

6. FULL APPLICATION – VARIATION OF CONDITION 2 (APPROVED PLANS) OF NP/DDD/0418/0303 – FORMER DOVE DAIRY, STONEWELL LANE, HARTINGTON (NP/DDD/1219/1298, MN)

APPLICANT: AMOS GROUP LIMITED

Summary

A development comprising 26 dwellings is currently under construction on the application site following the grant of permission for a housing development to enhance a former factory site on appeal in 2016, and the subsequent approval of variations to that permission by the Authority in 2018.

This application seeks to vary the approved plans to make changes to the design of the majority of these properties, as well as to the layout and landscaping of the site.

We conclude that the proposed changes would conserve the appearance of the development subject to conditions and would also comply with planning policy in other regards. Further, approval of the application would allow the Authority to secure both the affordable housing units in accordance with adopted planning policy and to improve the environmental credentials of the previously approved development.

The application is therefore recommended for approval subject to reinstatement of many of the previous conditions, to some additional ones as detailed throughout this report, and to securing the proposed affordable housing by legal agreement.

Site and surroundings

The application site lies to the west of the village of Hartington and consists of land to the north of Stonewell Lane. To the north of Stonewell Lane the application site includes brownfield land associated with the former cheese factory operations at Hartington. This land was formerly occupied by a disused modern factory building, two disused stone built buildings, areas of car parking and hardstanding, and infrastructure associated with the former industrial use.

Following permission being granted on appeal in 2016 to redevelop the site for 26 new dwellings including 4 affordable housing units and conversion of two former factory buildings to dwellings the site was largely cleared, with only the stone built buildings retained as part of the scheme of redevelopment.

Since that time, an application to vary conditions that included some changes to the layout and design of several properties fronting Stonewell Lane has been approved by the Authority in 2018, and the approved development has commenced with the construction of a number of the dwellings to the southern and western boundaries of the site having been largely completed, externally at least.

The majority of the site was bounded to the north, west and east by a bund planted with a thin and unmanaged belt of woodland. This woodland was planted approximately 25 years ago in an attempt to mitigate the landscape impact of the factory buildings.

The application site is situated about 23m away from Hartington Conservation Area at the site's eastern edge, to the south of Stonewell Lane.

The closest residential housing is along Stonewell Lane to the east of the site, approximately 50m away, where a row of four existing houses are oriented at 90 degrees to the road.

The Grade II listed Charles Cotton Hotel lies approximately 160m to the south east.

To the north, west and south of the application site is agricultural grazing land.

Approximately 300 metres (on average) to the far west of the site is the River Dove.

A public right of way runs from Stonewell Lane in a north-south direction close to the eastern boundary of the site. A farm access track runs from Stonewell Lane in a north westerly direction through the former factory car park and through the western part of the application site.

To the south of Stonewell Lane the site is currently used for agriculture. A drainage ditch runs through the fields adjacent to Stonewell Lane in an east-west direction.

Proposal

This application seeks to vary condition 2 of the 2018 permission to make changes to the approved plans that include alterations to the design and layout of the site, including:

- Changes to the arrangement of the road proposed to run through the site
- Changes to the position of properties within the site
- Changes to the design of properties within the site
- Associated changes to the landscaping of the site

RECOMMENDATION:

That the application be APPROVED subject to securing the affordable housing units by a section 106 unilateral undertaking/agreement, the final wording of which shall be agreed by the Director of Conservation and Planning, in consultation with the Head of Law, and to the following conditions:

- 1. The development hereby permitted shall be carried out in accordance with the amended plans (numbers to be specified on any decision notice)**
- 2. No more than 26 dwellings, including the two units within the retained stone barns, are hereby permitted to be constructed within the application site.**
- 3. The field immediately to the east of the proposed housing site shall not be used for the storage of materials, spoil, or as a builder's compound.**
- 4. Within 3 months of first implementation of this permission, all windows of the dwellinghouse occupying plot A shall be changed to match those shown on the approved plans for this plot.**
- 5. Within 3 months of first implementation of this permission, the doors of the garages serving the dwellinghouses occupying plots A and B shall be re-treated with a solid painted finish. A painted finish shall thereafter be maintained throughout the lifetime of the development.**

6. Within 3 months of first implementation of this permission, all windows, doors, and associated external framework of the dwellinghouses occupying plots X and Y shall be painted in accordance with the specifications detailed on the approved plans.
7. Within 3 months of first implementation of this permission, any rooflights that have been installed to the roofs of the dwellinghouses occupying plots X and Y that do not accord with the approved plans shall be removed and the roof shall at that time be made good to match the adjacent roof.
8. Notwithstanding the approved plans, the chimneys of plots G through M, P through W, and of plot Z shall be constructed of natural stone to match the stonework of the property to which they are attached.
9. Notwithstanding the approved plans, prior to the installation of any of the windows of the dwellinghouses occupying plots G or P, plans that show amended window opening details to provide for larger windows as sliding sash and that omit any top-opening lights shall be submitted to and approved in writing by the Authority. Thereafter the development shall proceed only in accordance with the approved details and shall be so maintained throughout the lifetime of the development.
10. The home office accommodation shown at plot J shall be for private home office use only, and shall remain ancillary to the occupation of the dwellinghouse occupying plot J.
11. The existing stone built buildings occupying plots X and Y as shown on the approved plans shall not be demolished, and the conversions shall take place within the shell of the existing buildings with no rebuilding.
12. All material from the demolition works associated with the development, other than that re-purposed in on-site construction works, shall be removed from the site upon completion of construction of the development or within two months of the cessation of construction works on site, whichever is the sooner.
13. The buildings hereby permitted shall be constructed of natural stone and limedash render (where specified on the approved elevation drawings) with natural blue slate, Staffordshire blue natural plain clay tiles or red natural plain clay tiles for roofs as specified on the approved plans, and with roofing materials matching the appearance of those approved under NP/DIS/1217/1223.
14. Prior to the construction of the external walls of plots F through M, P through W, or of plot Z, a sample panel of no less than 1m² of each of limestone, gritstone, and rendered walling, including quoins, shall be constructed on the site. The National Park Authority shall be informed on the completion of the sample panels which shall then be inspected and approved in writing. All subsequent walling be of the type specified on the approved elevation plans for each plot and shall match the relevant approved sample panels in terms of stone/render colour, stone size, texture, and coursing and pointing in the case of the limestone and gritstone walling, subject to whatever reasonable modifications may be specifically required in writing by the Authority. If necessary the Authority shall request the construction of further sample panels incorporating the required modifications

