

<b>APPLICATION NUMBER</b>		22/00070/REM	
<b>SITE ADDRESS:</b>		Old Bowling Green, King Edward Street, Ashbourne	
<b>DESCRIPTION OF DEVELOPMENT</b>		Approval of reserved matters for the erection of 6no. dwellinghouses (outline planning consent 19/01333/OUT and associated application 21/00800/VCOND)	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr S Cuthbert
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	Mr P Hurley
<b>WARD MEMBER(S)</b>	Cllr R Archer Cllr T Donnelly	<b>DETERMINATION TARGET</b>	30 <sup>th</sup> March 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	5 objections received	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on the Character and Appearance of the Area</li> <li>- Landscaping</li> <li>- Impact on residential amenity</li> </ul>

<b>RECOMMENDATION</b>
Approval

## 1.0 THE SITE AND SURROUNDINGS

1.1 The application site is located off King Edward Street, Ashbourne on the corner of the entrance to Sainsbury's carpark. The site is a grassed area, formally a bowling green, bounded by King Edward Street to the north, the Churchill development to the east, Sainsbury car park to the south and Empire Club to the west. Ashbourne Conservation Area lies to the north of the site. The application site falls outside but is in close proximity, and visible from, Ashbourne Conservation Area and the boundary is with Henmore Brook that lies approximately 43 metres to the north west and falls within Flood Zones 2 & 3.



## 2.0 DETAILS OF THE APPLICATION

2.1 Approval of reserved matters is sought for appearance, landscaping, layout and scale. Outline permission was granted on the 29<sup>th</sup> May 2020 with approval for access. An application to vary condition 5 to allow access from King Edward Street was granted on the 19<sup>th</sup> August 2021. The access was therefore fixed and the layout proposed includes access directly off King Edward Street which accords with the approved plan. The proposed layout shows six 3-bedroom dwellings, four would read as a terrace with Unit 2 stepped back from their frontage by 1.4m and Unit 1 stepped back a further 1.4m on the corner of King Edward Street. Gardens would be to the rear and a 1.8m boundary wall would enclose Unit 1 on the corner. Eight parking spaces would be provided to the east of the rear access road with a timber bin store to the north adjacent to a landscaped area near the access.

2.2 The proposed dwellings would be two and a half storey with pitched roof porches and dormers with the gable of Unit 1 on this elevation with its front elevation facing west

onto King Edward Street. This unit has a slightly higher ridge and steeper pitch with a centre gable feature on its front elevation in order for it to address the corner. External materials are a red brick with buff brick heads and cills, and above the damp proof course (DPC) with a matching string course in line with the top of the ground floor windows. The land level at the north western part of the site is higher than that of the south eastern part and in order to have a matching slab level throughout the properties units 2-6 would be sat on a brick plinth (between 300mm – 900mm high). The gable adjacent the Sainsbury’s car park to the south would have four false inset windows to break up the elevation.

### 3.0 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
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
HC19	Accessibility and Transport

#### 3.2 Ashbourne Neighbourhood Plan:

ACA 1	Ashbourne Central Area
HOU1	Housing Mix
DES1	Design
AH 1	Ashbourne Heritage

#### 3.2 Other:

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

### 4.0 RELEVANT PLANNING HISTORY:

19/01333/OUT	Outline planning application for a residential development of up to 9no. dwellings with approval being sought for access	PERC	29/05/2020
21/00800/VCOND	Variation of Condition 5 of planning permission 19/01333/OUT to allow vehicular access to the site from King Edward Street	PERC	19/08/2021

### 5.0 CONSULTATION RESPONSES

#### Ashbourne Town Council

- 5.1 State that members feel that this is an over-development of a small space, with difficulties in access, which will also have a negative impact on the traffic. Members object to the loss of a small green space within the town and feel that this proposed development will also have a visual impact on the recent development of retirement properties

## Environmental Health

5.2 No comments.

## Archaeologist

5.3 States that they are satisfied that the proposed works do not threaten any known or suspected archaeological interest. On this basis no recommendation for archaeological requirements are placed upon the applicant.

## Tree and Landscape Officer

5.4 States that there are concerns about the proposed 4 new trees to be planted in the car parking area. No detail relating to how they would be planted to provide them with sufficient rooting soil volume appears to have been provided. Details should be submitted for Condition 9 of the outline requiring an appropriate specification to suit the trees and their location using a specialised planting system together with the specification of appropriate tree guards.

## Highways Authority

5.5 The access demonstrated in the current application appears identical to the one approved under 21/00800/VCOND and it was advised that, as a private drive, the access would need to be constructed as a standard splayed dropped crossing and secured by condition 5. A 'site compound' condition was also previously included.

The access width, and manoeuvring space behind the parking spaces is considered appropriate, the level of parking is acceptable for the town centre location, and the spaces are of adequate size. Some secure cycle parking should also be provided and this can be secured by a condition.

The only outstanding issue is the temporary bin dwell area – although the 'bin store' has been provided, with the planting, there is nowhere for potentially 12 bins to be placed on collection day, clear of the adjacent footway. There would appear to be adequate space for this to be provided and a suitably worded condition should be included.

