

#### **4. FULL APPLICATION, ERECTION OF THREE AFFORDABLE LOCAL NEED DWELLINGS LAND OFF HARDY LANE TIDESWELL NP/DDD/0620/0548 JK**

**APPLICANT: ELLERT**

##### **Summary**

1. The site is a rectangular area of open green space within Tideswell village and within the Conservation Area. It contains several mature trees covered by Tree Preservation Order (TPO) and a small block of dilapidated flat roofed prefab garages.
2. Alongside the open space, the trees are significant structural features in the public realm and together they make a considerable contribution to the special character and appearance of the local streetscene along Sherwood Road and thereby to the significance of the Tideswell Conservation Area.
3. The proposal is to remove one healthy Lime tree and the garages to provide room to erect three houses and six parking spaces. Each house would however, still be sited partly underneath the canopies of the trees along with two of the parking spaces. This would cause immediate harm to the remaining protected trees through damage and disturbance to their root protection area. It would also be a medium to long term threat to the life of these remaining trees resulting from the inappropriate siting of housing, parking and gardens underneath the canopy of mature trees being uses that are fundamentally incompatible with preservation of the trees.
4. Although of simple traditional design and use of natural materials the layout of the houses does not reflect the established pattern of development in the immediate locality and therefore would detract from, instead of conserve, the special character and appearance of the local area.
5. There are other more appropriate sites identified within the village for development of affordable housing to meet local needs without the harm identified on this site.
6. The public benefits arising from the provision of affordable housing would not outweigh the loss of biodiversity, the adverse impact on the streetscene and the harm identified to the Conservation Area and the proposal is therefore recommended for refusal.

##### **Site and Surroundings**

7. The application site is located within Tideswell Village and forms a roughly rectangular plot of land bounded by stone walls lying on the east side of Sherwood Road at its junction with Hardy Lane. Sherwood Road is a quiet residential street running broadly north-south along the hillside to the west, and parallel with, the main road (B6049) through the village. Hardy Lane is a minor lane/footpath which runs down the hillside to link Sherwood Road with Fountain Square and the Main Street.
8. The plot of land contains a number of mature trees covered by Tree Preservation Order along with a small block of three flat roofed sectional precast concrete garages (unused). The garages lie toward the front of the site but at a lower level than Sherwood Road as the land slopes down from Sherwood Road west to east down the site. Vehicular access is off Hardy Lane, via a gateway located a short distance down from Sherwood Road, after which Hardy Lane narrows appreciably. A bollard located just past the access, restricts vehicular access east of the site access after which Hardy Lane therefore becomes a public footpath.

9. The land was somewhat overgrown and generally unkempt at the officer's site visit. Although the garages are in a dilapidated condition they are not overly prominent in the streetscene being lower than Sherwood Road. The overall appearance of the site is that of a green space with the mature trees adding large structural features which contribute significantly to the special character and appearance of both the streetscene and the Conservation Area.
10. The site is surrounded by residential dwellings with a detached house; Stanley Croft to the immediate north whose large garden about the northern site boundary. To the west across Sherwood Road terraced cottages line the street frontage. Across Hardy Lane to the south sits Hardy House a Grade II Listed Building which also takes access off Hardy Lane opposite the site entrance. To the east, the site backs onto the rear garden of a lower dwelling.

### **Proposal**

11. Full Planning permission is being sought for the demolition of the garage block and the erection of 3 affordable houses to meet local needs. Plans also show that a mature Lime tree on the north side of the site and covered by the TPO would be felled.
12. Plans show a layout comprising one detached 2 bed house sitting gable facing Sherwood Road toward the front SW corner of the site with a pair of 3 bed semi-detached houses centrally located within the plot and sited gable end facing onto Hardy Lane. Vehicular access would remain off Hardy Lane as existing and lead to a parking and turning area between the buildings for six spaces. Outdoor amenity space associated with the semidetached houses would comprise rear gardens covering the eastern third of the site. In sharp contrast the detached house would have a very limited area confined to the North West corner.
13. The houses would be constructed from natural limestone walls under blue slate roofs, with timber windows and doors and natural gritstone dressings to the openings, quoins and lintels to doors. The two bed unit would have a floor area of approximately 70.4 sq. metres and the three bed units 89.2 sq. metres. The supporting statement explains the houses are intended to meet the wider community need for affordable housing identified in the 2017 Tideswell Housing Need Survey.