15. All lintels, sills, jambs, copings and quoinwork in the development hereby permitted shall be in natural gritstone and shall be provided as shown on the approved elevations drawings and retained as such thereafter.
16. All pointing in the development hereby permitted shall be bag brushed and slightly recessed and shall be retained as such thereafter.
17. All external doors and windows in the development hereby permitted shall be of timber construction and shall be retained as such thereafter.
18. All door and window frames in the development hereby permitted shall be recessed a minimum of 75mm from the external face of the wall and shall be retained as such thereafter.
19. All rainwater goods in the development hereby permitted shall be of cast metal and painted black and shall be retained as such thereafter.
20. Where coped gables are not approved in the development hereby permitted, roof verges shall be flush pointed with no barge boards or projecting timberwork and shall be retained as such thereafter.
21. The boundary treatments in the development hereby permitted shall be as shown on the approved site plan – landscaping layout. Boundary treatments that are to be a dry stone wall shall be made of natural rubble limestone. The dry stone walls shall be capped with half-round natural limestone coping stones and shall be between 900mm and 1000mm in height in the case of those adjacent to driveways (identified with the letter N on the approved site plan (landscaping layout)) and between 1000mm and 1200mm in all other cases (identified with the letter O on the approved site plan (landscaping layout)). Where walls identified with the letter N on the approved site plan (landscaping layout) transition in to walls identified with the letter O on the approved Landscaping Layout plan, any difference in height shall be addressed through a gradual sloped transition, not a stepped transition. The boundary treatments shall be completed before the dwelling to which it relates is first occupied, and the boundary treatments shall be retained thereafter.
22. None the dwellings hereby permitted shall be first occupied until any car parking (including garages) and vehicle manoeuvring areas relating to them have been laid out/constructed and made available in accordance with the approved plans. These car parking spaces (including garages) and vehicle manoeuvring areas shall be used solely for the benefit of the occupants of the dwelling to which it relates. The car parking (including garages) and vehicle manoeuvring areas shall be retained thereafter and kept available for their respective purposes at all times.
23. The areas annotated 'Area Returned to Greenfield' on the approved site plan (landscaping layout), shall be restored to grassland in accordance with the details specified on that same plan. The area to the west of the built development marked for returning to greenfield on the approved plan shall be restored to grassland upon completion of construction of the development or within two months of the cessation of construction works on site, whichever is the sooner. The remaining areas marked for grassland restoration shall be restored prior to the first occupation of the open market houses hereby permitted.
24. Demolition or construction works shall not take place outside 07:30 hours to

19:00 hours Mondays to Fridays and 09:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

- 25. No development of plots F through M, P through W, or of plot Z shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
- i) the parking of vehicles of site operatives and visitors**
 - ii) loading and unloading of plant and materials**
 - iii) storage of plant and materials used in constructing the development**
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
 - v) wheel washing facilities**
 - vi) measures to control the emission of dust, dirt and light during construction**
 - vii) measures to protect the water environment during construction**
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.**
- 26. No development of plots F through M, P through W, or of plot Z shall take place until a site investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site, including the timing and phasing of the remediation, to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins. The site shall be remediated in accordance with the approved details, including any measures that would form part of the development, such as the provision of gas vents or membranes within buildings and other structures. If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.**
- 27. No development of plots F through M, P through W, or of plot Z shall take place until a scheme to protect trees during demolition/construction works, which shall include an implementation programme, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and its implementation programme.**
- 28. Development shall proceed only in complete accordance with the mitigation measures for protected species approved under NP/DIS/1217/1223.**
- 29. No development of plots F through M, P through W, or of plot Z shall take place until a scheme for the provision of residential estate roads and footways that shall include details of their construction, layout, levels, gradients, surfacing, means of water drainage, a programme for their provision, the gradients of any access drives leading from the highway and any gates or barriers within 6m of the highway, and details of waste storage and collection arrangements, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.**

30. No development of plots F through M, P through W, or of plot Z shall take place until a scheme for the undergrounding of all service lines within the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
31. No development of plots F through M, P through W, or of plot Z shall take place until a scheme of external lighting (including any floodlighting) has been submitted to and approved in writing by the local planning authority. Such details shall include the location, height, type, direction and intensity of the illumination. External lighting shall be installed in accordance with the approved details before the development to which it relates is first occupied or brought into use.
32. No development of plots F through M, P through W, or of plot Z shall take place until a scheme for the disposal of surface water and sewage and flood attenuation measures has been submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the measures approved in the scheme have been implemented.
33. No development of plots F through M, P through W, or of plot Z shall take place until a scheme of hard and soft landscaping works for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The approved scheme of landscaping works shall also confirm which trees are to be retained and which are to be removed, and include biodiversity enhancements that retain the 'Area Returned to Greenfield' on the former car to the south of plot 1 as a hay meadow. Development shall be carried out in accordance with the landscaping works, which shall be implemented as approved and to the timescales within it.
34. All new metal estate fencing shall be between 1000mm and 1200mm in height, from the adjacent ground level, and shall have a black painted finish at the time of installation.
35. Prior to the occupation of any part of the development a Landscape Management Plan detailing the provision and retention, management and maintenance of trees and tree planting belts within the owner's ownership but outside of the site boundary (as enclosed by a blue line on the approved site plan) shall be submitted to and approved in writing by the local planning authority. Thereafter no part of the development shall be occupied until the approved Landscape Management Plan has been implemented, and it shall thereafter continue to be implemented throughout the lifetime of the development.
36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development permitted by Classes A B C D E H of Part 1 and Class A of Part 2 of Schedule 2 of the order shall be carried out other than that expressly authorised by this permission.
37. Notwithstanding the approved plans, no alterations to the design, layout, or appearance of the dwellinghouse or curtilage of plot Z from those of decision NP/DDD/0418/0303 are approved by this decision.

Key Issues

- Whether the proposed revisions to the layout and design of the site would conserve the

appearance of the development and wider built environment

- Whether there have been any other material changes since the last permission was granted that requires the revision or inclusion of any further conditions

History

January 2012 – Outline planning permission refused for 39 new dwellings including six affordable housing units, thirty three open market housing units, and employment and community development plus ancillary landscaping and infrastructure elements.

March 2013 – Appeal against the 2012 decision dismissed. The Inspector concluded that, on balance having had regard to local and national policy, the material considerations in this case would not amount to the exceptional circumstances necessary to justify major development in this National Park. The scheme would not be in the public interest and would not fit with the patterns of sustainable development promoted by the Framework.

February 2015 – Full planning permission refused for 26 new dwellings including 4 affordable housing units and conversion of two former factory buildings to dwellings.

October 2016 – Appeal against the 2015 decision allowed, subject to conditions.

August 2017 – Conditions discharged relating to a programme of archaeological work.

February 2018 – Planning permission refused for the variation of conditions to allow changes to the design of the property approved by the 2016 Appeal decision on Plot 1.

March 2018 – Conditions discharged relating to a construction method statement, a programme of archaeological works, tree protection, mitigation for protected species, and building materials

June 2018 – Conditions discharged relating to archaeology, undergrounding of services, external lighting, and landscaping.

June 2018 – Planning permission refused for the construction of a flood alleviation channel to the south of Stonewell Lane and limited re-profiling of the lane [related to the development approved by the 2016 appeal permission].

June 2018 – Planning permission granted for the variation of conditions to the 2016 appeal permission, allowing changes to the design and layout of several properties. This is the extant permission, with development having commenced.

October 2018 – Appeal against the 2018 decision dismissed, on the basis that it was not accompanied by a unilateral undertaking to secure the affordable housing and landscape management previously secured by the unilateral undertaking associated with the original 2016 appeal permission.

