Planning Committee 16th January 2024

APPLICATION NUMBER		23/00990/FUL	
SITE ADDRESS:		5 Hackney Road, Hackney, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Engineering works to facilitate additional parking (retrospective), erection of a boundary fence and car port	
CASE OFFICER	Mr. G. A. Griffiths	**APPLICANT**	Mr Luke Stacey
PARISH	Darley Dale	**AGENT**	Planning and Design Practice Ltd.
WARD MEMBERS	Cllr. Burton Cllr. Franks Cllr. Shelley	**DETERMINATION TARGET**	17th January 2024
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	**REASON FOR SITE VISIT (IF APPLICABLE**)	To view the development in its current form and its context to neighbouring property

MATERIAL PLANNING ISSUES

- Impact on the character and appearance of the area
- Structural integrity of the retaining wall
- Impact on Neighbours' Amenity
- Impact on Trees
- Impact on Highway Safety

RECOMMENDATION

That planning permission be granted subject to conditions

1. THE SITE AND SURROUNDINGS

1.1 The site is part of the domestic curtilage to a detached house set between Old Hackney Lane and Hackney Road. The property is surrounded by residential properties and is within the Settlement boundary for Matlock.

1.2 The application site is off a shared vehicle access up to the property. This climbs the bank from Old Hackney Lane and passes the rear gardens of several dwellinghouses and garages/carports that have been set on retaining walls above the dwellings at 12 to 18 Old Hackney Lane. The entrance to the domestic curtilage is defined by covered gateway feature and the area beyond has established landscaping including a prominent Beech Tree.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought for engineering works to facilitate additional parking (retrospective) and the erection of a boundary fence and a car port.

2.2 The wall retaining the parking area comprises gabion baskets. The gabion wall is formed with a single layer of 1.0 x 1.0 x 1.0m steel mesh baskets filled with crushed stone. The area in front has then been backfilled and surfaced with tarmac up to the top level of the gabions. The front of the gabion wall has been set approximately 0.5m back from the face of the stone boundary wall, which retains the original sloping ground to a height of approximately 1m.

2.3 The boundary fence is to be sited along the south western boundary and is to comprise 2m high Durapost fencing.

2.4 A car port is proposed on the area of hardstanding. It will be 2.27m in height to eaves and 3.59m to the top of the monopitch and 6m deep by 6.7m wide.

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
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD9	Pollution Control and Unstable Land
HC10	Extensions to Dwellings
HC21	Car Parking Standards

3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATION RESPONSES

Town Council

5.1
- initially raised no objection but then changed view to an objection
- the structure has been erected without due consideration to the root protection area (RPA) of a mature beach tree
- structural engineer's letter indicates that the driveway is inadequate for loads over 2.5 tonnes and lists concerns over specific wheel placement of vehicles
- no evidence of base construction or drainage
- applicant has suggested that a fence be erected on the gambions but the gambions are not suitable for placing any structure on
- with no fence this would produce light pollution from car headlights directly into the neighbour's upstairs bedrooms
- recommend a site visit by District Planning and Building Control Officers.

Local Highway Authority (Derbyshire County Council)

5.2
- no objections to the development from a traffic and highway point of view.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

5.3
- the area affected by excavation, ground level change, installation of retaining structures and installation of new surfacing within the root protection area of retained trees is not clear and each of these operations is potentially harmful to trees
- recommend that clear scale plans are required to be submitted pre-determination that provide this information and will then be able to make an informed assessment regarding the damage to the trees rooting systems that may have resulted from the works already undertaken
- some of the potentially affected trees are large attractive specimens that contribute to the character and appearance of the locality and were graded in the submitted arboricultural report as BS 5837 (2012) category A (high) and B (medium) which should be regarded as constraints on development
- once opportunity given to review the requested information, and conclude that the potential damage to the trees rooting systems was likely to be significant, then may recommend mitigation works to reinstate the ground, removal of retaining structures and removal of new surfacing to facilitate regrowth of roots with the aim of limiting harm to the health, resilience and stability of affected trees
- alternatively, if it is concluded that the potential damage to the trees rooting systems was not likely to be significant, then would likely agree with the recommendations made within the submitted arboricultural report regarding temporary tree protection fencing and use of screw piles.

