

**9. FULL APPLICATION – PROPOSED ERECTION OF 2 NO. LOCAL NEED AFFORDABLE DWELLINGS AT LAND ADJACENT TO MAIN ROAD, NETHER PADLEY, GRINDLEFORD (NP/DDD/0419/0392, SPW)**

**APPLICANT: MR FINCH AND MRS HUNT**

**Summary**

1. The proposal is for the erection of two local needs affordable dwellings proposed on the basis of an essential need to care for a resident of the National Park.

**Site and Surroundings**

2. The site is located in Nether Padley, it is presently an undeveloped open meadow with a few trees on its boundaries. The site is not within a conservation area and there are no listed buildings at the site. The site is adjacent to the B6521.
3. To the south of the site there is a large detached dwelling, Bempton House, beyond this a supported living (care) development and then another dwelling known as Brenva (approximately 80m from the site). Brenva is the residence of the infirm person that the applicants would be providing care for. There are other dwellings to the east and west of the site.

**Proposal**

4. The proposal is for the erection of two local needs affordable dwellings. These are link detached, each have 3 bedrooms and a single garage.
5. The dwellings would be accessed off the private road, which leads off Main Road.
6. Amended plans have been submitted 03C, 04D, 05C which show the amended proposal with changes to the layout and relationship between the properties.
7. It is proposed that the walls would be constructed of coursed natural gritstone, with a natural blue slate roof and the windows and doors would be of timber construction with a painted finish.
8. The amended plans show a spur on the proposed access which enables access to the rest of the site should there be a future development of local needs affordable housing on the remainder of the land.
9. The internal area of the properties are approximately 95sqm each.

**RECOMMENDATION:**

10. **That the application be REFUSED for the following reasons**

1. **The proposal is for two Local Needs Affordable dwellings on an undeveloped 'rural exception' site. No Parish Needs Survey has been provided for Grindleford Parish so the level, size and type of housing cannot be proven to be meeting an eligible or essential need for local needs affordable housing for the community. The proposal is therefore contrary to Core Strategy policy HC1 and Development Management Policy DMH1 and the NPPF (para 77).**

2. **There is no evidence that there is an essential need to provide care that can only be provided through the development of two new local needs affordable homes. Care could feasibly be delivered in a different way and it is not considered that there is an essential need demonstrated for two people (carers) to live close to the infirm family member. The proposed occupants do not meet the occupancy criteria for the proposed 2 new dwellings and therefore the proposal is contrary to DMH2 and the NPPF.**
  
3. **The applicants/proposed occupants of the 2 proposed Local Needs Affordable Homes already live relatively close to the infirm relative so the essential need to provide care from the site proposed is not demonstrated. The applicants are not considered to be in need or meet the first occupancy criteria for new Local Needs Affordable Housing. The proposal is therefore contrary to DMH2 and the NPPF.**

### **Key Issues**

11. Whether there is justification for the proposed local needs affordable housing and whether the proposed housing is in accordance with HC1 and DMH1?
12. Whether the proposed occupants meet the local occupancy criteria?
13. Whether the proposed dwellings are of a size and type which would be likely to remain affordable in perpetuity?
14. Design, siting and landscape impact

### **History**

15. 2017 Pre application advice (30964) in relation to the conversion of a workshop building at Brenva to an ancillary relatives dwelling to enable care to be provided for the infirm occupant of 'Brenva'. The Authority advised that this would be acceptable.
16. Since 6/11/2017 the Applicant Andrew Finch has been registered on Part 1 of the self-build/custom build register. The basis of the registration was as person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity.
17. 2018 Pre application advice in relation to the erection of 2 affordable dwellings to provide care for their infirm relative who resides in the nearby dwelling 'Brenva'. Links to the Emerging Development Management Policies were provided. Advised the site itself seems appropriate for Local Needs Affordable Housing. Likely to be able to achieve 4 or more on the site. At that stage little was known about the needs case, but they were advised that they would need to provide sufficient evidence to support their case. Provided that the two dwellings could be justified in policy terms then officers would have no objections in principle.

### **Consultations**

18. Highway Authority – No objections subject to conditions to secure parking, garaging, circulation and standing of vehicles is provided prior to occupation and maintained free from any impediment.
19. District Council – No response to date.