November 2018 – Conditions discharged relating to site investigation, estate roads and a scheme for the disposal of surface water and sewage and flood attenuation measures.

Consultations

Hartington Town Quarter Parish Council – Object to the proposal as amended on the following grounds:

- They consider the scheme remains substantially inferior to that stipulated by the Inspector and clearly seeks to legalise work already completed, without approval, in contradiction to the approved plans
- They consider the proposal to make extensive use of rendered block walls in place of limestone rubble courses
- They do not support the movement and redesign of the affordable homes, including changes to the appearance of the units, the arrangement and reduction in size of their curtilages, and insufficient parking provision.
- They object to the provision of a garage building on an area of designated green field. The comments refer to the previously proposed version of this garage, which was longer than the final amended proposal, and was also one and a half storey, rather

than the single storey design now proposed

- They consider the proposed driveway for property Y to be inelegant
- They advise that the development is an 'enabling' scheme based on providing landscape enhancement and affordable housing and any changes to what was previously approved that adversely affect their delivery should be rejected
- They also strongly oppose the proposal for the central road to 'unadopted', because they consider this could lead to a reduction in specification and standard.
- They also note that the latest site plan includes plot Z, but incorrectly describes the plot design as previously approved, whereas the building shown is not that which was previously approved.

The full response can be viewed on the Authority's website.

Derbyshire County Council – Highways – Advise that the amended plan has not resolved all of the previous highway comments made, with those outstanding being:

- Concern with regard to visibility splays associated with Plots B-F, N, O and the junction to the north of Plot O. Due to the lack of any margin to Stonewell Lane visibility associated with Plots B to F will be drawn over adjoining plots, accordingly future boundary treatments should be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level, for a distance of at least 2.0m into the site. The same applies to Plot A onto the adjacent road.
- Plots N and O have restricted visibility as a result of the garage location severely limiting achievable emerging visibility onto the adjacent road, which is far from ideal.
- Visibility splays associated with the junction north of Plot O will also require land forming parts of adjoining plots. The applicant may wish to consider relocating what would appear to be an intended footway along the western side of the road leading to Plot Z so as to provide a margin for improved visibility to the accesses located on the eastern side of this road. [Officer note: this has been implemented since the highway comments have been received]

Derbyshire Dales District Council – Flood Risk Team – Offer no comment because condition 2 is not related to flooding.

Environment Agency – Advise that there are no environmental constraints associated with the application site which fall within their remit.

Representations

2 letters of objection have been received in relation to the proposal, one from a local resident and one from Friends of the Peak District. These comments were made on the application as originally submitted and notes have been added where changes have since been made to the proposals. The grounds for objection are:

- The proposals are so substantial that it is not appropriate for them to be determined by way of a section 73 variation of conditions application
- The changes to the site entrance and street layout significantly alter the overall form of the scheme
- Changing the estate road from adopted to an unadopted road enables arrangements with which the highway authority might not agree
- The proposed garage to plot Y is out of proportion with the dwelling [note: this comment was received on the original proposal for a one and a half storey triple garage] and encroaches in to an area currently proposed for return to greenfield

- The changes propose to tree planting reduces their amenity value for those living in and moving through the site.
- The previous viability appraisal on which the number of affordable units to be delivered was based is no longer valid and viability needs to be demonstrated incorporating all of the proposed changes.
- The extent of the use of render to walling in place of stone walling [Planning officer note: amendments have increased the amount of stone walling and reduced the use of render. Some walls are still proposed as render however, as is also the case on the extant permission]
- The number of rooflights proposed is too great, particularly in relation to the stone building subject to conversion [Planning Officer note: this has since been reduced, as discussed later in this report]
- The road through the scheme is now shown as a cul-de-sac instead of being a through road with no turning space at the far end which is unsatisfactory for all vehicles and particularly larger HGV's [Planning Officer note: this has since been changes to provide a through-road]

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, HC1, CC1, CC2

Relevant Development Management Plan policies: DMC3, DMC5, DMC10, DMH1, DMH2, DMH3, DMH11, DMT8

National Park purposes

National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National planning policy framework

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was updated and republished in February 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 document 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 more recent Government guidance in the NPPF.

Paragraph 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.'

Development plan

Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.

Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

Policy L3 requires that development must conserve and where appropriate enhance heritage assets.

Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail; policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.

It goes on to state that any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:

III. it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or

IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution will be required towards affordable housing needed elsewhere in the National Park.

Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.

Core Strategy policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.

Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive

sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.

Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.

Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.

Policy DMH1 addresses new affordable housing, stating that affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements (of which Hartington is one), either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that there is a proven need for the dwellings and that any new build housing is within specified size thresholds, the upper limit of which is 97m² for 5 person dwellings.

Policy DMH2 considers the first occupation of any new affordable housing, requiring that 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.

Policy DMH3 leads on from this, addressing second and subsequent occupation of affordable housing (called 'the occupancy cascade'). This states that each and every time a previously occupied affordable home becomes vacant, owners and managers of affordable housing must, as stated in the Section 106 Agreement that it is necessary to enter in to when obtaining planning permission for affordable housing, follow the cascade mechanism until an eligible occupant is found.

For privately owned and managed affordable housing including self-build units, the cascade mechanism requires that owners and managers must:

- (i) sell or rent an affordable home to a person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the Parish or an adjoining Parish; or
- (ii) a 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 infirmity.
- (iii) after a minimum period of 3 months, widen the search to include (in order of preference) those in the Parish or an adjoining Parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining Parishes.

- (iv) after a further month (minimum 4 months total) widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
- (v) after a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural Parish lying outside the National Park or rural Parishes entirely outside the Park but sharing its boundary.

DMH3 also states that the property should be advertised widely at the price advised by the District Valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The Parish Council, Housing Authority and Housing Associations working in the area should be advised of the vacancy as soon as houses become vacant.

Finally, it notes that where a Parish is split by the National Park boundary, only those people living within the National Park part of the Parish should be eligible initially.

Policy DMH11 addresses legal agreements in relation to planning decisions, as provided for by Section 106 of the Town and Country Planning Act 1990. As a result, these are known as Section 106 Agreements. The policy states that 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.

Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Detailed advice on building design is provided in the PDNPA's 1987 and 2007 Design Guides.

Assessment

Introduction – site history summary and development to date

Following the refusal by the Authority and on appeal for a mixed use scheme of 39 houses and employment and community facilities at the application site, in 2015 the Authority subsequently refused permission for a scheme of 26 dwellinghouses (including 4 affordable dwellings and conversion of an existing historic stone building to 2 dwellings). An appeal against this decision was allowed by the Inspectorate in 2016. It is this scheme that has been partially commenced.

Since that time a number of applications to vary and discharge conditions of the appeal permission have been made, as detailed in the history section above. The present situation is that a development comprising 26 houses is under construction on the site, and is being carried out pursuant to the 2018 permission that varied conditions of the original 2016 appeal permission, the most notable changes granted by that permission being to the design and layout of the properties fronting Stonewell Lane.

There are a number of areas in which the development has not proceeded in accordance with the previously approved plans. Some of these relate to window and door detailing and rooflight installations, including relating to the conversion of the historic stone building on the site.

