

APPLICATION NUMBER		22/00529/FUL	
SITE ADDRESS:		North Park Farm, Whitworth Road, Darley Dale	
DESCRIPTION OF DEVELOPMENT		Erection of 1. No dwellinghouse	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr G Lowe
PARISH/TOWN	Northwood and Tinkersley	AGENT	Mr A Yarwood
WARD MEMBER(S)	Cllr Buckler	DETERMINATION TARGET	18 th July 2022
REASON FOR DETERMINATION BY COMMITTEE	5 objections	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES	
<ul style="list-style-type: none"> - Principle of development - Character and appearance - Highway Safety - Impact on residential amenity 	

RECOMMENDATION
To grant with conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a small plateau of land adjacent to a cluster of dwellings bounded by a stone wall and with open views across the valley to the west. The site sits within a larger area of open land to the west of the stone boundary wall which fronts Whitworth Road. The area to the west of the highway is generally undeveloped open countryside. The site is within the settlement boundary for Northwood as defined by the Adopted Derbyshire Dales Local Plan (2017). Part of the garden of the property known as 'Mole End' is covered by tree protection order (TPO DCC 88/W2) with the nearest protected trees adjacent to the north western corner of the site.



2.0 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission was granted for the erection of a dwelling on this site in early 2018. That permission was outline with all matters reserved for subsequent approval. Two subsequent reserved matters applications (ref: 18/00547/REM and 19/01191/REM) were refused and 19/01191/REM was dismissed at appeal.
- 2.2 The Inspector in the appeal decision concluded that:-

“The dwelling would not provide a traditional styled dwelling as required by the outline permission, which would have an adverse effect on the character and appearance of the area. This would be contrary to Policy S1 of the Local Plan (LP) which requires development to conserve and enhance the distinct Peak District character, and LP Policy S3 which requires development to be compatible with the scale, density, layout and design of its surroundings. It would also be contrary to LP Policy PD1 which requires high quality design that respects the character, identity and context of the local townscapes and landscapes amongst other requirements”.

- 2.3 This application seeks full planning permission for one dwelling. The plans show the proposed dwelling sited towards the northern end of the site with access provided to the south and parking centrally located to the side of the dwelling. The boundary wall to the frontage of the site would be set back to allow for a visibility splay. The dwelling would be a traditional horizontal form with pitched roof, measuring 9.1m by 5.3m, 4.2m to eaves and 6.2m to ridge. The dwelling would be constructed from natural gritstone under a blue slate roof. Features include an off central chimney with stone cills and lintels.
- 2.4 The accommodation as proposed includes a kitchen, dining area / living room, utility and W.C. on the ground floor with three bedrooms, a bathroom and an en-suite on the first floor.

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
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
HC19 Accessibility and Transport
HC21 Car Parking Standards

3.2. Other:

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

4.0 RELEVANT PLANNING HISTORY:

19/01191/REM – Approval of reserved matters for the erection of 1no. dwellinghouse (outline application 17/00995/OUT) (Resubmission), Refused 20.12.19. Dismissed at appeal 17.06.20

18/00547/REM –Approval of reserved matters for the erection of one dwelling (outline application 17/00995/OUT), Refused 15.08.18 Dismissed at appeal 01.03.19

17/00995/OUT - Erection of dwelling (outline – all matters reserved), granted 19.01.18

5.0 CONSULTATION RESPONSES

Northwood and Tinkersley Parish Council

- 5.1 There is a concern that this applicant has not followed planning processes for this application or others and so assurances are needed from the planning authority that if granted, the conditions are adhered too. The other concern is access on to a narrow, single lane part of Whitworth Road but are happy to leave this for the Highway authority to comment.

Highways Authority

- 5.2 There are no changes to our previous assessment of the similar application on this site in terms the traffic and highways element of this current scheme proposal, i.e. they are aware the speed limit on this section of Whitworth Road is 60mph, however due to the adjacent roads' limited width and general alignment, vehicle speeds are suppressed and around 25mph. Therefore, driver's visibility splays at the proposed access as detailed on the block plan drawing are considered satisfactory and achievable over controlled land. In terms of

traffic impact, the proposal would have a negligible effect on the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network. To conclude there are no objections to the proposed development subject to conditions relating to provision of a construction compound, new access, closure of the existing access, parking and turning provision and no gates

Tree and Landscape Officer (DDDC)

- 5.3 There are mature trees on the site which should be retained and successfully incorporated into the proposed development. They contribute to the character and appearance of the site and its surroundings. There are also tree groups subject to Tree Preservation Order adjacent to the site. Accordingly, it is recommended that an Arboricultural Impact Assessment to BS5837:2012 be required to be submitted for approval. The site is prominent from the adjacent Whitworth Road. Depending on the scale and height of the proposed building it may have the potential to change views from the road out across the Derwent valley which are currently unobscured across the site. Whilst there are dwellings to the East of Whitworth Road at this location, there is less development to the West and so the proposals should be considered to be extending development into the countryside.

