

<b>APPLICATION NUMBER</b>		21/01246/OUT	
<b>SITE ADDRESS:</b>		Farmers Garage Limited, Smedley Street, Matlock, Derbyshire, DE4 3JG	
<b>DESCRIPTION OF DEVELOPMENT</b>		Outline planning application for the erection of 2no. Dwellinghouses with approval being sought for scale and layout	
<b>CASE OFFICER</b>	Heaton Planning	<b>APPLICANT</b>	Mr T. Halliwell
<b>PARISH/TOWN</b>	Matlock	<b>AGENT</b>	Mr Simon Molsom, Gaskell Building Surveyor
<b>WARD MEMBER(S)</b>	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	<b>DETERMINATION TARGET</b>	20 <sup>th</sup> May 2022 (EOT agreed up to the 15 <sup>th</sup> July 2022)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	More than 5 unresolved objections received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To consider the appropriateness of the scale and layout of the development

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• The appropriateness of the development in policy terms</li> <li>• Impact on heritage assets</li> <li>• Impact on the character of the area</li> <li>• Highway safety, and;</li> <li>• The effect of the development on the residential amenity of the occupants of nearby dwellings</li> </ul>

<b>RECOMMENDATION</b>
That the application be Granted with Conditions

# 1. THE SITE AND SURROUNDINGS

1.1 The application site forms a rectangular shaped corner plot at the junction of Malvern Gardens and Smedley Street in Matlock. The site is currently used as the main showroom and office for Farmers Garage Limited. The site is bounded by No. 1 Malvern Gardens, a residential property, to the north, which is sited above the application site, the All Saints Parish Church car park to the west, and Smedley Street and Malvern Gardens to the south and east respectively. Malvern Gardens is a cul-de-sac of residential properties which rise above Smedley Street and the application site. The site is located within the Matlock Bank Conservation Area. The closest listed building is the Grade II Church of All Saints approximately 40m to the northwest. The site currently benefits from direct vehicular access onto Malvern Gardens just before it adjoins Smedley Street.



## 2. THE APPLICATION

- 2.1 The application as originally submitted sought outline planning permission for 2 no. dwellings on the site with all matters reserved. In accordance with Article 5 of Part 3 of the Town and Country Planning Act (Development Management Procedure) (England) Order 2015 (as amended) the Local Planning Authority considered it necessary, to call in details of scale, layout and appearance to consider the impact of the development on the character and appearance of this part of Matlock Bank Conservation Area and the setting of the Church of All Saints. Details of layout and scale were subsequently provided and were deemed sufficient to assess the impact of the development on these heritage assets.
- 2.2 Outline planning permission is therefore sought for the erection of 2 no. dwellings on the site with approval being sought for scale and layout. All other matters including access are reserved. Initially, the proposed layout included two semi-detached dwellings. However, amended plans received 21/06/2022 show a revised layout of two detached dwellings. Both dwellings would be two storeys, incorporating dual pitched roofs. The proposed site plan lays out space for two off street parking spaces. Indicative access arrangements are also shown. The properties provide some external amenity space for future residents. In terms of dimensions, the properties would be 8.5m in depth, 6.6m in width, and set 1m back from the public highway. The properties would be 4.5m in height to the eaves and 8m in height to the central chimney stacks.

## 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan 2017  
S1 Sustainable Development Principles  
S2 Settlement Hierarchy  
S3 Development Within Defined Settlement Boundaries  
S7 Matlock / Wirksworth / Darley Dale Development Strategy  
PD1 Design and Place Making  
PD2 Protecting The Historic Environment  
PD3 Biodiversity and the Natural Environment  
PD7 Climate Change  
PD8 Flood Risk Management and Water Quality  
HC1 Location of Housing Development  
HC19 Accessibility and Transport  
HC21 Car Parking Standards

Other:

The National Planning Policy Framework (2021)  
National Planning Practice Guide

## 4. RELEVANT PLANNING HISTORY

0287/0100	EXTENSION TO SHOWROOM AND PROVISION OF NEW TOILET	A	30/10/1987
1088/0753	SHOWROOM WITH OFFICES OVER AND CAR PARK	A	13/12/1988
0294/0116	OFFICE EXTENSION TO CAR SHOWROOM	A	31/03/1994
0298/0076	Erection of car showroom and provision of three customer parking spaces	A	08/04/1998

## 5. CONSULTATION RESPONSES

### 5.1 Local Highway Authority:

In principle there are no objections to the proposed two dwellings and although access is not for determination, I would raise the following points:

The proposed, westerly access emerges immediately adjacent to the boundary wall/fence and would provide no pedestrian intervisibility. Smedley Street is a well-used pedestrian route and provides links to the nearby primary school. The access would also emerge immediately adjacent to the existing on-street parking bay which, if occupied would make manoeuvring into/out of the space difficult and will need to be modified. In addition, the location of the telegraph pole and chamber at this location would make the formation of the access difficult.

The easterly access is utilising the existing access into the premises - whilst it is appreciated that this is an existing access, the position of the building removes the opportunity for any vehicle to enter/leave the site perpendicular to the kerblines and could lead to complicated manoeuvring within the mouth of the adjacent junction.

Notwithstanding the above comments, please include the following conditions on any consent granted:

The dwellings the subject of the application shall not be occupied until vehicular access and off-street parking (including secure cycle parking) has been provided in accordance with a detailed scheme, first submitted to and approved in writing by the Local Planning Authority and maintained thereafter free from any impediment to its designated use.

### 5.2 Matlock Town Council:

In objecting to the development, the following comments are made:

*Matlock Town Council considers building two dwellings on this site to be over development, plus it would require provision of a new vehicular access for the house adjacent to the Church Hall. This would create a danger to pedestrians who use this busy street on their way to work at County Hall and to take their children to All Saints Infants and Junior schools. It would need the telegraph pole to be moved as it will obstruct the dropped kerb access onto Smedley Street. Permission is required to have an access onto Malvern Gardens for the other house as this is a private road.*

*The wastewater produced from two houses will be greater than that from its present use and as such will put a strain on the already over loaded drain and sewer system in Matlock. Severn Trent Water is becoming increasingly concerned about the cumulative effect of all the new development in the town.*

*Refusal reasons:*

- 1. Over development*
- 2. Dangerous exit*
- 3. Over loading of drains and sewers*

*Smedley Street is in a conservation area which means that any new build must blend in with the street scene. As all the buildings on this street are of stone, Matlock Town Council would ask that a Condition be added to any permission granted requiring all new build to be also of matching stone.*

### 5.3 Conservation and Design Officer (DDDC):

The applicant/agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).

The site lies within the Matlock Bank Conservation Area. The site currently has the Farmers Garage on it. Historically, this site was open land up until the 1960s/70s when Malvern Gardens was built out and Farmers Garage was constructed.

The application is for outline planning for the erection of a semi-detached pair of two-storey, dwelling houses with approval being sought for scale and layout.

It is considered that an appropriately designed, orientated and detailed pair of two-storey dwelling houses could be accommodated on this site. The proposed scale of the dwelling (as indicatively illustrated on submitted drawing 'GBS/1974/203') is of two-storeys with dual pitched roofs over. This may be acceptable in this particular location, subject to design, character, appearance and detailing.

Whilst approval is not being sought for external appearance etc. at this stage the submitted, indicative, west elevation is architecturally poor and would be deemed inappropriate for this site & context within the Conservation Area.

## 6. REPRESENTATIONS

6.1 A total of seven representations have been received, mostly from residents of Malvern Gardens, and mostly raising concerns or objections to this application and/or applications 21/01412/OUT and 21/01447/OUT. The responses can be summarised as follows:

- Parking on Malvern Gardens is restricted and the proposed development would cause conflict with current residents;
- Privacy will be in jeopardy;
- Development not in keeping with the street scene of the Conservation Area;
- A covenant restricts the height of any development on this site;
- The scale of putting 2 houses in place of the building area would be too large;
- Cumulative impact of these three applications is unacceptable;
- The road and footpath are very busy and car parking has not been considered, would a traffic risk assessment/survey be carried out?;
- Would there be any affordable housing for local residents?
- The proposed houses may well have their own parking areas, but there won't be enough room for cars visiting these houses;
- The proposal would have a detrimental effect on access to Malvern Gardens, causing issues to refuse collection and emergency vehicles;
- Properties would be cramped with minimal rear gardens. However, there exists an opportunity to replace the existing out-of-character development and improve the street scene.
- There would be overlooking from No 1 Malvern Gardens.
- Parking and access into Smedley Street would require passing over a busy footpath used by children going to and from school;
- Conservation area build must be of stone in order to match the surrounding buildings.

## 7. OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is also a material consideration in respect of this application.
- 7.2 The application seeks outline planning permission for the erection of 2no. detached dwellinghouses with all matters reserved except for scale and layout. The scope of the application was focussed to include scale and layout following the request of these details in a letter from the Local Planning Authority to the applicant/agent dated 02/12/2021.
- 7.3 The site is located in the settlement of Matlock, a tier one settlement identified in the Adopted Derbyshire Dales Local Plan (2017) as one of the District's main towns with a primary focus for growth and development. The site also forms an infill site; Policy HC1 promotes the effective reuse of land by encouraging housing development including infill. It is considered the site is a sustainable location for a residential development of up to two dwellings and would make the best use of land in accordance with the Adopted Derbyshire Dales Local Plan (2017); the principle of development is acceptable.
- 7.4 Redevelopment of the site would result in the loss of the existing employment use. The site, however, comprises a sui generis use and is not a protected employment use under Policy EC3 where it must be demonstrated that the continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of the development. Policy S7 seeks to promote the sustainable growth of Matlock whilst at the same time promoting and maintaining its distinct identity. This includes providing for the range of housing needs and mixed use developments required in the town. Redevelopment of the site for housing is therefore considered to be acceptable in principle. Being located outside of the town centre, the development would not adversely affect its vitality and viability.
- 7.5 Policy S3 requires development to be of a scale, density, layout and design that is compatible with the character of the area and Policy PD2 requires development to conserve heritage assets. The site is located within the Matlock Bank Conservation Area and although approval is not sought for the external appearance of the development, it is considered the proposed scale and layout of the proposal is acceptable, subject to design, character, appearance & detailing, to be determined in a reserved matters application and would not result in harm to this heritage asset or the setting of All Saints Church. The Conservation Officer noted the submitted, west elevation is architecturally poor and would be deemed inappropriate for this site & context within the Conservation Area. This indicative external appearance has since been amended and now show a blank gable. Although the external appearance of the dwellings are a matter for determination at a subsequent reserved matters application, the applicant is advised to follow the advice of the Conservation Officer to ensure an acceptable appearance. The layout proposes two detached dwellings, with a modest gap between. The character of development on the north side of this part of Smedley Street East is more diverse. The layout and scale of development is not considered to be inappropriate in this respect.