20. Grindleford Parish Council - The decision was made unanimously not to support this application. The overall reason was that the arguments put forward that the development is needed for the care for an elderly relative were not sufficiently substantive.

Specifically, there were concerns that the building design is intrusive on Bempton House behind the plot, leading to loss of light and privacy; that it is not in keeping with the surrounding houses; that the additional traffic generated would create potential for accidents at an already busy and difficult part of the main road, especially as the shared drive is also used by a care home; and finally that the application constitutes infill along the ribbon development. There was particular concern that there would be precedent for further infill in the remaining spaces.

Grindleford Council wished to make it clear than they were not opposed to the idea of affordable housing in the village more generally.

## **Representations**

21. Twenty six number of representations have been received. One is in support twenty five are in objection.

22. The grounds made in support of the application are as follows –

- A. There is an established need for affordable housing in rural settings.
- B. The people involved have a long family history of living in the village.
- C. Close to the amenities and activities of the village.
- D. There are no public rights of way over the site.
- E. The nearest house 'Bempton House' faces away from the site.
- F. Materials and style of dwelling are appropriate.
- G. No new access required.

23. The grounds made in objection to the application are as follows –

- A. Adverse impact on Bempton house by way of being overbearing, overlooking, loss of light, and light, noise and particulate pollution.
- B. There are a number of existing 'affordable' properties on the market for Mr Finch to purchase.
- C. Valuable green space would be lost.
- D. Concern about flooding.
- E. Grindleford and Nether Padley consists predominantly of 2 and 3 bedroom semi-detached houses. Therefore this proposal is not itself bringing "affordable housing". The existing ones are not affordable.
- F. We are not convinced that a move to care for an elderly parent necessitates building 2 new 3 bedroom houses to enable this care to occur.
- G. There are objections made, which state there to be a 2nd house within the grounds of Brenva that care could be provided from. *Officers comment - This is a workshop, not a dwelling at present. Pre application advice has agreed it could be converted to ancillary accommodation, to enable care to be provided.*
- H. No protected species survey was submitted with the application, and there are mature trees on the site which will be affected, so one is needed. Concerns are raised about, Nesting birds, bat roosts, ground nesting birds, great crested newts and protected wild flowers. Flocks of Bramblings arrive on the site from January until spring in addition siskins nest on the surrounding trees. Other frequent returning birds are coal tits,

great spotted woodpeckers, nut hatch and tree creepers. These birds return on a yearly basis and it is vital their natural habitat is preserved. *Officers comment – a protected species survey has since been submitted.*

- I. The suggestion that affordable housing on this plan is necessary is contrived.
- J. Local Needs affordable housing is for people setting up home for the first time to enable them to buy their own home, have an investment in their surrounding and local community and to enable them to have a secure future. *Officers comment - That DMH2 sets out the criteria for first time occupants and there is wider provision than for people setting up home for the first time.*
- K. The value will exceed £160,000 by a long way, the valuations are unrealistic and therefore the proposal doesn't represent affordable housing.
- L. Concern that the loss of the break in development land will harm the character of the village. Losing the break between Grindleford Bridge and Nether Padley is significant.
- M. The homes would be a longterm project to deal with an immediate issue. Rental, or staying in a space room at their mothers home could provide a timely solution.
- N. The design and positioning of the proposed housing is not in keeping with the area and other houses in the vicinity. Furthermore the positioning of the houses would suggest that further development on the site is planned.
- O. The site has not previously been built on and, if planning was granted this would have implications for other 'green field' sites around the village.
- P. Creation of a dangerous road junction with the village of Grindleford.
- Q. Significant increase in traffic and road side parking within the village.
- R. The density of the development is inconsistent with the rest of Nether Padley, and therefore inappropriate.
- S. The proposed solution of nearby affordable housing would not be relevant to the infirm family members care needs. As they will require a full time care setting rather than an on call level of provision.
- T. Given the infirm persons need for 'round the clock care' they are likely to need a residential care setting soon, which means in practice the reported need to live nearby may be short term.
- U. The applicants live approximately 10 mins from the family member in need of care.
- V. There is a restrictive covenant on the land which prevents building on this site.
- W. Developing the greenfield site will represent a loss of visual amenity for the area.
- X. This proposal would contradict the 'special' wildlife 'Conservation and enhancement purpose' of the National Park and therefore should be rejected.
- Y. The proposed dwellings are of modern proportions and not the least bit traditional.
- Z. There is no supporting evidence from the applicants to show that a thorough search has been made of the parish and surrounding parishes for suitable rental accommodation to live in. They rent at the moment so why can they not rent while they look after their mother.
- AA. Can 2 people caring for an infirm relative truly warrant the construction of 2x 3 bedroomed houses and destruction of a high amenity value meadow and subversion of the cultural heritage of the area to facilitate this size of house.
- BB. Another 'valued characteristic' from both a 'natural beauty' and 'heritage' perspective, of Nether Padley is the 'language' or vernacular of its well-designed late Victorian/early Edwardian architecture interspersed with equally well designed older farmhouses. The impact that this incongruous development would have on neighbouring historical properties and the architectural 'language' of the village is significant. The application site forms an important definition to both the historic core and form of the area and to the historical agricultural setting of the buildings around it. This harm to the setting is not outweighed by any public benefit and as such there is conflict with the national planning policy framework wherein specific policies relating to National Parks and assets of heritage value indicate that development should be restricted.
- CC. Don't believe the design of the houses is sympathetic to the area, the modern style doors and other elements would not fit well with the village.