6. REPRESENTATIONS RECEIVED

6.1 A total of three letters of representation have been received from the neighbours at 18a Old Hackney Road. A summary of the representations is outlined below:

- as our boundary wall is not a retaining wall, what happens if the weight of the infill grit, gabions and cars is too much for it and it collapses?
- has anyone done any testing and calculations to see that the wall is safe?
- any collapse will be directly on to our garden, as our garden is below the level of this new space

- Erskine Hunt Consulting Engineers were not involved in the original construction of the car park and so have no detailed knowledge of the construction - have simply “inspected” the installation of the car park and have provided no calculations to demonstrate the safety of the car park
- the ground that the gabions are resting on was infilled prior to having the gabions perched upon it - Consulting Engineers have made no mention of the material that the gabions are standing on
- how structurally sound is the material that was put here so that the gabions could rest on a flat surface?
- the boundary wall was not a retaining wall prior to the installation of the car park, as the ground was much lower on the 5 Hackney Road side - it was simply a normal boundary wall, separating two gardens
- the statement that “The front of the gabion wall has been set approximately 0.5m back from the face of the stone wall” is not a true statement for the full length of the wall and a photograph shows the gabions are abutţing the stone wall
- the stament advises that “The height and width of the gabion baskets are more than adequate for supporting the new parking area – this is on the basis that it will only be used for cars and light vans less than 2.5 tonne” - where are the calculations to support this statement and how can the Consultinng Engineer know what will be parked here?
- since April have already had cement mixers, flatbed trucks, and other trucks, in addition to a family car parked here
- a pickup truck and Porshe are parked regularly and, whilst the unladen weight of each fall under the 2.5 tonne limit, no one can expect every vehicle to be unladen when parked - consider the gross vehicle weight for both vehicles exceeds the 2.5 tonne limit set by the Consulting Engineer
- other commercial vehicles have already parked on this carpark are likely to exceed the 2.5 tonne limit
- what does the 2.5 tonne limit refer to? Is it per vehicle or is it for all vehicles?
- planning application states that the area is for 2 cars, but there is plenty of space for three cars
- Consulting Engineer is being deliberately vague about the capacity of the structure and what weight it can hold. “An assessment of the stone wall is a more subjective task “ is the understatement of the year - basically, they have no idea of the impact of the car park on the boundary wall
- “The exact construction is not known, nor are the underlying ground conditions” Why have they not done further investigations? They cannot investigate the underlying ground conditions from 5 Hackney Lane, because the owner has covered it up with the car park
- Consulting Engineers could have asked to visit us and taken soil samples from our side of the wall, and they could have had a good look at the stone wall construction from our side but they chose not to - this is sheer laziness on the part of the Consulting Engineer
- do not think that it is a traditional dry stone as it is very different from the other traditional walls in our garden
- a detailed inspection of the wall and the soil should have been carried out - they assume a “normal clay subsoil” - what does this mean?
- the Arboriculturist claims that *“the soil parent material is ‘Colluvium’ and the soil texture is ‘Clayey Loam to Sandy Loam”* - how can two specialists be so different and what is the impact of a different soil type to the structural stability of the new car park?
- Consulting Engineer states *“However to minimise the risk of any potential overloading we do recommend that vehicle weights are restricted to 2.5 tonne and the wheels do not encroach onto the top of the gabions i.e. they remain at least 1.0m back from the face of the gabions”* - have already seen the owners parking their wheels on top of the gabions, as they have placed no restrictions on the car park area
- how does the Consulting Engineer think that the above restrictions can be enforced
- will the car park area collapse onto our garden if the weight exceeds 2.5 tonnes?