- 7.6 In terms of highway safety, the Highway Authority has no objections, in principle. However, commenting on the initial layout of two semi-detached properties, it was noted that the then proposed westerly access emerges immediately adjacent to the boundary wall/fence and would provide no pedestrian intervisibility. The access would also emerge immediately adjacent to the existing on-street parking bay which, if occupied would make manoeuvring into/out of the space difficult. In addition, the location of the telegraph pole and chamber at this location made the formation of the access difficult.
- 7.7 The agent has submitted an amended layout which proposes two detached properties and alternative indicative access arrangements. The revised site plan as shown on drawings GBS/1974/203 C and GBS/1974/204 A overcome these initial highways concerns. Notwithstanding the above, a detailed access and off-street parking scheme is required as part of any reserved matters application.
- 7.8 Policy PD1 requires development to be of high quality and contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings. The proposed development would be of an appropriate scale and density, matching that of residential properties in the locality. The layout and scale would lead to a development which assimilates with and enhances the streetscene, which in this part of Smedley Street is characterised by dense development taking up the bulk of their respective plots and built up close to the public highway.
- 7.9 Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. In order to ensure the development proposal does not put an unreasonable burden on existing infrastructure, a condition has been added to the consent which requires surface and foul water drainage details to be submitted as part of a future Reserved Matters submission to satisfy the requirements of Policy PD8. Appropriate foul and surface water connections will also need to be made to meet building regulations.
- 7.10 The proposed dwellings would be sited at a lower level than existing residential properties on Malvern Gardens, including no. 1 Malvern Gardens which borders the site to the north. As a result, it is not considered the proposed scale and layout would create any undue impacts on neighbouring residential amenity. The position of any first floor windows will form part of a future reserved matters application which deals with matters of appearance. The scale of the proposed dwellings and their height relative to the existing dwellings to the north, and intervening boundary treatments are such that the development can be achieved without any unacceptable overbearing or overshadowing effects or loss of privacy. As the sections plan (GBS/1974/203 Rev C) advises that the dimensions must be checked on site and should not be scaled from the drawing a condition which sets a maximum eaves and ridge height relative to pavement level, based on the submitted drawing is recommended to safeguard the residential amenity of the occupants of no. 1 Malvern Gardens.
- 7.11 Policy PD7 requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions. The application site is located in a first-tier sustainable settlement, with public transport, shops, services and facilities within walking distance of the site. Nevertheless, it is considered reasonable and necessary to attach a condition requiring details of how the development itself contributes to mitigating greenhouse gas emissions to ensure planning policy is met. A scheme to deliver biodiversity enhancement is also recommended to satisfy the aims of Policy PD3.
- 7.12 The principle of residential development in this location is acceptable and the proposed scale and layout is in accordance with the Adopted Derbyshire Dales Local Plan (2017). The amount of development is such that there is no requirement to make any developer contributions or to deliver any affordable housing. A recommendation to grant outline

planning permission for the scale and layout of the development, subject to conditions is made on this basis. Other matters including access, the external appearance of the development and landscaping are reserved for subsequent approval.

## 8. **RECOMMENDATION**

8.1 That outline planning permission be granted subject to the following conditions:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
  - a) the external appearance of the development;
  - b) the landscaping of the site;
  - c) access insofar as details of vehicular access and off-street parking.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. As part of any reserved matters for this site, a scheme for foul and surface water drainage which shall include a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved details.

Reason:

To ensure proper drainage of the site in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. This permission relates solely to the application as detailed on drawing numbers GBS/1974/203 C and GBS/1974/204 A.

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

5. The scale of the approved dwellings shall follow the parameters set out on drawing numbered GBS/1974/203 Rev C insofar as it relates to the eaves and ridge heights only. As part of any approval of reserved matters application concerning appearance, the external

built form of the development shall show a main gable width and roof design / pitch appropriate to domestic properties in the vicinity.

Reason:

To protect the residential amenity of the occupants of no. 1 Malvern Gardens and to ensure a satisfactory external appearance in accordance with the aims of Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. As part of any reserved matters application for this site details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

In the interests of maintaining public health and safety in accordance with Policy PD1 and H11 of the Adopted Derbyshire Dales Local Plan (2017).

7. As part of any reserved matters planning application, details of biodiversity enhancement measures associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be provided prior to the occupation of the dwellings and retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of including measures to contribute positively to the biodiversity of the area and ensure there is a net overall gain to biodiversity in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. As part of any reserved matters or full planning application, details of how the development contributes to mitigating greenhouse gas emissions, including any sustainable construction methods or measures to reduce energy or water consumption, or promote renewable energy generation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason:

In the interests of mitigating climate change in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

## **INFORMATIVES:**

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the proposed layout and indicative access arrangements.

This Decision Notice relates to the following documents received by the Local Planning Authority:

- Planning Application Forms
- Design and Access Statement
- GBS/1974/201 A – Site Location Plan and Existing Site Plan (1:200 and 1:1250) June 2021
- GBS/1974/203 C – Proposed Site Elevation View (1:20, 1:100 and 1:250)
- GBS/1974/204 A – Proposed House Elevation View (1:50, 1:100, and 1:250)