- DD. If she is still in their family home, then I would imagine there is room in the house for Mr Finch and Mrs Hunt to stay and that would provide better care.
- EE. It would be better for the council and Park Authority to tackle empty housing in the areas, as well as supporting the development of brown field sites and the conversion of existing dwellings, rather than allowing building on one of the few green areas left along the main stretch of the village road. These green areas are vital to the feel of the village.
- FF. Without green areas the road down into the village becomes ribbon development.

#### 24. **Main Policies**

25. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, HC1, L1.

26. Relevant Development Management policies: DMC3, DMC4, DMC13, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8, DMU2.

#### 27. **National Planning Policy Framework**

28. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect, the revised version was published in 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.

29. Para 172. Of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

30. Para 77 In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

31. NPPF defines rural exceptions site as the following, **Rural exception sites:** Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

#### 32. **Peak District National Park Core Strategy**

33. The most relevant policies of the core strategy to the principle of the proposal are and DS1, HC1.

34. Policy DS1 set out the Development Strategy for the National Park. Part D explains that in named settlements which includes ‘Grindleford and Nether Padley’ there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable.

35. HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess an application for a newly-built housing, which is intended to be affordable and meet local need and occupancy criteria.

36. Other relevant policies include -

Policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

37. GSP4: Planning conditions and legal agreements

- A. To aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

### **38. Development Management Policies**

39. The most relevant development management policies to the principle of the proposal are DMH1, and DMH2. DMH11 is also particularly relevant as it relates to the need for S106 agreements if the scheme were permitted. These policies are set out in full below, including some pre text. Other relevant policies are referenced in the relevant sections of this report.

40. Under the heading of ‘When is new affordable housing justified’ para 6.23 explains the following-

- A. *6.23 In determining applications for new affordable housing, need will be judged by reference to an up to date housing needs survey prepared by, or in consultation with, the Housing Authority and preferably involving the Parish Council. Evidence should be less than five years old, however other evidence may be acceptable provided the Housing Authority has maintained its intelligence on housing needs over the intervening period, and this intelligence justifies a scheme of the size and type proposed.*

41. Para 6.25 explains where an individual is proposing to build homes for wider housing need (more than one), and the scheme is otherwise acceptable in terms of impact on the built environment, the individual also needs to establish the housing need through a Parish-wide Housing Need Survey and/or other credible evidence from choice based lettings registers such as Home Options. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.

#### 42. DMH1 – New Affordable Housing

Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that:

- (i) there is a proven need for the dwelling(s); and
- (ii) any new build housing is within the following size thresholds:

Number of bed spaces and Maximum Gross Internal Floor Area (m<sup>2</sup>)

One person 39

Two persons 58

Three persons 70

Four persons 84

Five persons 97

B. Starter Homes will be permitted as part of a development of housing to enhance a previously developed site.

C. Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

#### 43. DMH2 First occupation of new affordable housing

In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

(i) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

(ii) a person (and his or her dependants) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

(iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

#### 44. DMH11 Section 106 Agreements

Section 106 Agreements will be applied to housing developments as follows -

Affordable housing

A. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 Agreement, that will:

- (i) restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and

- (ii) prevent any subsequent development of the site and/or all affordable property(ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity.