The laying out of the site has also progressed in a manner contrary to the extant permission in some cases, in terms of dwellinghouse positions and form – the plots to which this issue relates have not yet been fully constructed, but footings are in place and the construction of walls (and in some cases roofs) has begun. These works have been carried out in line with what is now proposed in the current application but are currently unauthorised and would be subject to potential enforcement action from the Authority if the application is refused.

Introduction – application for variation of conditions

Whilst the current application proposes many changes to the extant permission, we are satisfied that it remains within the scope of that permission and can therefore be dealt with as a variation of conditions application under the provisions of Section 73 of the Town and Country Planning Act (1990); it remains a scheme on the same land, for the same number of houses, comprising the same mix of properties (22 open market, including 2 through conversion, plus 4 affordable) and with broadly the same site layout.

When assessing an application made under Section 73 of the Act the Authority must consider only the question of the conditions subject to which planning permission should be granted. It must decide if planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or whether planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, in which case they should refuse the application.

For this reason, this report does not revisit the principle of the development, including matters of viability, that have already been established by the extant permission. Instead, the report focuses on the changes proposed to that permission, and whether these are acceptable as submitted or could be made acceptable by way of the imposition of varied or additional conditions to those imposed on the previous permission.

Affordable housing provision

The original permission, granted on appeal in 2016, and the extant permission proposed four units of affordable housing. The current proposal retains this provision, with the four affordable housing units proposed as a terrace close to the entrance of the estate, and are identified as plots H, I, V, and W on the submitted plans.

Whilst positioned close to the edge of the site, they remain an integrated part of it, flanked by and facing proposed open market housing and with the barns proposed for conversion to the rear. The applicant advises that the Registered Social Landlord (RSL) with which they are engaged is also satisfied with this arrangement, with the grouping assisting with easy management and maintenance of the properties.

Despite the reservations of the Parish Council, they also include sufficient parking provision, and each property includes a modestly sized private garden.

The intention is for the units to be disposed of to an RSL for their long term management, something that would need to be secured by a legal agreement/undertaking. The unilateral undertaking originally proffered by the applicant to secure this did not provide sufficient certainty that the housing would be disposed of or occupied in accordance with adopted planning policy.

We have worked at length, and continue to work, with the applicant since then to prepare an agreement or undertaking that does so, whilst also providing them with certainty as to how the affordable housing units could be disposed of in the unlikely circumstance where the Authority accepted that they could not be disposed of to an RSL. Although a lot of progress has been made, the final version of the undertaking has yet to be agreed by all parties, and if Members

are minded to grant permission it would be necessary for this to be secured prior to permission being issued.

The Parish Council have also raised concerns relating to the size of the proposed affordable units, concluding them to be smaller than those secured for affordable housing by the original (Appeal) permission, and the extant permission. However, neither of those decisions actually specified or secured which units were to comprise the affordable dwellings, effectively leaving that to the developer's discretion.

In any case, the size of each of the units now proposed accords with the size guidelines set out in policy DMH1 for affordable dwellings:

Plot H – 5 person dwelling – total floorspace of 86m² (DMH1 permits for up to 97m²)

Plot I – 4 person dwelling – total floorspace of 75m² (DMH1 permits for up to 84m²)

Plot V – 4 person dwelling – total floorspace of 82m² (DMH1 permits for up to 84m²)

Plot W – 5 person dwelling – total floorspace of 86m² (DMH1 permits for up to 97m²)

Subject to being of a satisfactory design (discussed in a following section of this report) and being secured as affordable housing by an appropriate legal agreement, it is therefore concluded that the dwellings would constitute affordable housing that complies with local planning policy.

Site layout

Site layout - general

The proposed site layout has been altered through the course of the current application, including reinstating a through-road through the site (as is present on the extant permission) in place of the proposed cul de sac that formed part of the original submission, largely in response to the Parish Council's concerns. The precise position of the properties have also been adjusted in some cases, and landscaping alterations have been made, as detailed in the relevant parts of this report. At its most basic level, the site layout remains similar to that previously approved.

The scheme retains 26 new dwellings in total (two through conversion of the stone building on the site), with some fronting Stonewell Lane to the south, some fronting an improved road (currently only a farm access) running north-south towards the western edge of the site, and all but one of the remainder fronting a new road running diagonally north-east to south-west through the centre of the site. The one outlying property (which is unchanged by the current proposals), lies to the immediate west of the improved north-south road.

Site layout – new road

The point at which a new road that runs diagonally through the site leaves Stonewell Lane would be changed from the extant scheme, for two reasons.

Firstly, a large underground brick-built groundwater well has been accurately surveyed since the previous permissions were granted. This is in the location that the new access road was proposed to join Stonewell Lane, and the applicant has advised that its presence prohibits the construction works required to install a road here or to bear the loads that it would need to carry following construction, without substantial reinforcing works being carried out.

The second issue relates to the presence of an existing roadside splay and pull-in adjacent to the position of the approved access road joining Stonewell Lane. It was envisaged that this would be removed as part of the development (and shown as such on the approved plans). However, where that splay joins the highway is not in the applicant's control, so implementing

the approved permission would result in the presence of a roadside splay immediately followed by the road turning in to the site; this would be undesirable in terms of the appearance of the street.

Subject to acceptable layout and landscaping of the site in other regards, the amended junction arrangement would conserve the built environment and landscape as well as the extant permission did, so the change is therefore considered to accord with policy DMC3.

Changes have also been made to the alignment of the new road at its north western end, making this stretch of road one-way and curving it to the south. This is to deter farm traffic from utilising this road and to instead use the existing access road running north to south off Stonewell Lane. It has no adverse visual impact, and potentially increases pedestrian safety within the estate whilst still allowing emergency, delivery, refuse, and other large vehicles to manoeuvre through the site. The change therefore accords with policy DMC3.

Site layout – separation distances

The separation between dwellings facing each other across the road that would run through the site has been increased from the extant scheme. The previously approved, more enclosed arrangement would be more reflective of traditional streets in the locality, although Hartington itself has a more open village core than many local settlements.

However, the extant scheme would have resulted in an undesirable amenity arrangement for many of the properties' occupiers, with only two instances of facing properties meeting the recommended 22m metre spacing for principal to principal elevations and with some being as low as 13m.

Whilst increasing the distances between the buildings themselves, the approved scheme does continue to secure a reasonable narrowness to the road and enclosure with roadside walling, which would help to prevent it appearing suburban in character. Given this, and the amenity issues arising from the extant scheme, it is considered that this change to the layout of the site accords with policy DMC3 when the policy is taken as a whole.

Site layout – new accesses to plots X and Y

There are changes proposed to the accesses to Plots X and Y (the dwellings in the converted stone buildings) from those previously approved. The extant permission provides access to both plots along a secondary road that spurs off the diagonal road that would run through the estate. As now proposed, each plot is access by a separate private drive – plot Y by one spurring off the road in a similar position to that of the access approved by the extant position (but with a different routing), and Plot X by one running up the eastern edge of the development, accessed as you first enter the estate off Stonewell Lane. Both would be enclosed with timber gates reflective of the appearance of traditional field gates.