### **RECOMMENDATION:**

14. **That the application be REFUSED for the following reasons:**
  1. **Significant harm to TPO protected trees from the construction of houses within the root protection areas and underneath canopies resulting in the immediate and unnecessary loss of one tree and immediate damage to remaining protected trees contrary to Policies DMC13, GSP1-3 & L1. This would be highly likely to result in dieback, or death of the trees along with likely significant pressure from future residents for removal or lopping of trees if the development were to proceed.**
  2. **The proposed layout and the design of the houses, especially gable width and roof pitch in respect of the pair of houses, does not adequately reflect the established pattern of development in the locality and would harm the valued character and appearance of the local built environment and the streetscene contrary to Policies GSP1-3 & DMC3.**
  3. **The significant harm to local biodiversity contrary to Policy GSP1-3, DMC11**

**from the immediate loss of the Lime Tree, the loss of semi natural green space and the adverse impact of the development on the remaining protected trees some or all of which would suffer immediate and longer terms damage which would shorten their lifespan and likely result in pressures for removal/and/or significant alteration to their crowns from any future residents were the development to go ahead.**

- 4. Harm to the significance of the Conservation Area from the loss and damage to the protected trees and the poor layout/design which is not outweighed by the public benefit arising from the limited provision of affordable housing contrary to Policies DMC5 and 8.**
- 5. Inadequate and incomplete information to support the application; No protected species survey and the submitted Tree Report does not meet the required standard as it contains a significant error in tree identification along with other inaccuracies. Furthermore the plans are incompatible with recommendations of the tree report most notably in respect of proposing strip foundations contrary to the report's recommendations.**

### **Key Issues**

15. The impact of the proposed dwellings upon the valued characteristics of the National Park, in terms of siting, layout, design, amenity and highway safety.
16. The impact upon the Tideswell Conservation Area and the listed Hardy House.
17. The impact of the development upon local biodiversity especially the trees themselves
18. Neighbouring amenity impacts
19. Highway implications
20. Climate change and sustainable building.

### **History**

1977 – Refusal of outline permission for the erection of two dwellings

1978 – Refusal of outline planning permission for one dwelling

1983 – Refusal of Outline planning permission for erection of one dwelling on the then applicable settlement policy ground and also on grounds that if it were possible to erect a house beneath the trees it would result in a cramped relationship with the trees and lead to requests for tree lopping and felling due to the relationship and shading and therefore acceptance of that proposal was not considered to be in the long term interests of protecting the trees.

1994 – Refusal of outline permission for erection of one dwelling.

1994 – Refusal of planning permission for erection of vehicle store building ad improvements to access on grounds that it would not preserve or enhance the valued characteristics of the residential area and Conservation Area, as well that it would perpetuate an unauthorised vehicular storage use and cause unacceptable disturbance and loss of amenity to neighbours.

1994 – Appeals against both 1994 refusals dismissed.

2016 – Pre-application advice given that a proposed market dwelling would not be acceptable in policy terms and there would be insufficient enhancement in the removal of the garage to outweigh the policy objection. Cautious advice that affordable housing could be explored as the only likely policy route, provided conflict with tree protection could be resolved. No further response.

2019 – Land offered for sale which generated a number of enquiries ranging from concerns over mature trees to prospective purchasers interested in developing the site. However no formal paid for pre-application advice requests submitted.

2019 – PDNPA Tree Officer granted approval for minor crown lift to two sycamores on the lower part of the site adjacent the northern boundary.

### **Consultations**

21. Highway Authority – No objections subject to conditions and made the following summarised comments.
22. The proposal will see existing garages demolished with the potential loss of off-street parking, increasing the likelihood of on-street parking nearby. Whilst concerns are raised with regard the above, the site has already been sold and therefore any potential loss of off-parking that could result already has, irrespective of the above planning application.
23. Hardy Lane is a non-classified road with no margins which carries a footpath, whilst the proposal is likely to result an increase in traffic associated with the site, subject to appropriate visibility splays being provided either side of the access, it is considered the proposal will not result in severe harm to highway safety.
24. Recommended conditions covering;
25. Pedestrian intervisibility splays either side of the access; together with visibility sightlines being taken to the extremities of the site in the westerly direction from a set-back distance of 2.0m at the centreline of the junction.
26. Visibility onto Sherwood Road improved, with the boundary treatment along the western site boundary being maintained at a maximum height of 1m in order to enable the furthest extent of the site frontage is visible from a set-back distance of 2.4m at the centreline of the junction.
27. The existing lighting column adjacent the site should be protected, to ensure it is not struck by vehicles, it is therefore recommended that the existing boundary wall be retained but reduced in height so as to provide pedestrian intervisibility in line with the above comments.
28. Bin storage and dwell area clear of the public highway.
29. Agree construction management plan
30. The access to be no steeper than 1 in 15 for the first 10m and measures shall be implemented to prevent the flow of surface water onto the highway.
31. No occupation space provided for the parking and manoeuvring of residents' vehicles,
32. Footnotes re;

- Prior notification regarding access works within the highway.
- Steps taken to ensure that mud or other material is not carried out of the site and deposited on the public highway.
- First 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.).
- Surface water run-off.