Tree Officer (DDC)

- 5.4 The proposed development is adjacent to land under DCC TPO 88/W2. There is a small area of contact between the TPO and the development plot, which is down-bank from the proposed house. To protect the trees in the TPO a Tree Protection Zone of 6 metre radius from the NW corner of the plot would be sufficient to protect tree roots. If the applicant is unable to do this; a Tree Survey, to include trees on neighbouring land, using the BS5837 (2012) methodology, should be provided. This should be accompanied with an Arboricultural Impact Assessment and Method Statement, setting out the Root Protection Areas of trees and the measures to be employed to protect them.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Five letters of objection have been received and are summarised below:-
- a) The site has never been used as a paddock for horses or animals but as a tip.
 - b) The site has been extended and built up with a trail hole necessary to establish the natural ground level.
 - c) There are no heights of the building or driveway relative to existing levels provided.
 - d) Utilising the existing access to the north would have less impact on the character of the area and be less disruptive to residents.
 - e) The plot has a long frontage but little depth and its scale and height would be out of keeping.
 - f) The plans do not show the elevation of the footings of the property with existing properties constructed well below the road level (Mole End to the north is 4m below the road level)
 - g) A section view is required to fully assess visual impact.
 - h) Loss of view of the valley.
 - i) The road is narrow, however, vehicle speeds are above the 25mph stated by the Highways Authority nearer to 40mph,
 - j) There is a concern of safety of pedestrians, cyclists and horses using the road.
 - k) The access is proposed at the narrowest part of Whitworth Road being only 4m wide enclosed by stone walls.
 - l) Permission was refused for Highlands (18/00962/FUL) on highway safety grounds.
 - m) The site should be checked against the settlement boundary.

- n) The design and scale appears large, unduly imposing and not in character with the area.
- o) All properties in the vicinity have footings lower than the road level with the majority only having their roofs visible from the road.
- p) The proposed property would appear a very dominant and prominent feature.
- q) The property is large in relation to the plot size.
- r) The existing hedgerows should be retained.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Character and appearance
- Highway Safety
- Impact on residential amenity

Principle of development

- 7.1 The principle of the erection of a single dwelling on this site was established by the outline planning permission 17/00995/OUT together with the site being wholly within the settlement boundary. The outline planning permission has now lapsed. This application seeks full planning permission in light of the recent applications and the appeal dismissed in June 2020. Therefore, the principle is acceptable, the key issues are whether the scale and design of the dwelling now proposed is acceptable in context with the surrounding area and whether the proposal addresses the Inspector's comments.

Character and Appearance

- 7.2 The design concept discussed at appeal was for a traditional building which was in context with the prevailing character and appearance of the area specifically in respect of the building traditions within the locality and the relationship of building size to the plot size.
- 7.3 Darley hillside is an area of sporadically placed dwellings situated along established contours of the landscape with dwellings either front or side facing onto the highway. The dwellings in the immediately area of the site which make up the character and appearance of the area typically consist of larger, detached dwellings in large scale plots or smaller dwellings in much more constrained plot sizes.
- 7.4 In terms of their architecture, these properties are generally of a simple rectangular form with narrow gable ends and either double fronted design, or with doors located to the side of the front elevation and windows with a vertical emphasis placed proportionally within the elevations. All traditional designs in the locality have a high proportion of walling to windows. Generally houses are of coursed stone walling with slate to the roof and timber windows.
- 7.5 The outline permission required the dwelling to be a traditional two storey dwelling of stone construction and a slate roof. The proposal when compared to the 2019 application is a much more modest scale which more aligns with the dwelling to plot ratio found in the area. The design is more of a vernacular style with a flat elevation and finished floor levels have been provided which was lacking in the appeal proposal. A levels and a cross section plan has been provided that shows the existing levels and the proposed finished floor level of the property relative to the road and nearby properties. The proposed property would be set at 2.5m lower than the stop level indicated on the road boundary and 5m lower than Poplars Cottages to the east. This is considered to significantly reduce the visual impact of the property as it would extend only 3.7m above the road level with a further 1m obscured by the existing stone wall. Levels around the property respect the existing contours which

steeply reduce to the west and do not extend the plateau further into the countryside in this direction. Levels would reduce gradually to the south with only the driving and turning area retaining the same level as the dwelling. On this basis it is considered that the site would be contoured satisfactorily without additional harm to the underlying character of the area.

- 7.6 As such, it is concluded that the proposal would provide a traditional styled dwelling as required by the original outline permission and subsequently discussed by the inspector, which would have not have adverse effect on the character and appearance of the area and be compatible with the scale, density, layout and design of its surroundings in accordance with Policies S3, PD1 and PD5.