In the case of the access to plot X, the drive would not appear incongruous at the edge of the site, reflecting a typical farm access and the proposed use of crushed stone for the driveway and parking area would ensure a finish that is sympathetic to the setting of the traditional stone buildings and adjacent field, as would the bounding of the driveway by stone walling to the west and parkland fencing to the east.

In the case of plot Y, the drive would also provide access to the field at the northern edge of the site to allow it to be managed. The treatment of this access is also sympathetic to its setting, with a crushed stone surface and being bounded by planting and low fencing.

Overall, the landscaping of the site would be of a sufficient standard and arrangement to comply with policies L1 and DMC3.

Site layout - hard landscaping

The extant permission and the previous appeal permission share many of the same hard landscaping treatments as are now proposed.

As originally submitted, the current application reduced the amount of roadside drystone walling, which would have undermined the character and appearance of the development. The amount of this has since been increased and, subject to being secured at an appropriate height and with appropriate detailing, would ensure the reasonable enclosure of the street and properties, avoiding an overly suburban appearance.

Hard surfacing is proposed to be tarmac to the roads around the site, with some inset stone setts in places. Driveways would be block paved in some cases, with tarmac surfacing to others, and crushed stone to the driveways serving the converted barn. This represents an enhancement over the extant scheme, which includes exclusively tarmac driveways, and would help to break up the apparent span of wider areas of hardstanding, such as at junctions and where double driveways join the road.

As amended, the eastern boundary of the site would now be bounded by a metal parkland fence, which would be a low key and sympathetic detail, subject to a painted black finish.

Closed board fencing is proposed between plots throughout much of the site. The extant scheme includes post and rail fencing in many of these positions and, in practice, would not secure the levels of privacy between dwellings required for a development such as this. Close boarded fencing is a more typical treatment, albeit not a traditional design feature of the locality. In order to minimise its impacts officers have sought to minimise its use adjacent to or in views from the roads through the site and at the site boundaries and, where it cannot be avoided in such positions, to soften its appearance with planting.

Site layout – soft landscaping and greenfield restoration

A scheme of planting for native trees and hedgerows through the site has been provided, and would contribute to biodiversity as well as contributing positively to the appearance of the site.

Part of this planting includes a small copse of trees in the centre of the estate, positioned on a section of land that would, along with the new estate road, be held in the control of a management company. They would play a limited role in the appearance of the streetscape until they are established in this location (due to their positioning behind street-fronting properties), but the arrangement may improve the likelihood of the trees being maintained in the longer term than if they were all planted in individual gardens, as it ensures that there will be ongoing funds and arrangements for their upkeep.

The restoration of part of the original factory site to greenfield is proposed to the north and west of the development, as was also secured by a condition of the extant permission. This was significant enhancement achieved through the original scheme. The current application largely retains this green area, albeit with some reduction at the eastern end, as discussed below. The applicant has submitted a landscaping plan which includes details of the planting and longer term maintenance of these areas, specifying the same details as were previously considered acceptable and discharged by the Authority. On that basis, subject to re-securing these matters by condition they would result in an appropriate landscaping and enhancement of the site and are considered acceptable.

Property design and layout

Property design and layout - general

As further discussed below, the dwellings proposed are of materials and a general design that is broadly reflective of the local building traditions, and it is therefore recommended that the conditions imposed on the extant permission in relation to matters of detailed design be retained, if permission is granted. This is in addition to the plot-specific condition requirements detailed below, which are now necessary due to proposed designs or due to works that have been carried out contrary to both the extant permission and/or proposed plans.

The submitted climate change mitigation statement advises that air source heat pumps are now proposed to all properties. As discussed in the climate change mitigation section of the report (below), the introduction of renewable and low carbon energy measures is welcomed, but control over the positioning of such units needs to be secured to ensure that they conserve the appearance of the development as policy CC2 and DMC3 require. If permission is granted a condition could be imposed to secure this.

Chimneys across all of the properties are proposed to be wider than those previously approved in order to accommodate flues for wood burning fires. These appear less traditional than the approved chimneys would, but do serve to facilitate the use of a renewable heating source and reduce the potential for additional flues to be proposed or installed at a later date.

Where properties have already been constructed on the site, the chimneys have utilised a blue engineering brick. The use of blue engineering bricks for chimneys is not unprecedented in the locality, but is not common. However, the extant permission does not control the construction material for the chimneys.

We consider that chimneys of the proposed size and of blue brick construction throughout the whole estate would appear incongruous. It is therefore recommended that if permission is granted that the chimneys of those properties not having not already been constructed in line with the extant permission (i.e. plots F through M and P through W) are permitted at the larger size, but are required to be of natural stone construction to match the appearance of the building to which they are attached.

Property design and layout - Changes to individual plots

Changes are proposed to both the layout and design of many of the properties throughout the site from those approved by the extant permission. The layout changes mean it is not possible – nor would it be helpful – to directly compare each proposed dwellinghouse to each previously approved dwellinghouse, as the positions of the properties are not directly comparable.

This report therefore instead considers the appearance of each property as now proposed on its own merits and in the context of the adjusted site layout, as well as in the context of the extant permission where relevant. Each is taken in turn below.

Plot A

The proposed plans for this property broadly reflect those of the extant permission, and the external construction of the building is largely complete. It would therefore be unreasonable to revisit the overall design of this dwelling, which in any case is considered to generally reflect local building traditions and conserve the appearance of the built environment as policy DMC3 requires.

However, this unit has proceeded contrary to the plans approved by the extant permission in several regards. Mock sash windows have been fitted (instead of the approved sash windows), lintels have been installed above the garage doors (which are currently approved to sit directly beneath the eaves), and the garage doors have a stained finish (rather than a painted one as currently approved).

The lintels above the garage doors do not significantly alter its appearance from that approved, or its relationship the adjacent buildings, and a condition could be imposed requiring the painting of the doors within a specified period to replace the incongruous stained finish.

We have advised the applicant that the mock sash windows cannot be supported as they fail to reflect a traditional detail as was intended, and detract from the appearance of the property. Amended plans proposing timber casement windows have since been submitted instead, and subject to a condition requiring the swapping of the windows within a specified period this would address this matter.

Plots B, C, D and E

The proposed plans for these properties broadly reflect those of the extant permission, and the external construction of the buildings is largely complete. It would therefore be unreasonable to revisit the overall design of these dwellings, which in any case are considered to generally reflect local building traditions and to conserve the appearance of the built environment as policy DMC3 requires. Minor changes to window design have been undertaken during construction, and the proposed plans seek to regularise these; they would conserve the appearance of the properties as required by policy DMC3.

Plot F

This property mirrors the design of that on the adjacent plot E. It is of simple form, constructed of natural materials reflecting those used in the locality, and is detailed to reflect other dwellings across the site and in the wider locality, and therefore complies with policy DMC3.

Plot G

This is a prominent plot, being positioned at the junction of the estate road and Stonewell Lane on the approach the site from centre of the village to the east.