- how did the Consulting Engineer come up with a figure of 2.5 tonnes given that they have not provided any calculations?
- what happens when it rains? There has been no assessment in any of the planning documents about where surface water drains from the car park - there are no design plans for the car park area, which show where drains have been placed and where they drain to
- planning documents says that it is asphalt, which is impermeable so where is all the surface water draining to?
- no topographic plan provided with the planning application which would show the slope of the land before the infill process - without the topographic plan, the Consulting Engineer has no way of calculating the volume of material that has been used for the infill
- have not taken soil samples and have no knowledge of how the soil below the car park will be affected by the weight of the carpark and the impact of water draining from the garden above the car park and affecting the foundations of the car park
- will they be putting up a fence to protect us from them overlooking and to prevent them from driving their car over into our garden? T
- the design and access statement states “Additionally, a 2.4m fence will be implemented at the southwestern edge of the site along the boundary with 18a Old Hackney Lane” - the fence is not shown on the elevation plan
- the fence is shown on the floor plan but only as a 2m high fence
- what sort of fence is it, what materials, what colour and will it be strong enough prevent a car from accidentally driving off the platform into our garden?
- accidents happen when people are manoeuvring cars in parking spaces, and there has been no mention of this safety aspect in any of the planning information
- how exactly is the fence going to be installed? - it is shown as being on the outer edge of the gabions
- the Consulting Engineers letter discusses the impact of the car port on the gabions but makes no mention of the fence so how will the fence be installed on the gabions without affecting their structural integrity and adding weight
- is the old beech tree in danger of dying because its roots have been disturbed and it will find it difficult to access water
- if it dies, will it topple on to our garden in high winds?
- the Arboricultural report provided by Thompson Consultancy is a waste of paper and an insult to our intelligence as the survey was done 4 months after the car park was installed
- the consultant states: *“4.1.2 As I’m not aware of the levels and surfacing type prior to commencement of the development, this Arboricultural Impact Assessment shall consider the site ‘as seen’ and the focus shall be on the remaining components required to complete the proposed development (i.e. erection of the car port). It does appear, however, that significant change has occurred within the vicinity of the existing trees. This has likely resulted in some level of disturbance within the rooting areas, and possibly also a degree of root damage.”*
- and again he states*: “ 4.7.2 As I’m not aware of the levels and surfacing type prior to commencement of the development, I am not in a position to make an assessment of the arboricultural impact of the groundworks which were undertaken prior to my engagement.”*
- the new car park is 38 sqm of hardstanding, excluding the area covered by the gabions - which the Consulting Engineer says should not be used for parking cars - this has been constructed entirely over the root protection area of the Beech Tree and, without a doubt, the Beech Tree roots will have been damaged as there was just vegetation in this 38 sqm prior to the installation of the car park
- if this assessment had been carried out prior to the installation of the car park, then it would not have been permitted, as there is no way of constructing the car park without affecting the roots of the Beech tree