33. Derbyshire Dales District Council – No response

34. Tideswell Parish Council - Do not support this application and request it is not permitted. Detailed comments summarised below;

*a. Design and appearance of the development*

The development is not in keeping with the area and would be very inappropriate for the site. The PC are also disappointed that again no green energy provisions are in place in the application.

*b. Impact on landscape*

There is much concern over the damage which may be done to tree roots of important, protected trees on this plot of land. It is also felt that the designs are out of character for the area and not appropriate in the conservation area.

*c. Layout and density of buildings*

The development is trying to include a lot in a small space. The Parish Council believe a single dwelling or possibly a semidetached would be a more appropriate development at this location.

*d. Local needs (e.g. housing provision)*

Whilst we welcome local needs housing we feel this is not an appropriate location for a multi house development due to the size and access issues of the land.

*e. Planning history of the site*

There has been historical applications here which have been rejected and we do not feel this application is an improvement for the land or addresses reasons for previous objections.

*f. Road issues: traffic generation, vehicle access, road safety*

The Parish Council has concerns for safety regarding vehicular access and the increased traffic to an already narrow and busy area which sees many issues with parking. The Parish Council have further concerns about visibility in this area for traffic.

*g. Loss of trees*

The Parish Council are very concerned about any loss of trees within the Parish. The application states that an Elm tree is to be removed; however it is reported this is actually a beautiful Lime tree. These trees are an integral part of the conservation area protected by TPO'S. We have concerns that there may also be damage done to tree roots in this development which will lead to other trees being removed.

35. PDNPA Conservation Officer – Objects, commenting as follows;

The site is a small green space with an important group of trees adjacent to a public right of way, and contributes to the character of the Conservation Area. The proposal would include for the removal of 1 large tree and could affect the other trees on the site, although root protection measures are proposed. The loss of the tree from the site, and potential impact on the others would harm the character and appearance of the

Conservation Area. The location of the buildings on the site and on the boundary with Hardy Lane would remove the current sense of open space from this part of the Conservation Area, which would harm the character.

36. PDNPA Tree Officer – Objects commenting as follows;
37. The submitted BS5837 Tree Survey contains significant errors, including incorrect tree species identification of T3. The proposed development requires the removal of T3, a mature, TPO'd tree. The argument for the removal of T3 is based on an incorrect species identification of this tree as elm and an assumption that the tree is therefore not suitable for retention because it is likely to succumb to Dutch Elm disease. The tree in question is not an elm tree, but rather a lime tree and currently has no signs of physiological ill-health. The lime tree is in a good physiological and structural condition with a potential remaining life expectancy of at least 40 years. There are various other minor inaccuracies within the tree survey, which cast doubt on the efficacy and integrity of this tree survey.
38. The design itself is incompatible with the protected trees on site. The proposed development features too many buildings in too close a proximity to the protected trees. Three of the TPO'd trees on site are beech trees (T1, T2 and T6). Beech trees are particularly intolerant of soil disturbance within their rooting area, as they tend to be fairly shallow-rooted as a tree species. Thus construction within the rooting area of mature beech trees (particularly T6, which has already lost a significant limb, causing damage to a neighbouring wall and neighbouring trees) is not recommended.
39. The current proposal would leave all properties overshadowed by significant, mature trees, casting extensive shade over all the proposed houses, leaving the houses feeling dark and the proposed gardens completely shaded. This would put pressure on potentially already stressed trees for removal, due to fears of limb failure and concerns about shade in gardens and lack of natural light in the proposed houses. It is not possible to mitigate all of these issues with special engineering solutions and the current proposed design would leave these mature, protected trees stressed and with their rooting areas significantly disturbed and thus compromised.