Highway Safety

- 7.7 The Highway Authority considered the impacts of an access in the location proposed as part of the outline application planning and raised no concerns at that time. This application is also considered to provide a safe and suitable access together with sufficient parking and turning within the site. In achieving the required visibility for the access the existing boundary wall position would have to be moved further into the site and this can be achieved as the land is controlled by the applicant.
- 7.8 Therefore whilst concerns have been raised by local residents in respect of the safety of highway users, given the assessment of the safety of the access by the Local Highway Authority, it is considered that the access is acceptable in accordance with adopted planning policy HC19 subject to detailed conditions. Details of the boundary walling can be controlled by condition.

Impact on Residential Amenity

- 7.9 Given the detached nature of the site, from properties to the north and across the road to the east, it is considered that the design of the dwelling would not result in any amenity impacts which would warrant the refusal of the application. The cross sections of the site show that the building would be set down on the site and would only project some 3.7m above the level of the highway.
- 7.10 As such, this would not impose unreasonably upon existing properties on the opposite side of the road, particularly given its offset nature (it is not directly in front of these properties and their aspect). Whilst the concerns of a neighbour in respect of loss of view are noted, the devaluation of existing properties as a result of this is not a material planning consideration. As such the proposal is considered acceptable in terms of amenity impact in respect of Policy PD1 of the Adopted Local Plan (2017).

Other matters

- 7.11 Site clearance has recently taken place and there are no trees on site nor evidence of any removals. The nearest trees are within the adjacent TPO to the North West and are not considered to pose a constraint to development, however, a condition securing assessments of impacts on existing trees and hedgerows is recommended. Site clearance had also taken place on this site in 2018 without providing the method statement required by condition 11 of outline planning permission 17/00995/OUT. However, based on legal advice obtained in 2018, it was not possible to pursue this clearance as a breach of planning control. As a result of this Derbyshire Wildlife Trust have not been consulted on this case. However, they previously advised that additional enhancement measures should be secured due to the potentially harmful clearance that has taken place. In this respect, whilst there is no fundamental ecological objection to the proposed development, it would be reasonable to impose a condition regarding ecological enhancements as part of this

submission. In this respect the proposal is considered to be acceptable in accordance with Policies PD3 and PD6 of the Adopted Local Plan 2017.

- 7.12 In relation to PD7 Climate Change, no details have been supplied within the Planning Statement and thus a condition is recommended to secure appropriate mitigation of climate change impacts.

Conclusion

- 7.13 The principle of development is acceptable within the settlement boundary and the proposed traditional styled dwelling at a lower level than Whitworth Road retaining the boundary wall and existing hedgerows is not considered to have adverse effect on the character and appearance of the area and is in context with its surroundings in accordance with Policies S3, PD1 and PD5. Whilst concerns have been raised regarding the impact on neighbours' amenity and highway safety impacts, these matters are considered acceptable subject to detailed conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: location plan scale 1:2500 and block plan no. L.22.01 received by the Local Planning Authority on the 9th May 2022 and 10th June 2022, the levels survey scale 1:250 and cross section scale 1:250 received on the 10th October 2022 and elevations and floorplans no. gl.22.03 received on the 11th October 2022, subject to the following conditions.

Reason:

For the avoidance of doubt as the forward projection on the front elevation was not acceptable and contrary to Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before any other operations are commenced (excluding condition 4), space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. No part of the development shall be occupied or brought into use until the new vehicular access is formed to Whitworth Road with visibility splays as defined on drawing no.

L.22.01 which is cleared of all obstructions to visibility exceeding 1 metre in height (0.6 metre in the case of vegetation) above carriageway/verge level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. Within 28 days of the proposed vehicular access being taken into use (the subject of condition 4), the existing substandard vehicular access to Whitworth Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. The dwelling shall not be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall be completed before the first occupation of the dwelling and thereafter be retained for use at all times throughout the lifetime of the development.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. The finished floor level of the dwelling and access and turning area shall be constructed in accordance with the approved details on the level survey scale 1:250 plan received on the 10th October 2022.

Reason:

To protect the amenities of adjoining properties and the appearance of the area generally in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include:
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;

- d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- e) means of enclosure including the rebuilding of the stone wall;
- f) hard surfacing materials;
- g) timescale for implementation.

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Samples of new 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 prior to installation. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development and use of appropriate materials to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. Details of all new external window and door joinery and/or metal 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, details of heads, cills, lintels, external finish and elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at 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 dwelling and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason:

To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

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

14. Prior to any works to construct the building or boundary treatments, a scheme of biodiversity enhancement measures (including timescale for implementation) 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 which shall be implemented in full and maintained thereafter throughout the lifetime of the development.

Reason:

In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy PD3 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 the forward projection feature and site levels.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. 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 £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This permission relates solely to the application plans and document
location plan scale 1:2500 and
block plan no. L.22.01
levels survey scale 1:250
cross section scale 1:250
elevations and floorplans no. gl.22.03
Supporting Statement

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>

E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the verge without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority

via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.