

Planning Committee 10th September 2024

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| APPLICATION NUMBER | | 24/00346/FUL | |
| SITE ADDRESS: | | Oker Farm Aston Lane Oker Matlock Derbyshire DE4 2JP | |
| DESCRIPTION OF DEVELOPMENT | | Conversion and extension of existing garage and barn to form holiday let accommodation (resubmission) | |
| CASE OFFICER | Aspbury Planning | APPLICANT | Mr David Peace |
| PARISH/TOWN | South Darley | AGENT | Mr Alan Yarwood |
| WARD MEMBER(S) | Cllr Sue Burfoot Cllr Martin Burfoot Cllr Steve Wain | DETERMINATION TARGET | 11/06/2024 Extension agreed: 13/09/2024 |
| REASON FOR DETERMINATION BY COMMITTEE | 5 unresolved objections | REASON FOR SITE VISIT (IF APPLICABLE) | For Members to appreciate the site and context. |

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| MATERIAL PLANNING ISSUES |
| <ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area • Impact on a non-designated heritage asset • Impact on residential amenity • Highway safety |

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| RECOMMENDATION |
| Approval subject to conditions |

1.0 THE SITE AND SURROUNDINGS

- 1.1 Oker Farm is located on higher land overlooking the floodplain to the north east of the centre of Oker village and north of Snitterton accessed at the end of Aston Lane.
- 1.2 Planning permission was granted in April 1987 (WED/0387/0175) for demolition of the existing farmhouse and conversion of the barn to a dwelling. Therefore, the existing dwelling on site is the linear barn that has been extended to the north west and the original farmhouse was demolished. Storage barns are located to the north and a greenhouse is the east. The steep driveway curves to the north west where Aston Lane turns north eastwards onto the valley floor adjacent to the river Derwent and the buildings sit on a higher plateau with the existing barn to the north east on the edge with a steep slope to the east. A dilapidated steel barn is located to the west of the site's entrance on the lower land level and a plateau to the north of this structure has been created to house a static caravan for the owner to live in whilst the renovation of the existing dwelling is being carried out.
- 1.3 The barn to the north of the linear converted barn is a single-storey gritstone-built redundant agricultural building with a mixture of random rubble and dimensioned coursed stone units on the external walls with roof sheets.
- 1.4 Site photos



2.0 DETAILS OF THE APPLICATION

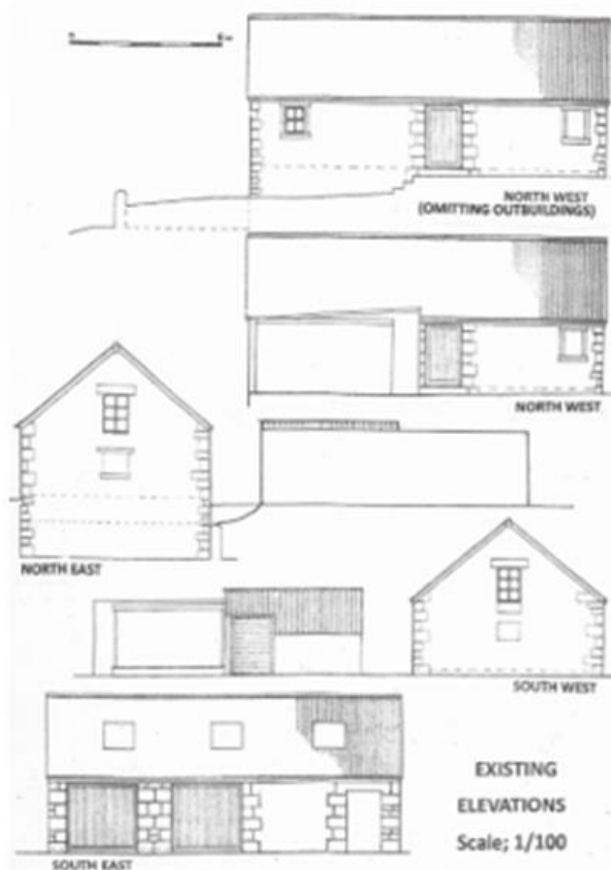
- 2.1 Full planning permission is sought for conversion and extension of an existing garage and outbuilding to form holiday let accommodation.
- 2.2 The application is a re-submission of previously refused application ref: 23/00375/FUL
- 2.3 The reasons for refusal of the previous application were:
- 2.4 *1. The scale, form and design of the proposed extensions and alterations are wholly out of scale and character with the original building, resulting in harm to its appearance and the character and appearance of this part of the countryside contrary to the requirements of Policies S4, HC8, PD1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance within the Council's Conversion of Farm Buildings SPD (2019).*
- 2.5 *2. Insufficient information has been provided to allow for the assessment of the impacts of the development on protected species contrary to the aims of policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).*
- 2.6 The revised proposal comprises a reduced form of development which would involve removal of existing outbuildings, erection of a single storey extension, and raising the roof of the existing building to form an upper floor.
- 2.7 Previously refused application plans 23/00375/FUL