- according to the Arboriculturist, *"5.4.1 The Construction Exclusion Zone (CEZ) is an area that is sacrosanct and shall not be disturbed in any way during the construction phase of the proposed development. The barriers must not be moved or re-located without the prior approval of the LPA. No activity nor storage of materials is to take place within the CEZ. Existing vegetation and topsoil will be left undisturbed"* - our pictures and observations show no barriers were erected to protect the trees during excavations
- the construction of this site involved using a micro/mini digger and these can weigh anything from 2 tonnes upwards, depending on the make - this weight would have significantly compacted the excavated area, especially close to the root bole further compromising the long-term viability of the Beech tree
- the consultant states*: "4.4.2 Below ground tree constraints describe the rooting area of a tree which should be protected during, and post-development. This is represented by the Root Protection Area (RPA), which is the area around a tree in which no ground works may be undertaken without due care in relation to retained trees. Within the RPAs measures must be taken to avoid soil compaction, root severance, changes in levels or soil contamination which could compromise tree health, stability and/or longevity and remaining contribution to the site."*
- have submitted a photograph taken during the construction that shows a mechanical digger moving soil around the Beech Tree with no evidence of the use of hand tools around the tree, as advocated by the arboriculturist
- have noticed that the Cherry Tree (T5) has been suffering badly since April and a photograph shows massive defoliation and decolourisation of existing foliage
- our own beech hedge that we planted a few years ago in front of the stone wall has also been suffering from decolourisation since April,
- The Arboriculturist mentions this in his report as *"Crown appears slightly sparse, with shot holing of some leaves, likely attributable to bacterial canker (Pseudomonas syringae), although not confirmed".*
- while bacterial canker can be a severe disease it is often much more severe on trees growing on sites with poor internal soil drainage but the decolourisation of both the cherry tree and our beech hedge could also be due to leaching of chemicals from the materials used in the construction of the car park, and/or the reduction in water and nutrients flowing to the roots of these trees, as a result of the covering of the land with hard standing, and/or stress caused by all of the above
- for the Cherry Tree T5, the Arboriculturist is saying that there would need to be a 4m Crown lift over the car port - as half of the tree crown falls over our land, and therefore presumably will not be lifted, how will this impact on the stability of the tree, as it will be lopsided and will this destabilise the tree and cause it to fall into our garden?
- what happens when it rains? will this new surface be impermeable? where will it drain? into our garden?
- will they be puţting up a fence to protect us from them overlooking or to prevent them from driving their car over into our garden?
- is the old beech tree in danger of dying because its roots have been disturbed and it will find it difficult to access water - if it does, will it topple onto our garden in high winds?
- concern over how long it is taking to resolve this retrospective planning application - first raised concerns about the car park on 27 April 2023
- took the owner until September to provide the initial retrospective planning application and then took until November to provide "additional information
- very concerned that this raised car park could simply collapse onto our garden because it has not been correctly constructed
- know that Officer has asked the owner for a structural engineers report to demonstrate its safely, but they will never be able to provide this
- has not been constructed safely, so no engineer will be able to retrospectively demonstrate it is safe - second letter from the engineer, dated 1/11/2023 clearly highlights this and states the "construction sequence" for the car park but makes no statement about whether it has been safely constructed

- will never be able to do this because they do not know anything about the surface that it was laid on, nor the weight of materials dumped on it
- gabions cannot be used to construct car parks - have done our own estimate of the amount of material that they have used and think that there is at least 91 tonnes of stone that has been use to create the raised car park that could simply collapse into garden
- raised a similar concern that the mature beech tree could fall into our garden because of the damage to its root structure - Council's own tree officer has already agreed that this could happen
- every day that a decision is delayed because you are waiting on the owner to provide additional evidence means that we run the risk of the car park or tree collapsing into our garden and ask that you immediately serve an order on the owner to remove the elevated car park, and to carry out the work recommended by the Council's tree officer to repair the damage to the tree roots
- ask that the planning authority requests that the owners immediately remove the new car park and restore the land to its original levels on the basis that the new car park is structurally unsound and has not been designed to hold the weight of vehicles already using it and, therefore, has the potential to collapse into our garden.

7. OFFICER APPRAISAL

7.1 Having regard to the relevant provisions of the development plan and the comments of consultees and made in the representations received the main issues for consideration are:

- Impact on the character and appearance of the area
- Structural integrity of the retaining wall
- Impact on Neighbours' Amenity
- Impact on Trees
- Impact on Highway Safety

Impact on the Character and Appearance of the Area

7.2 The immediate area is characterised by development set atop retaining walls, with garages and a car port evident in close proximity to the application site. To this end, it is not considered that the gabion baskets, of 1m in height set above a former boundary wall is of significant harm to the character and appearance of the area. In addition, it is considered that the open car port will reflect on existing development and again cannot be considered of such visual harm to justify a recommendation of refusal.