During the course of the current application, the design of this property has been through several revisions, with design details concluded to be out of keeping being omitted. The whole of the property is now proposed to be clad with natural stone rather than being part rendered, which would have detracted from the appearance of the estate given the prominent position of the dwelling and openness to wider view of each of the elevations. The garage position has also been changed on request, to reduce the prominence of this secondary building in the streetscene and to improve visibility through the site.

It would be preferable for the dwelling to have been set closer to the roadside corner of the plot where it would result in a better enclosure of the street, but it is accepted that the presence of the underground well, discussed above, prevents building here and necessitates its use only as garden.

Windows are proposed to be a mix of sash, casement, and top opening. Top opening windows would appear suburban and out of keeping with the traditional design of the property, and the plans also do not make clear whether the sash windows would be sliding sash; mock sash windows as fitted to plot A would have an unacceptable appearance, so a condition would be necessary to require details to be agreed prior to their installation to address these issues.

Overall, as amended, it is concluded that the proposed design and layout would conserve the appearance of the built environment as required by policy DMC3.

Plot H

This is one of the four properties that are proposed as affordable housing. They collectively form a short terrace. The property is traditionally detailed and whilst the gable width is somewhat wide, the staggered arrangement of the terrace and perpendicular alignment of this elevation to the street serves to underplay this.

Overall, it is concluded that the proposed design would conserve the appearance of the built environment as required by policy DMC3.

Plot I

This is one of the four properties that are proposed as affordable housing. They collectively form a short terrace. The property is traditionally detailed and overall it is concluded that the proposed design would conserve the appearance of the built environment as required by policy DMC3.

Plot J

It is proposed for this property to be constructed with gritstone walls; the whole of the development was previously approved to be constructed from limestone with render to some walls. The introduction of gritstone properties in to the housing mix was resisted by officers when determining the 2018 application to vary conditions relating to the design and materials of a number of the proposed houses on the site, on the basis the village is predominantly a settlement of limestone buildings.

The applicant's agent has since provided additional examples of the presence of gritstone buildings throughout the village, which does help their argument – many of these are buildings of some status and differing character to those surrounding them. This is the rationale behind proposing the use of gritstone for this plot, and also for plot P, as these are some of the larger properties within the site and are of differing design to those adjacent to them. This would be more appropriate than if it were to be used on a more modest single property, or where those adjacent to it were also of similar design and appearance.

On balance, it is concluded that the use of gritstone on the property would not have a harmful impact on the overall appearance of the character and appearance of the built environment, complying with policy DMC3.

In other regards, the property has a dog-leg form and design details that retain a simple and traditional appearance but introduces some interest and variation to the site and also reflects the form of buildings approved on the site under the extant permission.

Whilst not a matter of design, it is noted that a home office with separate access is proposed above the garage. For the sake of clarity, if permission is granted a condition is recommended to prevent commercial use of this; which could have parking and amenity implications.

Overall, it is concluded that the proposed design and layout would conserve the appearance of the built environment as required by policy DMC3.

Plot K

As submitted, this and plots M, T and U were proposed as single storey properties, and in subsequently amended plans as dormer bungalow properties. In all cases we advised that this would be at odds with the local building traditions and it would have a significant adverse impact on the character and appearance of the development, contrary to policy DMC3.

Plot K has since been altered to be of two storey design with an attached one and a half storey garage. It is of simple form, constructed of natural materials reflecting those used in the

locality, and is detailed to reflect other dwellings across the site and in the wider locality.

As a result, it conserves the appearance of the built environment in accordance with policy DMC3.

Plot L

This is a modestly sized property that has a simple and traditional appearance but introduces some interest and variation to the site through being turned gable-on to the road and through variation from a standard rectangular floor plan. The more publicly visible elevations are stone clad, with render being proposed to other less prominent elevations.

Overall, it conserves the appearance of the built environment in accordance with policy DMC3.

Plot M

This property has been through similar design revision to that detailed for plot K.

Plot M has since been altered to be of two storey design with an attached one and a half storey garage, and is a mirrored version of the dwellinghouse propose on plot K. It is of simple form, constructed of natural materials reflecting those used in the locality, and is detailed to reflect other dwellings across the site and in the wider locality.

As a result, it conserves the appearance of the built environment in accordance with policy DMC3.

Plot N

The proposed plans for this property broadly reflect those of the extant permission, and the external construction of the building is largely complete. It omits the previous coped gables from the roof – which retains a traditional appearance but introduces some variation to the properties bounding the site – and makes some minor changes to openings around the building.

Overall, the property is considered to generally reflect local building traditions and to conserve the appearance of the built environment as policy DMC3 requires.

Plot O

The proposed plans for this property broadly reflect those of the extant permission, and the external construction of the building is largely complete. It replaces the previous stone-walled south elevation with a rendered wall and makes some minor changes to openings around the building.

Overall, the property is considered to generally reflect local building traditions and to conserve the appearance of the built environment as policy DMC3 requires.

Plot P

As with plot J, it is proposed for this property to be constructed with gritstone walls; the whole of the development was previously approved to be constructed from limestone with render to some elevations. For the same reasons as set out above for plot J, it is concluded that the use of gritstone would not have a harmful impact on the overall appearance of the character and appearance of the built environment, complying with policy DMC3.

This property adopts a similar form and position to one of the properties subject to the extant

permission, making some changes to massing, most notably reducing the height of the rear facing gable and increasing the size of the attached garage projection. There is also some change to size, position, and number of openings.

The number of windows now proposed to some elevations is greater than would be ideal – to some gables in particular – but are needed to provide the layout and space that the applicant is seeking. We have worked with the applicant to reduce these in scale and number as far as possible.

It should also be noted that the proposed gritstone facing of the building would replace some elevations that were previously approved as render. This will achieve a higher standard of finish when compared to the extant permission on what is a large building within the development.

Taking these matters together, it is concluded that the proposed design conserves the appearance of the built environment in accordance with policy DMC3.

A number of windows are proposed are sash, but with no opening details provided. A condition to ensure that they are a sliding sash and not top hung or mock sash would be necessary if permission was granted, to ensure a satisfactory appearance.

Plots Q and R

These plots are near identical in scale, massing and design. The properties are of simple form, constructed of natural materials reflecting those used in the locality, and are detailed to reflect other dwellings across the site and in the wider locality, complying with policy DMC3.

Plot S

This property has a broadly traditional appearance but introduces some interest and variation to the site through being turned gable-on to the road and through a T-shaped floor plan. Following requested amendments the road facing elevations are stone clad, with render being limited to other less prominent elevations.

The integrated garage is not a traditional feature, but being incorporated in to a short length of wall and being stepped back from the building line both serve to underplay its impact and ensure it does not have any significant adverse impact on the appearance of the scheme.

Overall, it conserves the appearance of the built environment in accordance with policy DMC3.

Plot T

Plot T is link-detached to plot U. As with plots K, M, and U, this property was proposed as a single storey property when submitted and has been through design revision to arrive at the current two storey proposal with attached car port.

It is of simple form, constructed of natural materials reflecting those used in the locality, and is detailed to reflect other dwellings across the site and in the wider locality, complying with policy DMC3.