45. The Development Management policies define rural exceptions sites as Development on previously undeveloped land, and as an exception to the otherwise restrictive policies that limit development in the National Park. In the context of this plan, exception sites are generally developed for affordable housing in perpetuity to address local housing need.

### **Assessment**

#### **Whether there is justification for the proposed local needs affordable housing and whether the proposed housing is in accordance with HC1 and DMH1?**

46. This proposal is for rural exceptions housing on undeveloped/greenfield land. Our policies are designed to meet the wider needs of the community of the National Park as a whole, while conserving and enhancing the National Park. Policy is not designed to meet the needs of individuals where that need is not aligned with the need of the wider community and the National Park. Opportunities for the provision of new housing in the National Park are extremely limited and this is why our policies must be robust to deliver the right outcomes for the National Park and its communities in those limited opportunities that exist. The robust application of policy is needed to maintain public confidence in the delivery of housing in the opportunities that exist.
47. To that extent our Development Management Policies document at para 6.25 explains that where an individual is proposing more than one home the individual also needs to establish the housing need through a up to date parish-wide housing need survey and/or other credible evidence from choice based letting registers such as 'Home Options'. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.
48. The applicants are not proposing to provide housing to address a need that arises within the Parish or other locality as set out in parts i and ii of policy DMH2, and are instead relying on part iii of that policy, which does not require the occupant of the proposed property(ies) to demonstrate a local connection, but instead requires the individual being cared for has the local connection. It is understandable that the applicants did not think a local needs survey would be relevant to their proposal, however, the Development Management Policy Document does not express an exception for proposals made under DMH2 iii, perhaps on the basis that an essential need to care for an individual was not foreseen to be likely to justify more than one property.
49. In this application two new local needs affordable dwellings are proposed, but without reference to an up to date housing needs survey for this parish. Reference has been made to the properties available in the area and via the 'Home Options' website this is not the same as providing credible evidence of a wider community need for housing. Following discussions with the agent some reference has been made to the adjacent parish's housing needs survey for Hathersage however this does not reflect the specific needs of Grindleford parish. Understanding the specific needs of Grindleford Parish is a policy requirement.
50. Following the last round of correspondence with the applicant's agent, some recent evidence of liaising with 'Peak District Rural Housing Association' (PDRHA) has been submitted. The applicants have received a letter which explains that PDRHA would be keen to explore the possibility of developing further homes on the site. Before they could



commit to this fully they would require clear evidence of housing need in the parish. Whilst it is very likely that there is a need in Grindleford, they would ask Derbyshire Dales District Council to carry out a housing need survey of the parish. This would determine the level of need and the size and type of homes required.

51. Far from supporting the applicants case, the PDRHA letter makes it clear that to understand the level of need and the size and type of home required in Grindleford, a housing need survey of the parish would need to be undertaken. The Development Management Policies document para 6.25 makes it clear this is a requirement to establish need when more than one house is proposed.
52. As submitted the proposal for 2 local needs affordable dwellings is contrary to core Strategy HC1 and Development management Policy DMH1 and the NPPF (para 77) because it is without reference to an up to date Parish Housing needs Survey for Grindleford and therefore the proposed housing cannot be proven to be meeting an eligible or essential need for local needs affordable housing for this community. Without the Parish Housing needs survey having been undertaken the level and size and type of properties required to serve the wider needs of the community remains unknown.

