

Planning Committee 10th October 2023

APPLICATION NUMBER		23/00830/FUL	
SITE ADDRESS:		82 Oker Avenue, Darley Dale, Derbyshire, DE4 2GP	
DESCRIPTION OF DEVELOPMENT		Demolition of 1no. dwellinghouse and erection of 4no. apartments with associated parking and access	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr W Bradshaw
PARISH/TOWN	Darley Dale	AGENT	Mr M Hubbard
WARD MEMBER(S)	Cllr D Burton Cllr M Franks Cllr R Shelley	DETERMINATION TARGET	25.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Called to committee by Cllr R Shelley	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts of the development on neighbouring occupants and the wider street scene.

MATERIAL PLANNING ISSUES

- Principle of development
- Impact upon amenity of neighbouring occupants
- Impact on the character and appearance of the property and the wider street scene
- Highway safety

RECOMMENDATION

That permission be granted subject to conditions as set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site is located off the eastern side of Oker Avenue and is currently occupied by an existing 3-bedroom, semi-detached dwelling finished in an off-white render. The property benefits from an existing garden to the rear and additional garden/parking space to the south (side) with existing vehicular Access off Oker Avenue. The site is located within the defined settlement Boundary of Darley Dale (policy S3) and within the Darley Dale Neighbourhood Plan Area – Parkway and Oker.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the demolition of the existing semi-detached dwelling on site and construction of 4no. apartments with associated parking and access on site as set out on the submitted plans received by the Local Planning Authority 31.07.2023. The proposed apartment block would be physically attached to 84 Oker Avenue with flat 1 and 3 occupying a similar footprint to the dwelling which is to be demolished. Flat 2 and 4 would be constructed to the south of the central stairway and set at a lower level than the original dwelling. Four parking spaces are proposed to front of the new building each served by an EV charging point and occupants would share access to a communal garden to the rear.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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 Area Strategy

- PD1: Design and Place Making
- PD3: Biodiversity and the Natural Environment
- PD5: Landscape Character
- PD6: Trees, Hedgerows and Woodlands
- PD7: Climate Change
- HC7: Replacement Dwellings
- HC19: Accessibility and Transport
- HC21: Car Parking Standards

2. Darley Dale Neighbourhood Plan (2019):
 - NP5: Protecting the Landscape Character of Parkway and Oker
 - NP15: Design Principles for C3 Residential Development in Parkway and Oker
3. National Planning Policy Framework (2023)
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

15/00686/FUL Conversion and cladding of dwelling to create 2 flats and erection of attached dwelling Refused 05/07/2016

5.0 CONSULTATION RESPONSES

Darley Dale Town Council

- 5.1 It was resolved to submit a recommendation of objection on the following grounds:
 - I. Environmental Health – The noise associated with 4 dwellings will exceed current levels of a single dwelling.
 - II. There is insufficient parking for 4 dwellings.
 - III. The proposed development is not in keeping with the surrounding properties.
 - IV. The proposed development is a substantial variation from the existing street scene.
 - V. The scale and overwhelming proportions of the proposed site.
 - VI. There is nothing in the plans to suggest any access for disabled.
 - VII. Lack of suitable recreational space.

Cllr Roger Shelley

- 5.2 I would like to request that if officers are minded to recommend approval for this application, that it be called in for decision by the Planning Committee. This is on the grounds that I have concerns about the scale and proportion of the proposed development, adequate parking, and noise impact on neighbours.

Derbyshire County Council (Highways)

- 5.3 There are no objections to the proposed development from a traffic and highway point of view subject to the following conditions:
 1. The front boundary treatment adjacent the highway, shall at no time be higher than 0.6 metres above the level of the adjoining carriageway, for the whole length of the site's front boundary with the adjoining highway.
 2. Before the first occupation of the building, the existing redundant vehicular access located between the two new access points shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Derbyshire Wildlife Trust

- 5.4 We have reviewed the proposed plans and Preliminary Ecological Appraisal (Jenny Wheeldon MSc MCIEEM, 2023). The house, existing outbuilding and tree onsite were

assessed as having 'negligible' potential to support roosting bats. No birds' nest was noted in either of the buildings, hedgerows or the tree during the survey and the small scale of the development is anticipated to have a 'negligible' impact on local bird populations. No direct evidence of use by hedgehogs were found during the survey, however there are several records of hedgehogs in the adjacent streets and gardens. Overall, the demolition and erection of the four apartments are not likely to have a direct impact on protected species.

The mature tree on site will be retained. Existing habitats that will be lost, such as the short garden hedgerow and mown amenity grassland, have low ecological value and can be mitigated by the creation of grassland areas and reseeded of any retained grassland areas within the development, along with the proposed additional hedgerow and tree planting (as stated in section 4, page 18 of the Preliminary Ecological Appraisal report). The retention and addition of grassland and hedgerow has the potential to support foraging hedgehogs. Survey work is in line with best practice and a Biodiversity Enhancement Plan condition is advised.