2.8 Revised Proposed Plans



2.9 Existing plans



3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S4 Development in the Countryside
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment

PD5 Landscape Character
HC8 Conversion and Reuse of Buildings for Residential Accommodation
HC19 Accessibility and Transport
HC21 Car Parking Standards
EC8 Promoting Peak District Tourism and Culture

3.2. Other:

The Conversion of Farm Buildings Supplementary Planning Document (2019)
The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

Ground floor/first floor extensions and insertion of 4 no. dormer windows
Ref. No: 09/00623/FUL | Status: Permitted with Conditions

Conversion and extension of existing garage and barn to form 1 no. dwelling house for use as holiday let accommodation
Ref. No: 23/00375/FUL | Status: Refused

Demolition Of Existing Farmhouse and Conversion of Barn to Dwelling
Ref. No: 0287/0149 | Status: W

Demolition Of Existing Farmhouse and Conversion of Barn to Dwelling
Ref. No: 0387/0175 | Status: A

5.0 CONSULTATION RESPONSES

5.1 South Darley Parish Council

The Parish Council agreed to object to the application for the following reasons:

- The proposed development is significantly larger than the existing barn structure and would have a detrimental visual impact on the character of the area and the open countryside setting.
- Aston Lane is in poor condition and poorly maintained. The lane cannot accommodate any increase in vehicle movements.
- Aston Lane forms part of the Derwent Valley Heritage Way and is well used by walkers, cyclist, and horse riders. An increase in vehicular usage would increase risks to all road users.

5.2 Cllr Steve Wain - Ward Councillor - Matlock All Saints

No comment received.

5.3 Cllr Martin Burfoot

No comment received.

5.4 Cllr Susan Burfoot

No comment received.

5.5. DCC Highways

The proposal appears similar in layout to the previous application 23/00375/FUL however, I cannot see that any parking details have been submitted. Given the space within the site and the distance from the public highway I consider that parking can be provided as detailed on the previous application or something similar. There remain no highway objections to the proposal subject to parking and manoeuvring being provided within the site curtilage.

5.6 Environment Agency

We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason: - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response. Advisory notes are recommended.

5.7 DCC – Archaeologist

Thank you for consulting on the above planning application. The buildings proposed for conversion have no archaeological significance and I have no objection to the proposals

5.8 DDDC - Conservation

Heritage Assets: The application site can be considered a 'non-designated heritage asset': The farmstead is recorded on the Historic Environment Record as a 'Partially extant 19th century farmstead.' It is clear from its form the building was an ancillary agricultural outbuilding. Therefore, paragraph 209 of the NPPF 2023 is applicable. The existing garage is poor in terms of materials and visual appearance.

Observations: I have no objection to the proposed development. The removal of the aforementioned garage is a heritage benefit. The proposed development will achieve the adaptive reuse of a non-designated heritage asset.

Conditions recommended (see list of conditions under Section 8)

5.9 DCC – Footpaths

No comments received. Advisory note relating to footpath is provided by DCC Highways.

