utilise the site. The applicant has sought to discharge these conditions and the detailed mitigation measures have been agreed with Derbyshire Wildlife Trust. It is therefore necessary to update the conditions originally imposed to accord with the more detailed submission now agreed with the Trust.

- 5.9.3 At the time of the original permission there was no policy requirement for a net gain in biodiversity, as such it would now be unreasonable to require this provision at this stage of the development.

5.9.4 Subject to the updated conditions the proposal is considered to be acceptable in terms of ecological matters in line with policy CLP16 of the Adopted Local Plan.

5.10 Heritage impacts

5.10.1 The building on site are non-designated heritage assets. In addition, there are a number of heritage assets adjacent to the site, the impact upon these needs to be considered in line with policy CLP21. This policy requires that; “In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible”. The policy also notes: “The council has a presumption in favour of retaining non-designated heritage assets on the Local List. Development that involves substantial harm or loss of a non-designated heritage asset will be assessed as part of a balanced judgment”. This is reiterated in national policy in Part 16 of the NPPF.

5.10.2 The amended redevelopment of these vacant buildings is considered to be appropriate to the site and context, retaining and restoring non-designated heritage assets. In this regard it is considered that the development will have no adverse impact upon the setting of adjacent listed buildings. The re-development of the site which forms part of the historic evolution and character of the area is considered overall to enhance the setting of the heritage assets.

5.10.3 The Archaeology comments are noted. No conditions relating to potential below ground archaeology were originally imposed. The impact in terms of the character of the group is considered in section 5.6 above.

6.0 REPRESENTATIONS

6.1 Two received which are summarised:

- We have lived here for many years and have suffered with building new developments close to our property and boundary.
- Plot no. 4 which was barn no. 3 now has a north facing window on the first floor in the centre of the barn which is imposing and overlooks our property, and we will be able to look into their windows.
- The room layout for plot no. 4 has altered.

- The parking for this plot has also altered moving cars nearer to us resulting in additional noise and nuisance.
- Why would you put a road through the middle of your garden to the boundary of next door if you are not intending to develop the land adjacent.
- The original application was for 5 houses and a private road not an adopted road.

6.2 These matters are addressed in the report above.

6.3 Due to the postal strikes further letters advising neighbours of the amendment to the application (the window to plot 4) have not been sent out as this would have created a conflict with the date of the committee meeting. However, the neighbour concerned has been contacted about this matter directly by the case officer.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2021 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 **CONCLUSION**

9.1 This application is only considering the relatively minor changes to the approved scheme which on the whole is considered to result in an improved development in terms of character and appearance from the originally approved scheme. To ensure an appropriate form of development the conditions originally imposed are updated in section 10 below.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to the following updated conditions from the 2012 permission:

Conditions

01. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed site plan no. 04 Rev P5 received 05.07.22

Plots 1 – 3 proposed ground floor plans no. 05 Rev P8 received 05.07.22

Plots 1 – 3 proposed first floor plans no. 06 Rev P6 received 05.07.22

Plot 5 proposed plans no. 09 Rev P3 received 05.07.22

Plot 4 proposed floor plan no. 07 Rev P7 received 08.09.22

Plots 1 to 4 proposed elevations no. 08 Rev P6 received 08.09.22

Reason - In order to clarify the extent of the planning permission.

02. Site drainage shall be completed in accordance with the details submitted and approved under application CHE/14/00826/DOC.

Reason: To ensure appropriate drainage provision for the site in accordance with policy CLP13 of the Adopted Local Plan.

03. A. The development hereby approved shall be completed in accordance with the findings and recommendations of the Geotechnical and Geo-environmental Site Investigation Report dated 30.05.2022 as approved under application CHE/22/00417/DOC. B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A only) has been submitted to and approved in writing by the Local Planning Authority.

A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To ensure protection of the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with policy CLP14 of the Adopted Local Plan.

04. Ecological mitigation for Barn Owls shall take place in accordance with the technical note provided by Baker Consultants approved under application CHE/22/00417/DOC.

Reason: In order to ensure appropriate wildlife mitigation in accordance with policy CLP16 of the Adopted Local Plan.

05. The existing stone steps to the side of Plot 4 shall be retained as part of the scheme proposed. Prior to first occupation details of any railings or refurbishment works required to the steps, shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be implemented on site prior to first occupation and retained as such

thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character of the barns and the appearance of the development as a whole in accordance with policies CLP0 and 21 of the Adopted Local Plan.

06. The upper floor eastern side elevation window to Plot 5 serving the bathroom, shall be fixed (non-opening) and obscurely glazed. A method of fixing the windows and the obscure glazing proposed shall be submitted to the Local Planning Authority for consideration prior to their installation on site. Only those details which receive the written approval of the Local Planning Authority shall be installed on site and retained as such thereafter.

Reason: In order to protect the privacy and amenity of surrounding residents in accordance with policy CLP14 of the Adopted Local Plan.

07. There shall be no fence, hedge or other obstruction exceeding 1 metre in height within 2.5 metres of the carriageway edge across the entire site frontage.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

08. Notwithstanding the proposed site plan no. 04 and prior to any boundary treatment being installed, details of all boundary treatments proposed for the scheme shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be installed on site prior to first occupation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development in accordance with policies CLP20 and 21 of the Adopted Local Plan.

09. Before the ordering of external materials takes place, precise specifications or samples where necessary of the walling and roofing materials, all window and door details, all eaves and verge details, to be used in the development shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Reason: In the interests of the appearance of the development as a whole and its contribution to the wider area in accordance with policies CLP20 and 21 of the Adopted Local Plan.

10. Prior to first occupation details of all hard and soft landscaping proposed for the scheme shall be submitted to the Local Planning Authority for consideration. The hard landscaping shall include all surfacing and methods of demarcation for parking bays. The soft landscaping details shall also include planting plans and a schedule of landscape maintenance for a minimum of five years. Only those details which receive the written approval of the Local Planning Authority shall be implemented on site within the first planting season following first occupation.

Reason: In the interests of the appearance of the development as a whole and its contribution to the wider area in accordance with policies CLP20 and 21 of the Adopted Local Plan.

11. The parking and manoeuvring provision indicated on the submitted plan, including the garages, shall be made available for use concurrent with the occupation of the dwellings hereby approved and retained as such in perpetuity without hindrance to its designated use.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

12. Unless otherwise agreed in writing by the Local Planning Authority work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenities in accordance with policy CLP14 of the Adopted Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations (including new window opening) or additions (including extensions) shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the

curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To preserve the character and appearance of the original building and its surroundings in accordance with policies CLP20 and 21 of the Adopted Local Plan.

Informatives:

01. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

02. Environmental Protection recommend that a full mining risk assessment report is completed by the applicant/developer.

03. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

04. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original permission. Any proposed amendments to that which is approved will require the submission of a further application.

05. Pursuant to Section 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.