The exception is the car port; this is not characteristic of traditional local buildings, which would not typically be open fronted. In other regards, this part of the building remains traditionally detailed, with a slated pitched roof above and flanked by stone walls (those of the adjacent properties). It is also important to note that the extant permission includes two properties with car ports in a similar position within the centre of the site, and running flush with the front wall of one of the adjoining properties, rather than being set back as now proposed, which would

help to reduce their prominence.

Having given weight to the extant permission and the detailing of the proposed car ports, it is concluded that subject to the development otherwise conserving the character and appearance of the built environment, there is no objection to the inclusion of the car port.

Plot U

Plot U is link-detached to plot T, and of the same design and appearance (having been through the same design revisions as that plot since submission), but mirrored. As a result, the car port has been subject to the same considerations as that property and can be supported.

In other regards it is of simple form, constructed of natural materials reflecting those used in the locality, and is detailed to reflect other dwellings across the site and in the wider locality, complying with policy DMC3.

Plot V

This is one of the four properties that are proposed as affordable housing. They collectively form a short terrace. The property is of single storey design with two floors internally, but is otherwise traditionally detailed.

Being attached to the adjacent dwelling prevents this single storey form from appearing too suburban in character, as it is reads as part of the larger building group. As one of only two single storey properties across the development (the other being plot C), it does also add some variety to the housing mix, helping to prevent the development appearing too homogenous or derivative.

Overall, it is concluded that the proposed design would conserve the appearance of the built environment as required by policy DMC3.

Plot W

This is one of the four properties that are proposed as affordable housing. They collectively form a short terrace. The property is traditionally detailed and whilst the gable width is somewhat wide, the staggered arrangement of the terrace and perpendicular alignment of this elevation to the street serves to underplay this.

Overall, it is concluded that the proposed design would conserve the appearance of the built environment as required by policy DMC3.

Plots X and Y

These are the two dwellings created from the conversion of the historic stone building on the site. Much of the conversion work to these plots has already been undertaken, but works have not proceeded in accordance with the extant permission in relation to internal layout and external openings.

Window and door openings have been given different treatments, and the number of rooflights has been substantially increased from the 1 that was originally approved to 13. The originally submitted plans for this application proposed increasing this further to 15, including 2 double rooflights. Both the 13 installed and the 15 originally proposed would have an adverse impact on the character and appearance of the building due to their number and placement across the roof slopes. The developer had originally installed many more, but has removed some of these.

Amended plans have since been secured that reduce the number of rooflights to 8, including 1 double rooflight. Given the size of the roof slopes and the proposed position of the rooflights within them, this would minimise disruption to the roof and would not have a significant adverse impact on the buildings character.

Door openings have also been fitted with doors that, by virtue of their arrangement and colouring, domesticate the building's character. We have worked with the applicant to secure amended plans that replace the more prominent of these with glazed doors of simpler appearance, and to agree that all of the door and windows and their framework will be repainted in a more traditional and neutral colour (work which has already commenced).

Given that works have already commenced on these buildings that do not accord with the proposed plans, conditions to secure these amended details to be undertaken within a specified period would be required if permission is granted.

Subject to such a condition, it is considered that the conversion works to this building would conserve its appearance and heritage interest, as required by policies DMC3, DMC5, DMC10 and L3.

It is also proposed to erect a new garage building to the rear of plot Y. As originally proposed, this was a one and a half storey building containing a triple garage with first floor above, for use as a workshop or office. The scale of the building and its position on ground elevated above that of the host building meant that it would have been overly large and dominant in relation to it.

Amended plans have been submitted that reduce its scale to a single storey double garage with incorporated workshop space, having a reduced length from that previously proposed. This result in an acceptable relationship between the two buildings, conserving the built environment as required by DMC3.

The Parish Council have raised concerns regarding the encroachment of this building into land previously designated as being returned to greenfield. However, whilst officers understand these concerns, the area of such land lost to the building would be relatively minor, and in the context of the housing backing on to the field to the south west of the garage it would not have any significant impact on the character of the greenfield area or how it is appreciated, in accordance with policies L1 and DMC3. On this basis there is no objection to the proposal on these grounds.

Plot Z

The application states, through annotation on the plans, that no changes are proposed to this plot from what is approved by the extant permission. Accordingly, no elevation plans have been submitted. The amended site plans do not reflect the layout of this plot as previously approved however, showing a property of differing design and position. It is assumed that this is an error in drafting but, in any case, without elevation plans to review it would not be possible to assess such changes. As a result, if permission is granted a condition is recommended to make clear that changes to this plot are not approved by the permission.

Wider landscape management

The land immediately around the site includes significant tree planting, some of which was planted to reduce the landscape prominence of the former factory on the site. This would serve a similarly important role in reducing the impacts of the housing development, as well as serving an important role in providing local wildlife habitat and biodiversity. It is therefore important that this be retained.

The permission granted on appeal secured the retention and potential supplementing of this tree planting through a clause in the Unilateral Undertaking that was secured against the development. However, it is now considered that it can be equally well controlled by planning condition. Consequently, we recommend a condition to require a Landscape Management Plan for land outside the site area but within the applicant's ownership to be submitted, approved, and subsequently followed.

Highway matters

Each property includes a sufficient number of parking spaces for its size to comply with current parking standards, according with policy DMT8.

The Highway Authority raised a number of concerns regarding the site arrangement in their original consultation response, relating to exit visibility from individual plots being taken across neighbouring plots in many cases, being obstructed by roadside garages, and in relation to the exit visibility from the new site road where it joins Stonewell Lane at the south eastern corner of the site. The latter has been addressed by the amended plans, and the Highway Authority has removed its objection on this point. However, the former issues remain unchanged from the submission as originally made, and so the Highway Authority objections still apply.

However, the previous extant permission has a very similar arrangement – the roadside buildings (garages) of concern to the Highway Authority are in the same position, and that development also included 'borrowed' exit visibility from the driveways of a number of plots. This is material, as should the current application be refused on these grounds, a development with near identical highway impacts could (continue to) be carried out.

On this basis there is no objection to the development on grounds of highway safety, subject to proposed parking provision being made available prior to the occupation of the dwellings, and to adequate road provision.

The extant permission secured the latter through a scheme for the provision of the estate roads and footways that includes details of their construction, layout, levels, gradients, surfacing, means of water drainage, a programme for the timing of their provision, the gradients of access drives leading from the highway, any gates or barriers within 6m of the highway, and details of waste storage and collection arrangements.

Whilst the estate road is not proposed to be adopted as a public highway, which in itself raises no planning issues, these matters remain important in terms of the appearance of the site, the potential risks of standing water or flooding, and the safe use of the estate.

Due to the changes in road layout proposed it would not be possible to rely on the details secured against the extant permission. It would therefore be necessary to re-secure these matters by a condition requiring discharge if permission was granted, requiring discharge prior to the commencement of construction any further dwellings on the site.

Climate change mitigation

It is material, and regrettable, that in granting permission for the development in 2016, under the same planning policy framework that is still in place, the Inspector made no requirement of the development to include any climate change mitigation measures or for it to further identify how it would follow the energy hierarchy detailed by policy CC1.