5.10 Derbyshire Dales Ramblers

Ramblers Derbyshire Dales Group has no objection providing that: i) South Darley FP 19 and BW 35 remain unaffected at all times, including the path surface, both during and after any development. Both Rights of Way appear to be either adjacent or outside the proposed site ii) Consideration should be given to the safety of members of the public using the Right of Way both during and after the proposed works iii) There should be no encroachment of the path. The DCC Rights of Way Team should be asked for advice over any RoW matters.

5.11 Peak & Northern Footpaths Society

No objection.

5.12 Derbyshire Wildlife Trust 6th June 2024

We have reviewed the proposal and the Preliminary Bat Roosting and Bird Nesting Assessment (Armstrong Ecology, May 2023). The existing outbuilding was considered to have 'low' potential to support roosting bats. We support the recommendation for one nocturnal bat survey, in line with best practice guidance and based on the level of bat roost potential identified. Paragraph 99 of Circular 06/2005 states "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Evidence of bird nesting was identified in the building. The report does not identify the species of bird nesting within the building. However, we believe that the bird nest in photograph 14 is a swallow nest, which could be impacted by the conversion. Swallow nest sites are difficult to compensate for as they need to be located internally within a structure such as a barn, stable, car port etc with continuous access for the birds. Consideration should be given to whether any measures could be provided on site to avoid loss of nest sites. This species returns annually from sub-Saharan Africa and are usually faithful to nest sites. Recommended conditions will be confirmed once all ecological information is submitted.

5.13 Derbyshire Wildlife Trust 8th July 2024

Following on from our previous comments (letter dated 6th June 2024), we have reviewed the Bat Survey Report (Armstrong Ecology Ltd, July 2023). The building on site was assessed as having 'low' potential and one nocturnal survey was undertaken in July 2023. No bats were seen emerging from the building during the survey. However, bat activity was recorded in the surrounding area. Survey work is in line with Good Practice Guidelines (Collins, 2016) and no further surveys regarding bats are considered necessary in this instance. We previously mentioned the need to mitigate for swallow nesting opportunities on site. This has been addressed in Appendix 4 of the report. Conditions advised. (see recommended list of conditions Section 8)

5.14 DDDC - Environmental Health

No objection in principle. I would recommend that construction hours are restricted to 8am-6pm Monday to Friday and 8am -1pm Saturday and no work Sundays and Bank Holidays.

6.0 REPRESENTATIONS RECEIVED

6.1 7 representations have been received in objection to the proposal with comments summarised below: -

- Inadequate access
- Aston Lane in a bad state of repair
- Increase in volume of traffic
- Overdevelopment of site
- Impact on residential amenity – noise
- Proposal not in accordance with guidance on conversion of farm buildings
- Intensification of existing holiday let use
- Ecological survey out of date and no biodiversity net gain
- Loss of garaging
- Impact on landscape

