

PLANNING WORKSHEET 11 – DELEGATED / PCG REPORT - GENERAL

Valid Date: 10 September 2020

Expiry Date: 23 February 2024

Application Ref.	20/01122/COU	
Site Address	Holmelea Top Street East Drayton Retford Nottinghamshire	
Proposal	Change of Use of a Residential Property to a Mixed Use Residential/Commercial Premises to Provide a Canine Hydrotherapy Facility	
Case Officer	Peter McEvoy	
Decision Level	- Delegated after reference to Planning Consultation Group	
Recommendation	- Grant planning permission	
Reason(s) for PCG referral		
PCG Sign off and date		
	Signature	Date
Case Officer	Peter McEvoy	19/02/2024
Authorised signing Manager		19 th February 2024

Policy Considerations	<p>Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.</p> <p>Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance</p> <p><u>National Planning Policy Framework</u> The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.</p>
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Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted. The relevant policies are as follows:

Section 2- Achieving sustainable development

Section 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12- Achieving well-designed places

Bassetlaw District Council – Local Development Framework

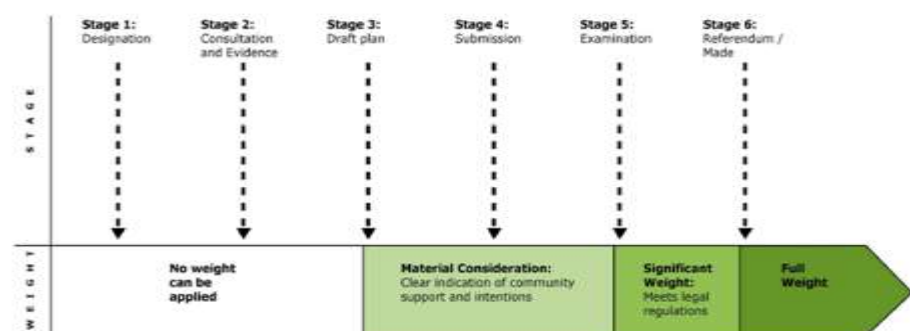
Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 - Settlement hierarchy
- DM1 – Economic Development in the Countryside
- DM2 – Conversion of Rural Buildings
- DM3 – General Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment

Neighbourhood Plan (including status and relevant policies)

East Drayton Neighbourhood Plan; Designated (Stage 1).

The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded no weight.



Other relevant guidance/SPDs	<p><u>Bassetlaw District Council – Successful Places:</u> A Guide to Sustainable Housing Layout and Design (Adopted December 2013)</p> <p><u>East Drayton Conservation Area Appraisal & Management Plan 1975</u></p> <p><u>A Guide to Heritage Impact Assessments.</u> Bassetlaw District Council. http://www.bassetlaw.gov.uk/media/378862/Heritage-Impact-Assessment-Guidance-October-2013-Update.pdf</p>
Relevant Planning History	<p>22/01639/FUL - Section 257 - Application for a Public Footpath Stopping Up Order of East Drayton Footpath No. 18 and a Replacement (Diverted) Route</p>
Summary of Consultation Responses	<p><u>Bassetlaw District Council Environmental Health</u></p> <p>Visitors by appointment only and restricted to daytime on weekdays only. Hours of any construction works to be restricted.</p> <p><u>Bassetlaw District Council Conservation</u></p> <p>The poly tunnel and caravan/log cabin are sited in a secluded position among mature trees and with a mature high hedge along the eastern boundary. The buildings are such that could be seen in a domestic property of this size and it is not considered that the proposal will harm the character and appearance of this part of the East Drayton Conservation Area or its setting. The plans however need to be clarified to show what is on the site. The additional gravel surfaced parking area and the wood bark footpath through the copse are also in place already and low key. (The Conservation Team have confirmed that the proposed cladding of the caravan is acceptable).</p> <p><u>Nottinghamshire County Council Rights of Way</u></p> <p>No objections subject to informatives being imposed.</p> <p><u>Nottinghamshire County Council Highway Authority</u></p> <p>The proposal will not affect safety on the all-purpose highway network. An adequate amount of off-street parking and manoeuvring area should be provided within the site for both the residential property and the proposed business.</p>
Summary of Publicity	<p>This application was advertised by neighbour letter and site notice and comments in support of the application have been received from three local residents, outlining the following points;</p> <ul style="list-style-type: none"> - Sufficient off-street parking should be provided for residents and visitors at the premises. - The driveway to the property from Top Street is owned by an adjoining resident with a right of access to the occupiers of 'Holmelea'.

