AMBER VALLEY BOROUGH COUNCIL

PLANNING AND REGENERATION
DEVELOPMENT MANAGEMENT

PLANNING APPLICATION RECOMMENDATION

Date: 12 May 2022

Code No.	**: AVA/2022/0236 (HEATHW)**	**Parish**	**: Belper CP**
File No.	**: PP-11121003**	**Ward**	**: Belper East**
Valid Date	**: 21 March 2022**		

Proposal **Single Storey Rear Extension with roof lantern**
Location **31 Sherbourne Drive Belper Derbyshire**
Applicant **Mr Jonathan Hodgins**
Agent **Catherine Shipham Extension Drawing Services Kings Chambers 34 Queen Street**

RECOMMENDATION

APPROVE subject to the conditions set out in Appendix 1:

REASON FOR RECOMMENDATION

In making this recommendation account has been taken of all material planning considerations arising from the views of statutory and other consultees and public representations about the application, the Council's Strategic Objectives, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006. The Belper Neighbourhood Plan applies

H12 – Quality And Design Of Housing Development – Adopted Amber Valley Borough Local Plan 2006
LS3 - Design – Adopted Amber Valley Borough Local Plan 2006
TP1 – The Impact Of Development On The Transport Network – Adopted Amber Valley Borough Local Plan 2006
TP6 – Car Parking – Adopted Amber Valley Borough Local Plan 2006
EN18 - Derelict, Unstable and Contaminated Land – Adopted Amber Valley Borough Local Plan 2006
EN29 - Derwent Valley Mills World Heritage Site – Adopted Amber Valley Borough Local Plan 2006

Justifications In Detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision-making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

ANALYSIS

DELEGATED REPORT

Valid Date: 21st March 2022 Expiry Date: 16th May 2022

Planning Application Ref.	AVA/2022/0236
Proposal description	Single storey rear extension with roof lantern
Location	31 Sherbourne Drive Belper
Recommendation	Approval
Policy Considerations	Having regard to Section 38(6) Planning and Compulsory Purchase Act 2004. The main policy considerations are as follows: **Adopted Amber Valley Borough Local Plan** (Saved policies) H12 – Quality And Design Of Housing Development LS3 – Design TP1 – The Impact Of Development On The Transport Network TP6 – Car Parking EN18 - Derelict, Unstable and Contaminated Land EN29 - Derwent Valley Mills World Heritage Site **Belper Neighbourhood Plan** NPP11 – Protecting Heritage Assets **National Planning Policy Framework** Part 9 - Promoting Sustainable Transport Part 12 – Design Part 15 - Conserving and Enhancing the Natural Environment Part 16 - Conserving and Enhancing the Historic Environment **Supplementary Planning Documents** SPD – Residential Development
Relevant Planning History	AVA/2021/0733- Certificate of lawful development for a proposed extension to dwelling house, refused 18.08.2021.
Summary of Consultation Responses and Public Representations	**Parish Council –** No comments received **Public Representation-** No comments received

EIA Screening	The proposal is not 'Schedule 2 development' within the meaning of that term set out by Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, because it is not an urban development project that exceeds 5 hectares in area. Consequently, the selection criteria set out by Schedule 3 to the aforementioned regulations do not apply in this case.
Summary	**Principle of Development** The application site is located within the built framework of Belper and comprises a detached dwelling situated on a corner plot on a residential estate. This application seeks permission for a single storey rear extension to replace the existing conservatory. The site is located in the Derwent Valley Mills World Heritage Site Buffer Zone. The issues to be determined are does the proposal have any impact on the residential amenity of the neighbouring dwellings and is it in scale and character with the area and does the proposal impact on the views into or out of the World Heritage Site. **Heritage & Visual Amenity** Saved Policy EN29 of the Amber Valley Borough Local Plan 2006 states that planning permission will only be granted for proposals within the Derwent Valley Mills World Heritage Site Buffer Zone where they do not impact on the views into or out of the site. This policy is considered to broadly accord with Part 16 of the NPPF in seeking to preserve or enhancement heritage assets. It is not given full weight as the policy does not allow for the balance of public benefits as set out in paragraph 202. Policy NPP11 of the Belper Neighbourhood Plan states that Development located within the DVMWHS, Conservation Area or setting must demonstrate that any public benefits should on balance out weigh harm to the Outstanding Universal Value of the DVMWHS and therefore accords with the NPPF. Saved policy LS3 of the Amber Valley Borough Local Plan 2006 states that development will only be permitted where proposals respect the character of the locality in terms of the scale and nature of development, its layout, density, height, massing, architectural style, materials and landscaping. This is consistent with part 12 of the NPPF in terms of its emphasis for good design and therefore can be afforded full weight in the decision-making process in accordance with paragraph 219 of the NPPF. The proposed extension is located to the rear of the existing dwelling and is to replace the existing conservatory to the rear. Due to the location of the dwelling on a corner plot the proposal will be partially visible within the street