Structural Integrity of the Retaining Wall

7.3 As the erection of the retaining wall has been undertaken, Officers have questioned whether it is structurally sound. Erskine Hunt, the applicant's structural engineers, have advised the following:

Further to your recent request we confirm having inspected the recently constructed gabion retaining wall along the south western boundary of your property. Additionally we have also considered the proposal to erect a car port in front of the gabion wall. A 1.0m high gabion wall has been constructed to provide a level parking and turning area at the rear of the property. We understand that originally the area was flat but at a lower level than the existing parking area, a traditional dry stone retaining wall accommodated the change in levels. A further existing traditional stone wall runs along the boundary with the adjacent property. The gabion wall is formed with a single layer of 1.0 x 1.0 x 1.0m steel mesh baskets filled with crushed stone. The area in front has then been backfilled and surfaced with tarmac up the top level of the gabions. The front of the gabion wall has

been set approximately 0.5m back from the face of the boundary stone wall. The boundary stone wall retains the original ground to a height of approximately 1.0m. The exact construction of the wall is unknown but for the purposes of this assessment it has been assumed to be of dry stone construction similar to most boundary walls in the area.

The height and width of the gabion baskets are more than adequate for supporting the new parking area – this is on the basis that it will only be used for cars and light vans less than 2.5 tonne. The new gabion wall is in turn imposing a surcharge load onto the stone wall. An assessment of the boundary stone wall is a more subjective task. The exact construction is not known, nor are the underlying ground conditions, but based on the reasonable assumptions that it has built to normal dry stone wall proportions and founded on a normal clay subsoil, we consider it can adequately support the additional loading.

Furthermore an inspection of the boundary stone wall, albeit from the top only, does not show any obvious signs of movement having been caused by the new gabion wall such as bulging or leaning. The proposed car port/canopy is a simple structure comprising 4no. stanchions that support a lightweight canopy. Although the loads on the stanchions will be relatively light we recommend the two rear stanchions are built off foundations that are deep enough so as not to impose any lateral load on either the gabion retaining wall or the original stone wall. An additional consideration is the recommendation to use screw piles as foundations for the car port stanchions (ref. Arboricultural Report dated August 2023).

To comply with the above we recommend the use of screw piles – the rear piles should be positioned at the back of the gabions and set to a minimum depth of 1.0m below the surface of the new parking area. The piles should include a suitable base plate for fixing the stanchion. In conclusion we consider the arrangement of new gabion wall and the original boundary stone wall is adequate for supporting the parking area. However, to minimise the risk of any potential overloading recommend that vehicle weights are restricted to 2.5 tonne and the wheels do not encroach onto the top of the gabions i.e. they remain at least 1.0m back from the face of the gabions. On this last point, it would be prudent to place a line of timber sleepers or similar along the back of the gabions. The proposed car port will not affect the retaining walls provided the screw piles are set deep enough as described above.

7.4 The application was referred to the Derbyshire Building Control Partnership but it has been advised that the development falls outside of the remit for Building Regulations. To this end, Officers put further questions with regard to the stability and safety of the wall to the applicant's structural engineers. Erskine Hunt have answered the questions as follows:

1. Has any weight been placed on the structure? *I have not witnessed this.*
2. Has wall been assessed from neighbouring property? *No viewed from Mr Stacey's side.*
3. Has wall be constructed under advice of Erskine Hurt? *No, our involvement is retrospective.*
4. Would we have advised wall to be erected in such a manner had we been involved from outset? *No.*

Erskine Hunt have also stated:

As discussed, to clarify the conclusion in our report dated 01 November 2023, in our opinion the wall is stable and adequate for supporting the parking area subject to the following provisos:

1. No vehicle wheels to encroach on top of the gabions.
2. Vehicles restricted to cars and light vans less than 2.5T.

7.5 Given the additional comments from the structural engineer, the wall can support a uniformly distributed load 2.5kn/m2, which is the standard for parking spaces. The lateral load on the existing stone wall is also considered to be acceptable by Erskine Hunt. They have clarified that the maximum weight is per vehicle and that this limit has been taken from BS 6399_Part 1 and is the recommended maximum weight for cars and light vans and appropriate for garages, driveways and ramps. This maximum vehicle weight is then used to give an equivalent uniformly distributed load 2.5kn/m2 based on the typical area a parked car takes up. It is advised that this is the load that almost every multi-storey car park in the country would have been designed to. Erskine Hunt accept that many new electric cars exceed this weight, but advise that this is offset, to some degree, by their larger size.