	<p>- The proposal will provide a much needed service for the local and further afield canine community.</p> <p>None of these comments objected to the proposal.</p>
Site Context	<p>The majority of the site lies within the East Drayton Conservation Area with a small portion outside but within its setting. The site also lies within an Area of Archaeological Interest.</p> <p>East Drayton Public Footpath 18 has been diverted around the site.</p> <p>East Drayton is defined as an 'other settlement' in the Bassetlaw Local Development Framework, ie. a settlement without a Development Boundary.</p>
The Proposal	<p>The application proposes the operation of a canine hydrotherapy facility from the residential premises. The business will be operated on the basis of one dog per session for a duration of approximately 30-45 minutes.</p> <p>A pool area enclosed with a steel framed poly tunnel has been erected in part of the side/rear garden area of the property. A log cabin (caravan which is to be cladded) has been sited close to the facility, to be used as a waiting room area and office. A metal storage shed has been re-sited close to the facility as a result of the siting of the log cabin. The existing entrance driveway, garage and parking area is to be retained and an additional gravel surfaced parking area has been provided within the site. A wood bark surfaced footpath has been created to provide pedestrian access through a small wooded area to the hydrotherapy building from the vehicle parking area.</p>
Assessment of Proposal	<p><u>PRINCIPLE</u></p> <p>NPPF paragraph 88 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. Similar advice is contained with the policies of the Bassetlaw Local Development Framework Policy DM1 which states;</p> <p>Proposals for standalone economic development (e.g. tourist attractions; equine enterprises; rural business) in rural areas will be supported where they can demonstrate that:</p> <ul style="list-style-type: none"> i. any necessary built facilities will be provided by the re-use of existing buildings or, where the re-use of existing buildings is not feasible, new buildings are located and designed to minimise their impact upon the character and appearance of the countryside; ii. the development requires the specific location proposed and there are no other suitable sites in, or close to, settlements covered by policies CS2-CS8 or on brownfield land; iii. they are viable as a long-term business;

- iv. the scale, design and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses;
- v. where the proposal includes a retail use, it is demonstrated that this will not have an adverse impact on the vitality or viability of local centres; rural service centres; and shops and services in surrounding villages; and
- vi. they will not create significant or exacerbate existing environmental or highway safety problems.

In principle, the proposed development is therefore acceptable subject to other material considerations and planning policy requirements.

VISUAL AMENITY

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 131 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 135 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

Holmelea is a relatively modern dwelling standing in extensive grounds and accessed off Top Street by a private drive. The boundary of the Conservation Area runs along the rear boundary to the east and across the middle of the garden to the south, beyond which there is a copse to the south and narrow strip of land to the east and south. It is in this strip of land, where the log cabin (a caravan, which will be clad in shiplap), the storage shed and the poly tunnel with existing sunken pool are sited.

The poly tunnel and caravan/log cabin are sited in a secluded position among mature trees and with a mature high hedge along the eastern boundary. The buildings are such that could be seen in a domestic property of this size and given the form, size and siting of the structures, it is not considered that the proposal will harm the character and appearance of this part of the East Drayton Conservation Area or its setting. The additional gravel surfaced parking area and the wood bark footpath through the wooded area are considered to be of a low key nature and similarly of no harm to the Conservation Area.

RESIDENTIAL AMENITY

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 135 of the NPPF.

The site is extensively screened on all boundaries with a wooded area and tree planting throughout the site. The structures which have been erected in connection with the proposed business are in the eastern most part of the site which adjoins the rear most part of garden areas to properties on Low Street and open countryside. Access to the site is via a shared driveway with properties adjoining the driveway on both sides.

The business is to be carried out on a 1:1 basis and the size of the building dictates that this will be the case. A condition restricting the business to a 1:1 appointment basis only, allowing for a 15 minute period between appointments to ensure two customers are not at the premises at any one time, will ensure noise disturbance is kept to a minimum to protect the amenities of nearby residents. Furthermore, a restriction on the hours of operation of the business will restrict the intensification of the commercial use of the site, to the further benefit of the amenities of nearby residents.

Adequate private amenity area would remain for occupiers of 'Holmelea' as a result of the proposed development.

HIGHWAYS MATTERS

Paragraph 114 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 115 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed business is connected with the domestic use of the property.

Additional on-site vehicle parking and manoeuvring has been provided. Together with the facilities available for the occupiers of the host dwelling, it is considered that the low key nature and proposed operation of the business on a 1:1 appointment basis with only one customer at the premises at any one time, will not demonstrably exacerbate any highway safety issues in the vicinity of the site.

HERITAGE MATTERS

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. Conservation' is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its

significance. Therefore case law has ascertained that both 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 200 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset. Paragraph 205 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Para 209 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. It states in paragraph 194 that harm caused by the loss of significance (such as through the demolition of the building) should only be allowed via clear and convincing justification.

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RIGHTS OF WAY

There was some debate regarding the correct alignment of the Public Right of Way which has delayed the determination of this application. Whilst only a small portion of the created on-site parking area would have interfered with the line of the Right of Way the Right of Way has now been diverted to avoid the car park (22/01639/FUL). The Rights of Way Team have now confirmed that there are no outstanding objections to the proposal.

CONCLUSION/PLANNING BALANCE

In line with relevant national and local planning advice, the proposal would be of no detriment to the character and appearance of the Conservation Area or its setting, would be of no significant detriment to the amenities local residents whilst retaining an adequate level of private amenity area for occupiers of the dwelling and would not exacerbate any existing highway safety issues in the locality.

As such, it is recommended that planning permission is granted.