**Whether the proposed occupants meet the local occupancy criteria for first occupation of new affordable housing?**

53. The applicants have made their case via the occupancy criteria under DMH2(iii) in which there is a provision for first occupants where they meet the following criteria.
  - A. *a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.*
54. Officers have been provided evidence that the occupant of the nearby (90m to the south) dwelling 'Brenva' is infirm and requiring 24hr care 7 days a week. Medical information has been provided and we are satisfied that the occupant is very unwell and of an extremely advanced age. Their need for care is not disputed.
55. Currently that care is provided via a professional service, by individuals on a shift pattern 'living in' at the premises where the care is needed (Brenva). The submitted design and access statement explains that this is expensive and thus not a feasible solution in the long term for this family.
56. Instead the applicant and another family member wish to provide care for their relative (the infirm occupant of Brenva). And to do this they explain that they would need 2 new Local Needs Affordable Homes (one each) to allow for themselves and their own individual households/families to live close to the infirm occupant of the nearby dwelling.
57. Officers are extremely sympathetic to the difficult (but far from unique) position that the family are in and their admirable desire to care for their relative. The choice to provide the care via these two family members instead of a professional service is understood, it is nevertheless a personal choice, and one which does not automatically justify two new local needs affordable homes.
58. The existing care demonstrates that the care is capable of being provided by an individual 'living in' at the dwelling where the care is needed. This is further possible as there are two individuals proposing to provide care, allowing time to arrive at the care recipient's property and share that responsibility from a more remote location. It is not considered that there is an essential need demonstrated for two households to live close to the infirm family member. The proposed occupants therefore cannot both meet the occupancy criteria for

the proposed 2 new dwellings and therefore the proposal for 2 such dwellings is contrary to DMH2 and the NPPF. Officers consider this would also undermine their case for the need for a single dwelling if such an application were made.

59. It should also be noted that both proposed occupants are already housed in relative proximity. That is that one currently lives on the edge of Sheffield 5.3miles away from the site by road, with a travel time of approximately 9mins from the care recipient.
60. The other proposed occupant lives at a farm also on the edge of Sheffield which is approximately 12 miles away with a travel time of approximately 27mins.
61. The proximity of their existing housing also brings into question whether there is an essential need for the proposed occupants to occupy the proposed two Local Needs Affordable Homes. Officers having considered all the facts and their reasoning and consider that the case put forward does not prove an essential need for these occupants to occupy the proposed two new local needs affordable houses.
62. The main reasoning put forward in the submitted design and access statement is that their routes to the infirm family member's property can be disrupted by snowfall. While this may be plausible, given the nature of the continual care required, that is 24/7, there will always be someone providing care on site. So in the event of snowfall preventing one party from journeying to the site to handover the duty of care, the other party would still be on site, so in the event of a disrupted journey due to snowfall the infirm occupant would not be left without care.
63. The proposed occupants are not considered to meet the occupancy criteria and their need to live close to the infirm relative is not essential as they are already in relatively close proximity. The proposed occupants therefore would not comply with DMH2 and the NPPF. Officers consider that for the same reasons the need for a single dwelling, if such an application were made, are similarly not compliant with policy.

**Whether the proposed dwellings are of a size and type which would be likely to remain affordable in perpetuity?**

64. The internal floor area of the dwellings (not including the garage) are around 96m<sup>2</sup> and within the size guidelines for a five person home which the maximum is 97m<sup>2</sup>.
65. The submitted design and access statement explains that they would enter into the S106 legal agreement as required by policy DMH11. This would ensure it remains available for local needs and therefore more affordable than an unrestricted open market dwelling by virtue of the restricted market.
66. The dwellings proposed are link detached, with just the garages abutting one another. The design of the property is not optimised to increase their affordability, and to ensure affordability was maximised for the future. Semi-detached dwellings rather than link detached would be preferable for this purpose. It is noted that the submitted valuation from 'Bagshaws' suggests with the occupancy restriction the proposed dwellings should be £160,000. Whilst this valuation would suggest they would be affordable, the valuation seems very low compared to the open market in Grindleford, and without any evidence base to back it up, unreliable. The valuation suggests they are semi-detached dwellings, which they are not.
67. Another factor which would improve the long term affordability of the properties is the size of their gardens. A smaller garden could reduce the value whilst still providing adequate amenity space for the dwellings.

68. This issue of affordability in perpetuity relates back to the lack of a parish housing needs survey (reason for refusal 1). Such a survey could establish what Grindleford Parish's housing needs are, and understand what those in housing needs in that community require or could afford. Without that it may be that these proposed dwellings would simply not meet those needs perhaps by virtue of being too expensive or of the wrong type (including tenure) to meet the requirements of those in need.
69. The dwellings proposed meet the floor space size thresholds but are, notwithstanding that, not considered to be proven to be of a size and type which will ensure they remain affordable in perpetuity. The proposal is therefore contrary to HC1 and the NPPF.

Design, siting and landscape impact.