## **REPRESENTATIONS**

40. There have been 9 letters of objection submitted raising a very large number of grounds which are heavily summarised below.
41. Factual errors and omissions in the application documents – tree report and planning statement; most notably incorrect identification of tree to be removed.
42. Loss of mature lime tree.
43. Particular concern for the Beech trees which are susceptible along with compaction, to change in soil depth causing injury to root systems.
44. Impact of development on remaining trees – houses and parking spaces under canopies and root compaction. Cars kept under trees will quickly be covered in sticky debris and vulnerable to dents from falling wood.
45. The proposed dwellings will be very adversely affected by their proximity to the trees from the outset. From the tree report: "BS5837 advises that the physical size of trees can: dominate new development and give rise to concern about safety, cause obstruction of light and views, and incite objections about falling leaves and debris concerns over implication for trees of falling branches on dwellings and gardens

46. The garages have not been used for at least 25 years - Six additional vehicles represents significant increase in vehicle movements adding to traffic congestion and parking problems on Sherwood Road.
47. Hazards to pedestrian using Hardy Lane
48. Highway Authority not visited site have not fully considered conflicts with pedestrians and that parking on Sherwood Road blocks emerging visibility.
49. Building 1 currently blocks emerging sightline from access.
50. The proposed chamfering of the stone wall will do little to improve visibility.
51. Previous applications for development with lesser traffic movements have been rejected on highway grounds – substandard visibility and pedestrian conflicts.
52. Land is not wasteland, it is valuable asset to community rich in biodiversity and one of few natural green spaces left in the village, needs to be retained as such.
53. Development would have a suburban appearance out of keeping with surroundings and behind the established building line.
54. Poor layout - too many buildings squeezed into unsuitable spaces and in the wrong orientations - development conflicts with the surrounding area and adjacent listed building.
55. Adverse impact upon the Conservation Area / development among the trees detracts from their contribution to the valued characteristics of the Conservation Area.
56. There is no pressing need for development that could not have been met with other much more suitable sites in Tideswell.
57. Design does not show how measures deemed mandatory in the tree protection report will be achieved.
58. The quality and amenity of the proposed dwellings is poor for the occupiers because of their gloomy situation within the trees. Occupiers' ongoing ownership of the trees will be onerous.
59. Parking is inadequate and will likely result in additional parking on Sherwood Road which is already highly stressed for parking places.
60. The changes in appearance of Hardy Lane and Sherwood Road cannot be properly assessed from submitted drawings which do not show context.
61. Concern about what would prevent all three dwellings just becoming part of a letting portfolio with near open market rent as unsure about controls in a S106
62. Harm to neighbours amenity, particularly in respect of loss of privacy and light, and the large increase in noise and activity generated by so many additional neighbouring households.
63. Lack of space for bin storage.
64. The tree report does not cover the need for the crown height of tree 6 to be lifted from

3m to clear houses 9.2m

65. Thin soil cover over bedrock means trees have little hold on the site, tree report says specialist foundations must be used but the drawings just show trench footings.
66. Trenches for services will also be difficult without causing root damage. It is stated that the disposal of foul sewage is unknown; it is likely that any works would identify an increase in excavations which would impact on the tree root systems.
67. Concerns that retaining structures and lowering of ground levels will further impact adversely on the trees.
68. Once the dwellings are occupied the trees will continue to be vulnerable to the use of garden pesticides, chemical, oil or fuel spills, cleaning products on anything situated or kept beneath the trees, e.g. buildings, cars, parking surfaces.
69. The ongoing responsibility of owning either one or two such large trees by the purchaser of an affordable dwelling is onerous and disproportionate to the size of house and land they purchased. Considerable costs may be incurred in maintaining the trees.
70. The gardens have zero privacy from each other and adjacent housing and from adjacent thoroughfares and unsightly fencing might be erected.
71. Sustainability concerns over lack of soakaways with surface water going to the sewer which is undesirable. Any water drained off site contributes to the risk of flooding and pollution downstream and reduces the amount of water available to the trees compared with what they get currently. The drying of laundry outdoors in the gardens will be undesirable due to material dropping from the trees increasing the likelihood of the use of electric tumble drying.
72. House 1 is not accessible from parking area for prams wheelchairs etc.
73. A Flood Risk Assessment should be undertaken as although not within a flood risk area the development would significantly increase the hardstanding surface area which would increase the amount of surface water run-off. This would increase the likelihood of this affecting the properties below the site
74. Previous Application and Appeal Refusals in 1993 have quoted development of the site for garaging having - *extremely substandard emerging visibility and right turn exiting and left turn ingress movements are awkward when there are cars parked on the opposite side of Sherwood Road. Acceptance, therefore would lead to further intensification of vehicular use of a substandard road junction resulting in greater hazard and inconvenience for other road users and an intensification of conflicting movements between vehicles and pedestrians using Hardy Lane.*
75. In 1994 it was quoted that; *The trees on the site have been identified as being an important feature in the Tideswell Conservation Area.... The proposed erection of a dwelling would lead both directly and indirectly to the loss of trees because of the inevitable cramped relationship that would result between the dwelling and the trees."*
76. In the 1994 Appeal the Inspector stated; *"These mature forest-trees have spreads in excess of 10m and the canopies dominate the site, restricting light. Whilst a house could be built in the outline shown above, the rooms would be dark and the garden overshadowed. The Board have said that the occupants would inevitably seek the removal of further trees and I would not disagree; if not removal, significant surgery*