Subsequently in granting permission for amendments in 2018, the degree of change proposed was not sufficient to warrant the Authority revisiting sustainability proposals across the development, and the 2016 permission remained a very strong material consideration and fall-back position for the applicant. No further measures were therefore secured at that time.

Nevertheless, the current application includes a climate change mitigation statement, with the development including a number of measures that would improve its environmental credentials above those secured by the 2016 and subsequent 2018 permissions. This is welcomed. The measures include:

All proposed properties with limestone walling (which accounts for all but two of the proposed dwellings) will use reclaimed limestone for the external walls, eliminating impacts associated with the quarrying of new materials. We are advised that rubble arising from the demolition of the former factory has also been reused as hardcore to minimise the need to transport waste and place it in landfill.

An Insulated Concrete Framework (ICF) walling system is being used for all properties (apart from plots X and Y, which are conversions of an existing building). This involves building the inner skin of the building with interlocking insulated blocks (commonly formed from a polystyrene or polyurethane foam) that, once assembled, is back-filled with concrete. This results in a more energy efficient wall than typical blockwork that exceeds current building regulations, better insulating the building and reducing energy consumption associated with heating the building.

As detailed earlier in the report, all houses are also being fitted with air source heat pumps. Whilst requiring some electricity to operate, they reduce reliance on entirely non-renewable energy sources for heating the buildings, further improving the environmental credentials of the scheme.

When compared to the extant permission, these measures collectively represent a substantial improvement to the scheme's environmental credentials. On this basis, and giving weight to the extant permission, the application makes acceptable provisions under the terms of policy CC1.

Tree protection

The extant permission secured a scheme for the protection of trees during the construction works. There are still trees towards the edges of the site that make a landscape contribution to the locality and the site and require protecting throughout the works.

Due to the changes in road layout proposed it would not be possible to rely on the details secured against the extant permission. It would therefore be necessary to re-secure these matters by a condition requiring discharge if permission was granted, requiring discharge prior to the commencement of construction any further dwellings on the site.

Ground contamination

The extant permission for the development of the site for housing includes a condition requiring a site investigation to be carried out in accordance with a methodology which has previously been submitted to and approved by the Authority, with the results being made available to the Authority before any development begins. It requires that if any contamination was found during the site investigation, a report specifying the measures to be taken to remediate the site to be approved by the Authority, and that this remediation be carried out.

Whilst an application to discharge this condition was submitted, due to a number of shortcomings identified by the Environment Agency in their consultation response it was never discharged. It is therefore regrettable that development has proceeded.

Given the former use of the site as a factory this investigation remains necessary in the interests of the health and safety of the future occupiers of the dwellings. It is therefore

recommended that this condition be re-imposed, requiring discharge prior to the commencement of construction of any further dwellings on the site.

Surface water, sewage, and flood attenuation

The extant permission includes provision for the management of surface water, sewage, and potential flooding, all of which were secured by conditions that have been discharged.

Whilst the measures previously secured remain broadly relevant to and sufficient for the proposed scheme, it is not possible to simply re-impose these as the changes to site layout mean that the plans previously secured as part of the agreed measures do not reflect the current site layout. It is therefore necessary for a condition to secure these details prior to the construction of any further dwellings to be imposed if permission was to be granted.

Construction method statement

The extant permission secures how construction on the site is able to proceed, including measures for site storage, fencing, and minimising ground noise and air pollution.

Whilst the measures previously secured remain broadly relevant to and sufficient for the proposed scheme, it is not possible to simply reimpose these as the changes to site layout mean that the plan previously secured as part of the construction method statement does not reflect the current site layout. It would therefore be necessary for a condition to secure these details prior to the construction of any further dwellings to be imposed if permission was to be granted.

Protected species

A protected species survey was undertaken as part of a previous condition requiring discharge, concluding that any impacts on bat, bird, and badger species would be acceptable subject to the recommendations of the report being followed, which relate largely to the way in which construction works are undertaken. A condition requiring ongoing compliance with those recommendations is therefore recommended should the application be approved.

Archaeology

Impacts of the proposals on the archaeology of the site were previously addressed by a planning condition. That has since been discharged, with the archaeological interest of the site being assessed, recorded, and appropriately archived.

The current proposals affect only the same area of land, and so there is no need for further archaeological conditions in the event that the application is approved.

Applicants 'fall-back' position

The applicant's 'fall-back' position in the event that this application is refused is a material consideration and is therefore worth detailing.

As noted above, the extant permission relating to the whole of the site is that resulting from the 2018 permission to vary the design and layout of several of the approved dwellings. This permission has been implemented, with the development having been broadly carried out in accordance with the plans approved by that permission, albeit with a number of matters of design deviating from the approved plans, as discussed earlier in this report.

Were the applicant to continue to pursue the extant permission in the event of refusal of the current application, the development would, subject to some correcting and reversing of works

to bring it back in line with the approved plans, have planning impacts that the Inspectorate (and subsequently the Authority in terms of approved variations) have concluded to be acceptable.

Significantly, however, the approval of the 2018 variation of conditions application did not secure the previous legal obligation that relates to the affordable housing units. This previous obligation, a unilateral undertaking secured by the Inspector when allowing the 2016 Appeal, set out how the affordable properties could be disposed of, sold, rented, occupied, and extended, ensuring that they remained as affordable housing to meet the locally identified need in accordance with local planning policy. However, as it was a unilateral undertaking, submitted at the appeal hearing, it did not include the clause normally contained within the Authority's standard template, securing the requirements of the agreement on any subsequent approvals for a revised development.

Whilst the applicant has, as discussed earlier in this report, offered a new agreement as part of this application to re-secure the affordable housing, if the current application was to be refused then they would be under no obligation to provide affordable housing in the terms that are set out in adopted planning policy and the four properties would effectively be affordable housing in name only.

In other regards, if the applicant were to revert to pursuing the extant permission, any gains in terms of climate change mitigation that could be secured by a new permission would also be lost.

On this basis, some weight must be given to the applicant's fall-back position in determining the current proposals.

Time limit for implementation

An application for the variation of conditions cannot extend the time period within which a development can commence. In this case the extant development has already commenced. It is therefore not possible or necessary to re-impose an implementation date for the development.

Conclusion

Overall, the proposed changes to the development are concluded to conserve its design and appearance in accordance with planning policy. Furthermore, approval of the application would allow the Authority to secure both the affordable housing units in accordance with adopted planning policy and to improve the environmental credentials of the previously approved development.

It is therefore recommended that conditions are varied to allow the development to proceed in accordance with the proposed plans. This is subject to the addition of the further necessary conditions identified throughout this report, and the reinstatement (with amendment where necessary) of all those conditions remaining relevant from the extant permission, as discussed throughout the report, and as detailed in the recommendation.

There have been no other material changes that necessitate variation or addition of any other conditions.

It would also be necessary to secure the four affordable housing units through the section 106 unilateral undertaking or agreement prior to the issue of a decision granting permission for the development.

Human Rights

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

List of Background Papers (not previously published)

2. Nil

Report Author: Mark Nuttall, Senior Planner (South)