	scene, however the proposal is to be constructed using materials to match the existing dwelling and as the proposal is to replace the existing conservatory, it is considered the proposal will not raise any issues in terms of visual amenity and therefore complies with saved policy LS3 of the Amber Valley Borough Local Plan 2006. Due to the location of the dwelling on a residential estate and the minor nature of the development, it is considered the proposal will not impact on the views into or out of the World Heritage Site and therefore complies with saved policy EN29 of the Amber Valley Borough Local Plan 2006. **Residential Amenity** Careful consideration has been given to the impact upon residential amenity in accordance with one of the planning principles of the NPPF, which seeks to secure and high standard of amenity for all existing and future occupiers of land buildings. Saved policy H12 of the Amber Valley Borough Local Plan 2006 states that when considering applications for housing development, the Borough Council will require that the proposals, amongst others, are in scale and character with their surroundings and do not unduly affect the amenities or privacy of adjoining or adjacent properties, including through loss of light, overshadowing or overlooking. This is consistent with part 12 of the NPPF in terms of its emphasis on good design and protecting residential amenity and therefore can be afforded full weight in the decision-making process in accordance with paragraph 219 of the NPPF. The proposed extension is to replace the existing conservatory on the same footprint. Due to the location of the extension, replacing the existing conservatory, and the approximate 1.8 m boundary it is considered the proposal will not raise any issues in terms of loss of light or privacy for any of the neighbouring properties. As the proposal will not raise any issues in terms of loss of light or privacy for the neighbouring properties it is considered the proposal complies with the SPD for Residential Development and complies with saved policy H12 of the Amber Valley Borough Local Plan 2006. **Highways** Consideration has been given to the impact upon highway safety. In accordance with part 9 of the NPPF 'promoting sustainable transport' which seeks to minimise the conflicts between traffic and pedestrians and create safe and secure layouts.

	Saved policy TP1 of the Amber Valley Borough Local Plan 2006 states that when considering development proposals, the Borough Council will require that satisfactory access can be obtained to the transport network and any additional traffic movements that are likely to be generated by the development can be satisfactory accommodated on the transport network. This policy is considered consistent with policies contained in Part 9 of the NPPF and therefore can be given full weight in the determination of this application in accordance with paragraph 219 of the NPPF. The proposal is located to the rear of the existing dwelling and will not impact on the existing parking arrangements at the front of the site. It is therefore considered the proposal will not impact on highway safety and therefore complies with saved policy TP1 of the Amber Valley Borough Local Plan 2006. **Ground Stability** Saved policy EN18 of the Amber Valley Borough Local Plan 2006 states that planning permission will be granted for the reclamation and re-use of derelict, unstable and contaminated land, providing that where it is suspected or known that land is contaminated, a detailed and independent assessment is undertaken to identify the nature and extent of contamination and any remedial or mitigating measures which need to be undertaken. This policy is consistent with part 15 of the NPPF, paragraph 183 in terms of ensuring a site is suitable for its proposed use, taking account of ground conditions and any risk arising from land instability and contamination, including risks arising from natural hazards or former activities such as mining and therefore policy EN18 can be given full weight in the decision-making process in accordance with paragraph 219 of the NPPF. As the site is in a high-risk coal area in terms of former coal mining activity, it is considered appropriate to attach a footnote to any decision advising of the potential risk. **Conclusion** The proposal is considered to meet the objectives of sustainability in terms of the social, economic and environmental considerations as set out in paragraph 8 of the NPPF. As the application of policies within the Frameworks that protects areas of importance does not provide clear reason to refuse the application it is recommended for approval in accordance with paragraph 11 d) I of the NPPF.
Recommendation	Approval with conditions.

Reason If Out of Time
N/A

	Signed	Dated
Case Officer		12.05.2022
Assistant Director (Planning)		16.05.2022

Appendix 1

Conditions/Reasons:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the information and drawings listed below:

- Application Form received on 21st March 2022
- Proposed Elevations (drawing number EDS-0741-04 Rev C) received on 21st March 2022
- Proposed Floor Plans (drawing number EDS-0741-03 Rev 3) received on 21st March 2022
- Location Plan received on 21st March 2022

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

3 The facing and roofing materials to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing dwelling.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

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

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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

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

2 "The applicant is strongly urged to help meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meeting the NPPF's environmental objective of mitigating and adapting to meet climate change, including moving to a low carbon economy. Therefore, the applicant is strongly urged to include on-site renewable energy generation (e.g. solar panels), the de-carbonising of heating systems (e.g. air-/ground-source heat pumps) and enhanced levels of insulation beyond those required by present building standards."

Advice in relation to sustainable energy measures and any need for planning permission can be found at

https://www.planningportal.co.uk/info/200125/do_you_need_permission

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Electronic File/Back Office Disclaimer:

I confirm as case officer that the Uniform back office reflects accurately all data that has been used/processed/analysed during the lifespan of the case now a planning recommendation has been made.

I confirm as case officer that all associated case documentation has been scanned and indexed to Civica and the paper file can be destroyed

Officer Signature: **Date:12.05.2022**

I confirm as case administrator that the Officer's recommendation and Manager's sign-off, and decision notice will be scanned and indexed into Civica.

Admin Officer Signature: **Date:16.05.2022**