7.0 OFFICER APPRAISAL

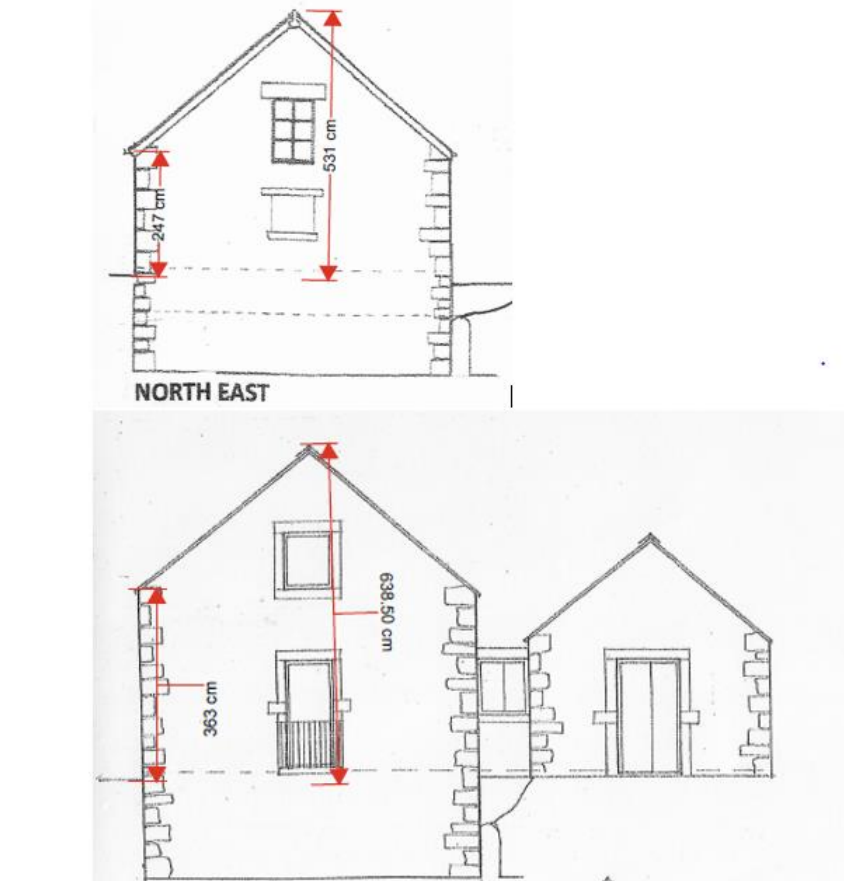
Principle of development

- 7.1 The site is located within the countryside, to the north east of Oker village. Local Plan Policy S4 is relevant and seeks to ensure that new development protects and enhances the landscape's intrinsic character and distinctiveness and comprises of conversion and re-use of buildings in accordance with Policy HC8. Policy HC8 permits conversions of existing buildings to residential provided that the building is of permanent and substantial construction, the form, bulk and general design of the building makes a positive contribution to the character and appearance of its surroundings, it can be converted without extensive alteration, rebuilding or extension and conversion does not have a detrimental impact upon the character and appearance of the building and its surroundings.
- 7.2 Policy EC8 supports tourism which is appropriate to the countryside and consistent with environmental objectives.
- 7.3 Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.4 Policy PD2 seeks to preserve or enhance non-designated heritage assets.
- 7.5 The principle of development involving conversion and extension of the existing buildings for tourism is acceptable.

Impact on the Character and Appearance of the Area

- 7.6 In terms of character and appearance, the proposal maintains the character of the existing building, the existing roof pitch is retained, and reflected in the extension.
- 7.7 The applicant states that the work would be undertaken using local, natural materials chosen to match existing materials. It is recommended that samples of external materials are submitted for approval.
- 7.8 The structural survey submitted with the application states that overall, the building is suitable for conversion and recommends full replacement of the existing roof covering which is cement sheeting and most likely contains asbestos or asbestos containing materials.
- 7.9 The structural survey also notes that the roof truss bearing points are stained and damp and will need to be exposed to confirm their adequacy. The truss bearings will need drying out and treating to protect them from future water ingress. The report recommends that the central roof truss is relocated and re-sited on the central stone pier and it is off centre.
- 7.10 With regard to the above it is considered that the existing roof structure is suitable for retention and re-use and replacement of the existing cement sheeting with a more appropriate and traditional roof covering material would be welcomed.

7.11 The figure below indicates approximate measurements of the proposed height increase taken from existing and proposed drawings relating to the north east elevation. The images below indicate a height increase of approximately 1 meter.



7.12 The increase in height of the existing building by 1 metre and the addition of a modest extension as proposed are not considered extensive or excessive. The impact on the character of the landscape would not be significant.

7.13 The removal of breeze block remains of the existing outbuilding and replacement with a subservient stone gable to the north east elevation would improve views to the site from the footpath. Replacement of the cement roof covering with a traditional material would also benefit the appearance of the building both within the site and from the public viewpoints to the north east.

7.14 Paragraph 206 of the NPPF state that: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.15 On balance it is considered that the sensitive conversion of the building would preserve the non-designated heritage asset and constitute a viable use which would make a positive contribution to local character and distinctiveness in accordance with NPPF guidance.