## Environment Agency

5.6 Have reviewed the Flood Management and Evacuation Plan, revision A dated 06/01/2022, and find it consistent with the flood risk assessment undertaken for the above development. They do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network. Consultation with emergency planners and the emergency services to confirm the adequacy of any evacuation proposals is required.

## Emergency Planner

5.7 Has reviewed the Flood Management Plan and comments as follows:-

- Whilst specific access/egress routes are not mentioned, the Plan itself is comprehensive, and takes cognisance of the fact that there are existing additional flood defences in place along Henmore Brook.
- The Gov.UK long-term flood risk predictions for the immediate area are low.
- The finished minimum floor level of the proposed properties will provide significant flooding safety margins, current and into future years.

Taking these points into account, the risk for the entire development to become moated would appear to be low.

It is suggested that the following actions be confirmed with the Developers;

1. Any buyer must be made fully aware that the properties are within a flood risk area, albeit risk is low.
2. Residents should be supplied with a copy of the Flood Plan as produced from Section 2 onwards in the document.
3. Buyers/Residents should be actively encouraged to sign-up for Flood warning services and be sign-posted on how to do this.
4. All residents should be advised to prepare a personal flood plan.

Whilst all these points are covered in the current plan, documented confirmation would reinforce the need for future compliance.

As this is a small site, whilst not specifically listed, access/egress routes are simple to define and residents would have ample opportunity to leave their homes should flood alerts (and warnings) be issued, via King Edward Street or towards Sainsbury's.

The plan-owners may wish to consider adding this information to the plan for clarity/assist in personal planning for residents. For those residents unwilling/unable to leave in the event of a severe flood warning, the advice to remain in their property is contained within the Plan and is clear.

In their opinion, the plan as it is presented/submitted meets the requirements in providing information and guidance to potential residents.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 Four letters of objection have been received and these are summarised below:

- a) If granted this will result in the loss of green space in the Town Centre.
- b) Will result in additional traffic in King Edward Street and increase the pollution in the Town Centre.
- c) The vehicle access should be relocated off the service road for Sainsbury's Supermarket because vehicles accessing King Edward Street from the proposed access would be up a ramp and crossing the pedestrian pavement.
- d) The existing Blossom Trees adjoining the footpath to Sainsbury's Supermarket should be retained in their present location to provide a screen from the proposed development
- e) It is regrettable that a green site such as this is being built on in the first place.
- f) At least one of the existing trees could be retained as the four new trees would take years to mature.
- g) Screening to the back of the bin store is required to soften the plain wall.
- h) Construction hours should be limited to sociable hours.
- i) Replacement trees should be partly mature, not saplings.

## **7.0 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of development
- Impact on the Character and Appearance of the Area
- Landscaping
- Impact on residential amenity

## Principle of development

- 7.1 The principle of development with access has been established in the granting of outline consent together with a subsequent variation of condition to change the access location.
- 7.2 Therefore only the following reserved matters below can be considered:
- a) the scale of the development;
  - b) the layout of the development;
  - c) the external appearance of the development;
  - e) the landscaping of the site.

## Scale, layout and external appearance of the development

- 7.3 The principal policies for consideration are Policies S1 S3, PD1 and PD7 of the Adopted Local Plan (2017).
- 7.4 Policy S1 states that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located.
- 7.5 Policy PD1 states that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development 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.
- 7.6 Policy ACA 1 of the neighbourhood plan supports the use and reuse of sites and buildings in principle in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged. Policy HOU 1 requires development proposals to meet local housing needs and provide, appropriately for the site a mix of sizes and types of dwellings. Policy DES1 requires high quality and sustainable design and policy AH 1 requires development to complement the historical context.
- 7.6 Access to the development from King Edward Street has been granted and this has the effect of fixing the layout of the buildings and has meant that the dwellings are not able to front along the length of this street as well the Sainsbury's access road. Extensive negotiations on the design quality and improving the form of the corner unit so it addresses King Edward Street and provision of a high boundary wall to screen rear gardens has been undertaken. The corner unit consequently has been designed with a higher ridge and gable feature on the frontage to improve its design and prominence in both street scenes. The scale of the proposed dwellings is generally comparable with the adjacent Eliot Lodge development to the north east as illustrated on the street scene plan and the design is considered to be of a high quality and appropriate in context with the character of the area. There is no objection to the proposed housing mix taking into account policy HC11 applies to residential developments of 11 dwellings or more. External materials, details of verges, windows, porches, dormers and roof lights shall be controlled by condition to ensure high

quality design and finish. On this basis, the layout, scale and appearance of the development is acceptable and in accordance with Policies S1, S3 and PD1 and policies DES1 and AH 1.