7.6 However, Erskine Hunt state:

We have considered this to be an appropriate limit when giving our opinion of the wall. I would not recommend an 'open' limit of the vehicle weight.

To this end, it is considered that there is no sustainable reason for refusal of the planning application based on the structural integrity of the retaining wall. However, as advised by Erskine Hunt, it is considered reasonable to ensure that no parking is undertaken directly onto the gabion baskets. In this respect, it is considered reasonable that a means of preventing this, by setting the fence back to the rear edge of the gabion baskets, or another means of preventing access by vehicles onto the gabion baskets, such as railway sleepers, can be attached as a condition of any planning permission.

Impact on Neighbours' Amenity

7.7 Whilst there has been a building up of the land, and a car port is proposed above this, it is not considered that the overall structure will significantly impact on the light and outlook of the neighbouring properties. There may be a potential to overlook the neighbouring properties which are set on a lower level, but by setting the car parking space back from the gabion basket, and with an intervening fence, it is considered that any overlooking would be transitory at worst as people come and go from vehicles. It is appreciated that the neighbours would continue to hold concerns as to the integrity of the retaining wall but, given the advice of the structural engineer, the perceived problems with the integrity of the retaining structure are not deemed to be sufficient reason to recommend a refusal of planning permission on grounds of amenity.

Impact on Trees

7.8 There is a single individual tree within the 'red line' site boundary, which is a fine mature beech located to the southeast of the existing car parking area which makes a valuable contribution to the arboricultural amenity value of the site. The tree is predominantly surrounded by hard surfacing, with an area of bare ground/vegetation approximately 4m x 2m around the base of the main stem. The recently installed tarmac is within 500mm of main stem, and the stone gabions within 900mm. Several further trees are within potential influencing distance of the site, both within the 'blue line' ownership boundary and in the garden of an adjacent property. Species include cypress, cherry, hawthorn, maple and several shrub species.

7.9 In terms of overall impact, no trees have been identified for removal in order to facilitate the proposed development. The applicant's arboricultural consultant (Thompson Consultancy) advise that minor pruning works of two trees are required to provide adequate working room adjacent the proposed car port; it is advised that this would have negligible impact on tree amenity, health or longevity.

7.10 The applicant's consultant advises that he is not aware of the levels and surfacing type prior to commencement of the development, and is not able to make an assessment of the arboricultural impact of the groundworks which were undertaken prior to his engagement. He advises that two photographs taken during ground works indicate a short section of stone retaining wall immediately to the southwest of the tree prior to installation of the gabions and surfacing of this part of the site. It is advised that this has likely restricted root development in this area to some extent and that it appears that significant change has occurred within the vicinity of the trees.

7.11 Nevertheless, it is advised that the implementation of the proposed measures would adequately mitigate any further detrimental impacts associated with the erection of the car port, and there is no arboricultural reason as to why the remaining components of the proposed development cannot be completed in accordance with the methodology detailed in the heads of terms of the Arboricultural Method Statement.