7.16 It is considered that the proposed development is in accordance with policies S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan 2017 and The Conversion of Farm Buildings Supplementary Planning Document (2019)

Impact on residential amenity

7.17 The site is located at a distance of approximately 80 metres from the nearest residential dwellings to the south of the site. It is not considered that the proposal would impact on the

amenity of neighbouring properties around the application site due to the separation distance.

7.18 The proposal is considered to comply with policy PD1 in terms of residential amenity.

Highway Matters

7.19 The Local Highway Authority has assessed the application and advised that they have no objection subject to adequate parking and turning being provided within the site. A condition is recommended in this regard.

7.20 It is not considered that the proposed development would result in a severe impact upon the highway network and that sufficient parking can be accommodated within the site curtilage.

7.21 It is therefore considered that the proposal is acceptable in terms of highway safety and in accordance with policies HC19 and HC21.

Protected Species

7.22 A Preliminary Bat Roosting and Bird Nesting Assessment was submitted with the application. Derbyshire Wildlife Trust were consulted, and requested a nocturnal survey to be carried out. This had been undertaken in July 2023. No bats were recorded emerging from the building. Bat activity around the wider site was recorded and evidence of swift nesting features. Enhancement measures are recommended in the report and this is supported by the Wildlife Trust. Conditions are recommended to ensure the measures are undertaken.

7.23 It is considered that the proposal is compliant with the requirements of policy PD3 of the Local Plan.

Conclusion

7.24 Having regard to the above assessment, it is recommended, that planning permission is granted subject to the recommended conditions. It is considered reasonable to remove permitted development rights, given that uncontrolled alterations may have an impact on the character of the area.

8.0 RECOMMENDATION

It is recommended that planning permission is granted subject to the following conditions:

1. This planning permission relates to: Location Plan received 16/04/2024; Proposed block and floor plans received 16/04/2024; Proposed Elevations received 16/04/2024.

Reason:

To define the planning permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The accommodation hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 28 days in any calendar year or more than a total of 8 weeks in a calendar year and it shall not be re-occupied by the same person/s within 28 days

following the end of that period. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Authority upon written request.

Reason:

The development is not considered appropriate other than as a holiday facility because it is outside any Settlement Framework boundary and does not accord with the Development Plan policies for general housing, namely policies S1 and S4, of the Adopted Derbyshire Dales Local Plan (2017)

3. 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 or additions 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:

4. To preserve the character and appearance of the original building and its surroundings in accordance with policies S1, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).
5. Details of parking for two cars and associated manoeuvring area shall be submitted for approval to the local planning authority and shall be provided within the site curtilage prior to occupation in accordance with the approved details.

Reason:

In accordance with policy HC21 Car Parking Standards

6. A sample roofing tile shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the roof. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

7. All verges shall be given a plain lime mortared finish without the use of bargeboards.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

8. Details of all proposed gutters, downpipes and other external plumbing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

9. Before works begin on any external surface stonework details of the stone origin, type and proposed surface finish (tooling) to all external surfaces shall be submitted, in

sample form, to the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

10. Before application, details of the method, composition and colour of pointing shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be constructed in accordance with the pointing details so approved.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

11. Details of all new external window and door joinery glazing, including rooflights, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

12. Details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

13. Construction work shall only be carried out between the hours of 8am and 6pm on Mondays to Fridays; 8am -1pm Saturday and no work Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings.

14. Nesting Birds: No works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. Lighting: Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

16. Biodiversity Enhancement The enhancement recommendations detailed in Appendix 4 of the Bat Survey Report (Armstrong Ecology Ltd., July 2023) shall be implemented in full during the course of the development and retained in perpetuity. A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

Reason:

In order to protect, manage, and enhance biodiversity in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. This decision notice relates to the following documents: Location Plan received 16/04/2024; Proposed block and floor plans received 16/04/2024; Proposed Elevations received 16/04/2024.

3. Highways

The application site is affected by a Public Right of Way (Footpath number 35 South Darley on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

4. Environment Agency

Please see the following advisory note regarding foul drainage:

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer

2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)

3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment.

It can take up to 4 months before we are in a position to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.