#### The landscaping of the site

- 7.7 The Tree and Landscaping Officer has reviewed the landscaping plan and initially had concerns regarding the replacement tree planting. Condition 9 required the submission of an Arboricultural Impact Assessment and Tree Protection Plan and through consultation it was agreed that in order to secure the long term retention of the new trees they shall be planted within a planting pit system which will provide a suitable rooting environment and prevent damage to the car park surface. On this basis the condition was discharged.
- 7.8 The proposed tree planting is therefore acceptable. The proposed boundary treatments, surfaces and garden areas are of a high standard and in accordance with policies. The landscaping scheme is therefore acceptable in accordance with Policies S1, PD1 and PD5.

#### Impact on residential amenity

- 7.9 Local Plan Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and avoid unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.10 The proposed dwellings would all be in excess of 21 metres from the nearest windows of the adjacent apartment scheme Eliot Lodge which is three storeys, ranging between 24 to 33 metres distance. The south western part of Eliot Lodge is closer to the boundary than the part to the north west and whilst there are kitchen windows on this elevation the living room windows are not the only window to these rooms and as such would be considered secondary. This relationship is considered acceptable as the four trees proposed on this part of the boundary would provide some screening between properties and the separation distances between facing windows is sufficient to avoid significant overlooking or overshadowing in accordance with Policy PD1.

#### Other matters

- 7.11 Condition 3 of the outline permission required the submission of a noise assessment in relation to the Empire Club and this has been submitted and assessed by Environmental Health. They state that on the basis that the recommendations contained within section 9.0 of the submitted Noise Assessment (Acute Acoustics Ltd 2021) are adhered to, the future occupants of the development are unlikely to suffer significant harmful noise impacts from surrounding properties. This condition was discharged on the 27<sup>th</sup> May 2022.
- 7.12 Part of condition 7 of the outline permission states that “*at the reserved matters application stage a Flood Management Plan shall be submitted which details how safe access and egress will be managed should the flood defences fail or be overtopped, causing the site become moated*”. The Environment Agency have reviewed the submitted Flood Management and Evacuation Plan and recommended that the Emergency Planner be consulted. The Emergency Planner considers the Flood Management Plan to be acceptable.
- 7.13 Condition 8 of the outline permission requires the submission of an energy statement in order to comply with Policy PD7 Climate Change. An Energy Statement has been

submitted with this application that proposes an improvement over the Part L Building Regulations requirements through improvements to the building fabric and efficiencies in the products used resulting in 14-15% reductions in carbon and energy consumption. This statement is considered acceptable and accords with the requirements of condition 8.

- 7.14 In implementing this planning permission adherence to the details approved for the outline conditions and variation of condition 21/00800/VCOND conditions that superseded the outline are required in terms of noise mitigation, the construction site compound, the access, construction hours, the flood risk assessment and mitigation and energy efficiency and the landscaping. It is not necessary to repeat those conditions in granting reserved matters.

### Conclusion

- 7.15 The proposed development is considered to be of a scale, layout, design and landscaping that is appropriate in its context with the character of the area and would secure a high quality development in this prominent town centre location. The development would not harm the amenity of neighbouring properties and would be acceptable in all other respects. The application is therefore in accordance with relevant policies within the Adopted Derbyshire Dales Local Plan (2017) and therefore approval is recommended on this basis.

## **8.0 RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. This permission relates solely to the application as amended by the revised plan no's AA-574-101D, 102D, 103C and 104B received by the Local Planning Authority on the 14<sup>th</sup> July 2022 together with plan no.100A received on the 2<sup>nd</sup> February 2022.

Reason:

For the avoidance of doubt.

2. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason:

In the interests of highway safety in accordance with Adopted Derbyshire Dales Local Plan Policy HC19.

5. The development hereby approved shall not be occupied until on-site parking provision (including secure cycle parking) has been provided in accordance with the application drawings, maintained thereafter free from any impediment to its designated use throughout the lifetime of the development.

Reason:

In the interests of highway safety in accordance with Adopted Derbyshire Dales Local Plan Policy HC19.

6. The development hereby approved shall not be occupied until a bin dwell area located immediately adjacent to the adopted highway, for the temporary placing of bins on collection day, has been provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Adopted Derbyshire Dales Local Plan Policy HC19.

7. Prior to installation, details of the verges shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. The roof lights shall be fitted flush with the roof slope in accordance with details (including recess, size, frame detail and any vertical glazing bar) which shall be submitted to and approved in writing prior to installation. The roof lights shall be installed in accordance with the approved details.

Reason

In the interests of preserving the character and appearance of the buildings and area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to construction / installation drawings showing the detailing and external materials of the porches and dormers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

*Reason:*

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and completed before the first occupation of any part of the development.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. All gutters, downpipes and other external plumbing shall be finished matt black at the time of erection and shall be permanently so maintained.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the visual amenities of the in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the design of the corner plot and design features.

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

This permission relates solely to the following application plans and documents:-  
plan no's AA-574-101D, 102D, 103C and 104B received on the 14<sup>th</sup> July 2022  
plan no.100A received on the 2<sup>nd</sup> February 2022.

Noise Assessment by Acute Acoustics Ltd dated 11<sup>th</sup> November 2021

Energy Statement

Flood Management and Evacuation Plan

Tree Report