Environmental Health (Derbyshire Dales)

5.5 Conditions recommended for this development:

Before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at received or dispatched from the site except between the hours 8am-6pm Monday to Friday and 8am-1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Prior to first occupation the approved building shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150Hz. The approved works shall be retained for the life of the development unless agreed in writing with the planning authority.

Trees and Landscape Officer (Derbyshire Dales)

- 5.6 The cherry tree in the rear corner of the site appears to be the only significant tree on site. It is not currently subject to statutory protection; however, it does provide amenity and screening and should be retained and incorporated into the development for the long term. I recommend that this could be achieved through no pruning works to its canopy and exclusion of all development works and all site works from the part of the site that is likely to contain the majority of its rooting system. This could be achieved by erecting 2m tall mesh panel fencing to enclose an area extending from its stem out to a distance 1m beyond the current canopy extent. This fencing (and signage attached to it) should meet the specifications provided in BS5837 (2012) Trees in Relation to Design, Demolition and Construction to Construction – Recommendations. It should be erected before any other site activity and remain in place in the correct position until all other development works have been completed. I recommend that a condition to this effect should be included with any grant of planning consent.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 2 representations have been received in objection to the proposed development, one of which is non-attributable. A summary of the representations is outlined below:

Objection:

- The large cherry tree needs to stay in place for the privacy of neighbouring residents.
- Concerns regarding the amount of additional on-street car parking created by the development.

- Concerns regarding the management of the new flats and future occupants.
- Concern regarding a potential increase in crime in the area.

Non-attributable objection:

- Concerns regarding disruption to the highway during construction.
- Concerns regarding an increase in on-street parking created by the development.
- Concerns regarding loss of privacy and overlooking to neighbouring properties.
- Concerns regarding the impact of the development on the street scene.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon amenity of neighbouring occupants
- Impact on the character and appearance of the property and the wider street scene
- Highway safety

Principle of development

- 7.1 The site is located within the defined settlement boundary of Darley Dale – a tier 2 settlement as identified by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Policy S2 states that “Proposals for new development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. This will ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement”. Darley Dale, along with the District’s main market towns (tier 1 settlements) have the greatest access to a range of services within the District and therefore are considered to be the most sustainable locations for new developments including new residential developments such as this proposal. The principle of the proposed development, in this location is therefore considered to be in accordance with the aims of policies S2 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on the amenity of neighbouring occupants.

- 7.2 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and 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.
- 7.3 Some concerns have been raised by neighbouring residents regarding the potential loss of privacy of existing residents as a result of the development and concerns regarding the management of future tenants of the proposed building.
- 7.4 Flat 1 and 3 as identified on the submitted plans would be constructed on the footprint of the existing 82 Oker Avenue and are unlikely to result in any additional overlooking or loss of privacy to the neighbouring occupants beyond the existing dwelling. Whilst the existing hipped roof would become a gable elevation following demolition of the existing building, this additional mass is not considered to result in any significant overshadowing of any neighbouring dwellings due to the orientation of the properties.
- 7.5 Flats 2 and 4 and the proposed central staircase would introduce additional residential accommodation on site. The main windows serving the living rooms and bedrooms to these units would overlook Oker Avenue with the kitchen and bathroom windows fronting the new communal garden. Despite the angle of this part of the building facing toward 2 and 4 Oker Avenue, there is considered to be sufficient separation distance and a drop in land levels to the application site such that there are no concerns regarding any significant loss of privacy to the neighbouring occupants as a result of the proposed development.

- 7.6 Subject to the conditions relating to noise insulation and working hours as requested by Environmental Health (Derbyshire Dales) the proposed development is considered to retain a satisfactory relationship with surrounding properties and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on the character and appearance of the property and the wider street scene

- 7.7 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.
- 7.8 Concerns have been raised by local residents in the representations received with regard to the potential impact of the development on the street scene.
- 7.9 The existing dwelling on site would be demolished and replaced with a new building on the same footprint which would remain attached to 84 Oker Avenue. Although the new building would include a new gable elevation to the south in place of the existing hipped roof which may appear somewhat out of character for this side of Oker Avenue which is characterized by pair of semi-detached dwellings with hipped roofs, consideration needs to be given to the permitted development rights available to the existing dwelling which would allow a hip to gable extension, on this basis and given that the opposite side of Oker Avenue has a two pair of traditional pitched roof semi-detached dwelling, the proposed new roof form would not result in harm to the character of the street scene to warrant a recommendation of refusal.
- 7.10 The new staircase and attached building which accommodates flat 2 and 4 would be constructed at a lower level than the replacement 82 Oker Avenue but higher level than the neighboring 80 Oker Avenue to the south and would therefore appear as a subservient addition to the building but also maintain the hierarchy and building levels along this side of Oker Avenue. The new building would also include a hipped roof which as set out above, is characteristic of adjacent properties.
- 7.11 It is noted that the proposed development would introduce new materials to the property and street scene with areas of timber cladding to the linking staircase area. This is acceptable as it further defines the subservience of the additional building containing flats 2 and 4. There are some concerns however that the boxed projecting windows would appear overly contemporary and out of character in this context. These elements will be omitted by condition. It is also considered necessary to secure sample materials by condition.
- 7.12 Subject to the above conditions, the proposed development is not considered to result in any significant harm to the character and appearance of the wider street scene and would be in accordance with policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and policies NP5 and NP15 of the Darley Dale Neighborhood Plan (2019).