7.12 The District Council's Arboriculture and Landscape Officer advises that, if a planning application had been received in advance of the works, he would have objected on the grounds that there was potential for harmful damage to the rooting system of the tree, which would be likely to impact its health and stability. It is also advised that, given the potential for the tree to impact neighbouring properties if it were to fail, the stability issue is particularly important. It is acknowledged that the ground works have already been completed (ground level reduction, new retaining walls and permanent surfacing installed) and that root damage is likely to have already occurred. It is advised that gradual regrowth of the roots may be possible by removing all materials installed during the works and re-instating the ground to the previous levels using good quality topsoil. It is also recommended that a reasonable reduction of the canopy to reduce wind drag. Minor pruning works are recommended by the applicant's arboriculturist, which will help reduce wind drag. They have advised that the measures set out in section 5.0 of their report will mitigate any further detrimental effects associated with the erection of the car port. This part retrospective development does not propose the removal of the tree, which is not protected. The limited relative public visibility of the beech tree is such that it would not have been appropriate to impose a Tree Preservation Order had the development not been undertaken and the Local Planning Authority would have not been able to exercise control of its removal had the applicant removed the tree prior to any development taking place. The integrity and health of the tree and associated liability will be a matter for the landowner to consider going forward.

Impact on Highway Safety

7.13 The Local Highway Authority has advised of no objection to the development in terms of highway safety.

Conclusion

7.14 The matter of whether the gabion wall is structurally sound is unclear and it appears that much of this depends on the structural integrity of the works undertaken to the land level at the rear of the stone boundary wall that now acts as a retaining structure. However, the applicant's structural engineer advises that restrictions can be put in place to limit any load bearing on the gabion baskets set up above this lower wall.

7.15 Whilst the approach to the development has been far from ideal, it is nevertheless considered that with safeguards in place to prevent direct parking on the gabion baskets, that there is no reason to suppose that the structure will fail.

7.16 The provision of the car port appears physically possible without compromising the retaining structure subject to this being undertaken in the manner detailed by the structure engineer. To this end, a condition can be attached that a method statement be prepared by the

structural engineer to ensure that the car port is constructed to an appropriate specification and that such a specification be submitted to the Local Planning Authority prior to works on the car port commencing.

7.17 Given the above, it is not considered that the overall development would be of harm to the character and appearance of the area, given that it is reflective of adjacent development, and it is not considered that the structure would significantly harm the amenity of neighbouring residents nor would there be any sustainable land stability or tree related reasons for refusal in planning terms. To this end, it is recommended that planning permission be granted subject to conditions on the materials of the car port structure being submitted for approval, the submission of a method statement for the erection of the car port, details of the boundary fence and conditions and an advisory note in respect of the area of hardstanding and associated retaining wall.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Details of the measures to prevent parking atop of the gabion baskets shall be submitted to and agreed in writing by the Local Planning Authority and provided in full prior to first use of the parking area. The approved measures shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development.

   Reason:

   To ensure the stability of the retaining structure in accordance with the aims of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

2. The method of construction of the car port, which shall follow recommendations 7 and 8 of the Erskine Hunt letter dated 12th September 2023 or other suitable specification to not compromise the retaining wall and details of its structure materials, finish and proposed roof material shall be submitted to and approved in writing by the Local Planning Authority prior to its erection. The development shall thereafter be carried out in accordance with the approved details.

   Reason:

   To ensure a satisfactory appearance of the car port and the stability of the retaining structure in accordance with the aims of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

3. The development shall be carried out strictly in accordance with the recommendations set out in section 5.0 of Stage 2.0 Arboricultural Report by Thompson Consultancy dated October 2023.

   Reason:

   To minimise the impacts associated with the erection of the car port on trees in accordance with the aims of Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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 £43.00 per householder request and £145.00 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of further information which overcame initial problems with the application relating to the stability of the retaining wall and the impact on trees.

The applicant's attention is drawn to the recommendations contained within the Erskine Hunt letter dated 12th September 2023 and follow up correspondence with regard to the weight limit of the raised platform.

This decision notice relates to the following documents:

Stage Two Arboricultural Impact Assessment and Arboricultural Method Statement (Heads of Terms) (Thompson Consultancy) (October 2023), Erskine Hunt letter dated 12th September 2023 and follow up correspondence and supporting plans received by the Local Planning Authority on 14.09.2023.