70. The site is considered to be suitable for affordable housing, being within the settlement of Grindleford/Nether Padley. Which is identified in DS1 as suitable for new Local Needs Affordable Housing.
71. The general design, appearance, use of materials and landscape impact of the proposal is acceptable. Amended plans have been submitted which improve the scheme by off-setting the garages. Planning conditions could secure the amended plans and the materials.
72. Without a parish housing needs survey it's not known if the size and type of these proposed dwellings meet the community housing needs of Grindleford Parish. That issue is dealt with earlier in this report.
73. A scheme with a detached garage would better reflect the advice in the design guide and may reduce the desire to convert the garage to additional living accommodation. If the garage were converted into additional living accommodation this would take the properties beyond size thresholds for local needs affordable homes. However, a planning condition could require the garage space remains available for parking a car throughout the life of the development.
74. A detached garage may also facilitate providing true semi-detached dwellings and reducing the width of the plots, which could open up more of the site for further Local Needs Affordable Housing if indeed any such forthcoming housing survey proved there to be a need in Grindleford Parish. And the alternative of true Semi-detached dwellings would significantly improve the affordability and long term access to these properties in perpetuity for a wider range of local persons in need.
75. The design has also ensured that the rest of the site could be accessed if it were to come forward for further Local Needs Affordable Housing. And PDRHA have shown interest in the site subject to amongst other things establishing Grindleford Parishes housing need via a parish housing needs survey.
76. It is noted that solar panels are proposed on the south facing roof of the dwelling. This is welcomed in principle but would only be acceptable if provided in solar slates. The agent has confirmed that solar slates would be acceptable. This detail could be secured by planning condition if approved.

Amenity

77. The proposed dwellings sit well on the site and will not overlook one another, nor be overbearing on one another, they have generous gardens to the front and rear and will have ample amenity space.
78. The proposals impact on its surrounds is also considered to be acceptable. It is noted that

there have been objections raised from neighbouring properties. These will be looked at in more detail below.

79. The occupant of Bempton House has submitted an objection. They are concerned amongst other things that the proposal would have an overbearing presence due to its proximity to their common boundary. They are also concerned about overlooking and loss of light and light pollution in the evening and traffic noise.
80. With regard to the concern about the dwelling being overbearing they are approximately 18m to the north of the dwelling and offset to the west of the house. On this basis the scheme would not be overbearing on the house or its gardens.
81. The dwellings themselves are at their closest approximately 16m to the neighbour's boundary. Although the rear of the dwellings would face their garden/parking area at this distance it is not considered to be harmful to their amenity.
82. The occupier's concern about loss of light cannot be substantiated due to the situation of the property south of the proposed development.
83. We consider the impact on the amenity of neighbouring properties to be acceptable in planning terms.

#### Trees and protected species

84. Some trees would be lost as part of the scheme. There are only very few on the wider site that would warrant retention and these are unaffected by the proposal. In accordance with the Authority's policies on protecting trees, replacement trees for those lost need to be required by planning conditions. This would ensure the proposal complies with DMC13. This also accords with a protected species survey that was undertaken which found no protected species, recommended felling of trees outside the bird nesting season and planning of replacement trees.

#### Utilities

85. If approved, a planning condition would be required to ensure that onsite utilities infrastructure is installed underground this would ensure the proposal is in accordance with DMU2.

#### Environmental Management

86. Solar slates are proposed on the south facing roof of the dwellings. This detail could be secured by planning conditions if the proposal were approved.

#### 87. Highways

88. The highways authority have been consulted and have no objections to the scheme.

#### **Conclusion**

89. The application has not proven a need for the number, size or type of dwelling by reference to an up to date Grindelford Parish Housing needs survey. This is a requirement for all local needs affordable housing schemes of more than one dwelling.
90. Furthermore the proposed occupants would not meet the occupancy requirements of DMH2 and have not proved there is a need that is essential to be met in this way. The type and size of the dwelling has not maximised the opportunities available to ensure the

dwellings are affordable in perpetuity. The proposal is therefore contrary to the housing policies of the development plan including Core Strategy Policy HC1 and Development Management Policies DMH1 and DMH2 and the NPPF.

91. **Human Rights**

92. Any human rights issues have been considered and addressed in the preparation of this report.

93. List of Background Papers (not previously published)

94. Nil

95. Report Author: Steven Wigglesworth, Planner