Highway Safety

- 7.13 The proposed development proposes 4 vehicular parking spaces to serve the four apartments within the new building. Notwithstanding the concerns raised by local residents the Local Highway Authority have deemed this level of parking to be sufficient to serve the development. The site is located within a higher tier settlement, within walking distance of a number of basic services and public transport links. A provision of one parking space per apartment is deemed to be appropriate in such circumstances.

- 7.14 The Local Highway Authority have also raised no objections to the new access points proposed off Oker Avenue subject to conditions securing the new visibility sightlines and the closure of the existing vehicular access.
- 7.15 Subject to the above conditions the development is not considered to result in any adverse impact on highway safety and would provide a satisfactory level of vehicular parking in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

Other issues

- 7.16 Comments have been received from the District Councils Tree and Landscape Officer which highlight the value of the existing cherry tree within the rear garden of the existing dwelling. Whilst the tree is not subject to any statutory protection it is deemed to be of sufficient amenity value and provides a significant amount of screening of the development such that it will be important to retain throughout the life of the development. A condition will therefore be attached to ensure the tree is retained and protected during the construction of the new building.
- 7.17 Derbyshire Wildlife Trust have raised no concerns regarding the demolition of the existing building as there is negligible potential to support roosting bats. The submitted Ecological Appraisal also identified limited impact on bird and hedgehog populations in the area. Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) seeks to enhance biodiversity and geological resources of the plan area. In order to secure a biodiversity enhancement on this site, an enhancement plan shall be required by condition.
- 7.18 The submitted planning statement outlines that the development will be served by air source heat pumps, solar panels and each parking space would be served by electric charging points. In order to meet the aims of policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) details of such measures will be required by condition.

Conclusion

- 7.19 Based on the above assessment, the proposed development is considered to be in accordance with the aims of policies within the Adopted Derbyshire Dales Local Plan (2017) and the Darley Dale Neighbourhood Plan (2019) and a recommendation of approval, subject to conditions is made accordingly.

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 received by the Local Planning Authority 31.07.2023:

Site Location Plan

11482/20 – Ground Floor and Site Plan as Proposed

11482/21 – First Floor as Proposed

11482/22 – Elevations as Proposed
11482/23 – Elevations as Proposed
11483/24 – Roof Plans as Proposed
11483-100A – Proposed Site Plan

Reason:

For the avoidance of doubt.

3. 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).

4. Prior to building works, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- x4 universal nest boxes (ratio of 1:1, in line with British Standard 42021:2022)
- x2 integrated bat boxes in south-facing elevations.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason:

To provide biodiversity enhancement measures in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to first occupation of the building, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The approved scheme shall thereafter be implemented in full and maintained throughout the life of the development.

Reason:

To protect the amenity of neighbouring occupants in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at received or dispatched from the site except between the hours 8am-6pm Monday to Friday and 8am-1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of neighbouring occupants in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. The development hereby approved shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150Hz, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The sound attenuation shall thereafter be retained for the life of the development.

Reason:

To protect the amenity of neighbouring occupants in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) and positioned such that 100% of the Root Protection Area (as defined by British Standard 5837:2012) of every retained tree on, and adjoining, the site is enclosed by the fencing within construction exclusion zones.

Unless approved in writing in advance by the Local Planning Authority, this fencing will remain in place and intact until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site; and:

- no ground level change,
- excavation,
- underground services installations/removals,
- surfacing, or
- construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the LPA there shall be:

- no access to the fenced areas for pedestrians/plant/vehicles.
- no waste/equipment/materials/consumables/spoil storage in the fenced areas.
- no fires in the fenced areas or within 10m of them.
- no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to. In certain circumstances, temporary ground protection may be authorised in writing in advance by the Local Planning Authority instead of tree protection fencing. Where this is the case the same requirements as for fencing of Root Protection Areas as detailed above will apply unless authorised by the Local Planning Authority.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with policies PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to first occupation of the development hereby approved, the existing redundant vehicular access located between the two new access points shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. The front boundary treatment adjacent the highway, shall at no time be higher than 0.6 metres above the level of the adjoining carriageway, for the whole length of the site's front boundary with the adjoining highway.

Reason:

In the interest of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to construction of the approved building, details of measures to mitigate the effects of and adapt to climate change at the site and associated timetable for delivery of the measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

Reason:

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

12. Notwithstanding the approved plans, this permission does not extend to include the presented projecting box windows to the front of flats 2 and 4 as identified on the submitted plans. Prior to the installation of these windows a revised plans which omits these features 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.

Reason:

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

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the application as submitted to be acceptable. 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.

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.

The Highway Authority recommends that the first 5m of the access driveways 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.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street works 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 01629533190.

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 footway 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.

Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the highway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.