

APPLICATION NUMBER		21/01412/OUT	
SITE ADDRESS:		Farmers Garage Limited - Land Adjacent, Smedley Street, Matlock, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of 1no. Dwellinghouse with approval being sought for scale and layout	
CASE OFFICER	Heaton Planning	APPLICANT	Mr T. Halliwell
PARISH/TOWN	Matlock	AGENT	Mr Simon Molsom, Gaskell Building Surveyor
WARD MEMBER(S)	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	DETERMINATION TARGET	20 th May 2022 (EOT agreed up to the 15 th July 2022)
REASON FOR DETERMINATION BY COMMITTEE	More than 5 unresolved objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the appropriateness of the scale and layout of the development

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

RECOMMENDATION
That the application be Granted with Conditions

1. THE SITE AND SURROUNDINGS

1.1 The application site forms a square shaped corner plot at the junction of Malvern Gardens and Smedley Street in Matlock. The site is currently used for the parking and display of vehicles associated with the car showroom, Farmers Garage. The site is bounded by two single storey commercial units to the east, and Malvern Gardens and Smedley Street to the west and south respectively. Malvern Gardens is a cul-de-sac of residential properties which rise above Smedley Street and the application site. The closest of these properties bounds the site to the north. The site is located within the Matlock Bank Conservation Area. The closest listed building is the Grade II Church of All Saints approximately 65m to the west. 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 1 no. dwellings on the site with approval being sought for scale and layout. All other matters including access are reserved. The dwelling would sit flush with and abut the existing commercial units to the east. The building would be two storey and incorporates a dual pitched roof. The proposed site plan lays out space for one off street parking space. The property provides some external amenity space for future residents. In terms of dimensions, the dwelling would be up to 8m in depth and 6.95m in width. The building would be 5.2m high up to the principal eaves, and up to 7.4m in height to the highest central ridge.

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

0298/0076	Erection of car showroom and provision of three customer parking spaces	A	08/04/1998
03/01/0049	Erection of car showroom and provision of three customer parking spaces (renewal of planning permission DDD/0298/0076/C)	A	17/03/2003

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

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

The access utilises the existing access into the parking/display area which currently emerges onto Malvern Gardens. The rail across the front of the site prevents vehicles taking direct access onto Smedley Street. The layout as submitted removes the railing and forces the driver to leave directly onto Smedley Street, across the existing pedestrian dropped kerb.

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

The dwelling 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:

The plan does not show how any car parked in the illustrated position is going to get access onto Smedley Street. There is a telegraph pole and a street light in its path and it would also mean driving over a wide footpath on a busy pedestrian route, used by school children and employees at County Hall. Making an access onto Malvern Gardens will need the permission of its residents, as it is a private road.

As there is no provision of water to this plot any building will mean an increase in the load put on the drains and sewers of Smedley Street. This will have a cumulative effect on the volume created by the two other applications in the same vicinity.

Smedley Street is a conservation area meaning any development must blend into the existing street scene. All of the buildings on Smedley Street are constructed in stone so Matlock Town Council would ask that any building given planning permission includes a Condition that it also be built of stone.

The Town Council recommends refusal on the following grounds:

- 1. Dangerous exit onto Smedley Street*
- 2. The applicant does not own the land needed to create an access onto Malvern Gardens*
- 3. Increase in volume of waste water going into the drains and sewers”*

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 is currently used for car parking associated with the adjacent Farmer's Garage. Historically, this site was open land up until the 1960s/70s when Malvern Gardens was built out. The site is adjacent to two 1970s mono-pitched roofed commercial units.

The application is for outline planning for the erection of 1no. two-storey, dwelling house with approval being sought for scale and layout.

It is considered that an appropriately designed, orientated and detailed two-storey dwelling house could be accommodated on this site. The proposed scale of the dwelling (as indicatively illustrated on submitted drawing 'GBS/1974/303') is of two-storeys with dual pitched roofs over. This may be acceptable in this particular location, subject to design, character, appearance & detailing. It is to be built directly against the eastern end of the small commercial units (as no gap is indicated on the proposed layout plan).

(Whilst approval is not being sought for external appearance etc. at this stage the submitted, indicative, east 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 applications 21/01246/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;
 - 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.
 - This property would be overlooked at its rear by Nos 7 & 8 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 1 no. dwellinghouse with all matters reserved except for scale and layout.
- 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. 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 and the erection of one dwelling would make full and

effective use of the land to satisfy the objectives of the Adopted Derbyshire Dales Local Plan (2017). The principle of development is therefore considered to be acceptable.

- 7.4 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.
- 7.5 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 layout, matching that of residential properties in the locality. The layout and scale would lead to a development which assimilates with 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. A condition is recommended requiring that the external built form of the development and design responds positively to / addresses Smedley Street East and adjacent development as part of any approval of reserved matters application concerning appearance. The proposed scale and layout of the development is acceptable, subject to the external form, design, character, appearance & detailing, to be determined in a reserved matters application and a condition as set out above. It is not considered that the development of the layout and scale proposed would be harmful to the conservation area or the setting of the nearby listed church.
- 7.6 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. The proposed dwelling would be a standalone residential property sited at a lower level than existing residential properties on Malvern Gardens to the north. Given the distance and orientation of the dwelling in relation to the nearest neighbouring property, it is not considered the proposed scale and layout would create any unacceptable impacts on neighbouring residential amenity. The position of windows and any resultant loss of privacy will be a consideration in respect of the appearance of the development, which is a reserved matter.
- 7.7 In terms of highway safety, the Highway Authority has no objection, in principle, and do not raise any major concerns at this outline stage, subject to a condition requiring the submission and approval of a detailed scheme for vehicular access and off-street parking (including cycle secure parking) on any consent granted. The proposed site plan indicates space for a single off-street parking space with access onto Malvern Gardens or Smedley Street and sufficient space for the storage of refuse bins within the site. This layout is considered acceptable, subject to details.
- 7.8 In order to ensure the development proposal does not put an unreasonable burden on existing infrastructure, a condition is recommended to the consent which requires surface and foul water drainage details to form 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.
- 7.9 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. It is considered reasonable to attach a condition requiring details of how the development contributes to mitigating greenhouse gas emissions and ensure planning policy is met.
- 7.10 Policy PD3 seeks to ensure development delivers a net overall gain to biodiversity. Given the small size of the site, it is considered the potential for biodiversity enhancements are

limited. It is however recommended that the development should include a detailed biodiversity enhancement scheme as part of any approval of reserved matters application.

7.11 The principle of residential development in this location is acceptable and the proposed scale and layout of the dwelling 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.

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/1974/301 and GBS/1974/303 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/1974/303 Rev A insofar as it relates to the maximum eaves and ridge heights only. As part of any approval of reserved matters application concerning appearance, the external built form of the development and design shall positively respond to / address Smedley Street East and adjacent development.

Reason:

To safeguard the residential amenity of the occupants of nearby dwellings 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 considered the application as submitted to be acceptable subject to conditions. 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.

This decision notice relates to the following documents received by the Local Planning Authority:

- Planning Application Forms
- Design and Access Statement
- GBS/1974/301 – Site Plan and Location Plan (1:500 and 1:1,250) (June 2021)
- GBS/1974/303 A – Proposed Site Elevation View (1:100 and 1:200) (Jan 2022)