*would be likely. Two storey residential development on the site could not be compatibly accommodated within the existing trees.”*

77. Contrary to adopted PDNPA Policies L1, DNC3, DMC11, DMT3, Para 127 and 130 of the NPPF
78. The lack of a protected species report - the forms wrongly state it does not require a protected species report as the site is none of those mentioned on the forms which is wrong.

### **National Planning Policy Framework (NPPF)**

79. 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: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and 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.
80. The National Planning Policy Framework (NPPF) has been revised (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 particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
81. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.
82. Para 127 of the NPPF states that - Planning policies and decisions should ensure that developments:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - (f) create places that are safe, inclusive and accessible and which promote health and

well-being, with a high standard of amenity for existing and future users <sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

83. Para 175 of the NPPF states; When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

84. Para 193 of the NPPF states; When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

85. Para 196 of the NPPF states; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## **86. Main Development Plan Policies**

### **87. Core Strategy**

88. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

89. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

90. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Tideswell is a named settlement.

91. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.

92. L2 says that development must conserve or enhance the biodiversity of the National Park unless there are exceptional circumstances. L3 says that development must conserve or enhance the cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted.

93. HC1 – *New Housing*. Sets out that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
94. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

#### Development Management Policies

95. Policy DMC3 says that where development is acceptable in principle it will be permitted provided that its detailed treatment is 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.
96. Particular attention will be paid to siting, scale, form, mass, levels, design, details and materials, landscaping, access, amenity, accessibility and our adopted design guide.
97. DMC5 says that applications for development affecting a heritage asset must clearly demonstrate its significance and why the development is desirable or necessary. DMC5 and DMC7 are relevant for development affecting heritage asset and their setting. These policies require applications to be supported by heritage assessments and for development to be of a high standard of design that conserves the significance of heritage assets and their setting.
98. DMC11 requires proposals to achieve net gains in biodiversity and geodiversity and provide details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance that could be affected by the development. DMC12 is relevant for development affecting sites, features or species of wildlife, geological or geomorphological importance and set out the exceptional circumstances where development will be permitted.
99. Development of a designated or non-designated heritage asset will not be permitted if it would harm the significance, character and appearance of a heritage asset unless it is outweighed by the public benefits of the proposal.
100. DMC11 says that proposals should aim to achieve net gains to biodiversity as a result of development. In considering whether a proposal conserves and enhances all reasonable measures must be taken to avoid net loss by taking into account matters set out in (i) – (v).
101. DMH1 states that Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion provided that there is a proven need for the dwelling(s); and any new build housing is within affordable size thresholds.
102. DMH6 says that re-development of previously developed land for housing is acceptable provided that it conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site and subject to viability includes an element of affordable housing (in accordance with policies DS1, GSP2 and HC1).
103. DMT3 and DMT 6 set out the requirement for safe access and appropriate parking levels.

**104. Principle of Development**

105. The site is located within Tideswell Village which is a named settlement for the purposes of policy DS1. The removal of the garages would be welcomed as they do cause some minor visual harm to the immediate locality and removal would enhance the site. However, this quite modest enhancement would not amount to the ‘significant’ overall benefit to the wider National Park as required by Policy GSP2 and HC1C (II) to warrant exceptional development in the form of market housing.
106. Policies HC1 and DMH1 exceptionally allow for the development of affordable housing in principle within DS1 named settlements where it addresses eligible local needs for homes that would remain affordable with occupation restricted to local people in perpetuity. This is provided there is a proven need for the dwellings and the housing would be within affordable size guidelines.
107. The proposal is for three affordable dwellings which are of an affordable size in terms of our policies and designed to meet the local needs identified in the 2017 village housing need survey. Although the survey is 3 years old, no housing has been provided in the intervening period to meet the needs identified although a large site elsewhere in the village has been earmarked for development. We therefore consider it reasonable to accept that the dwellings would meet the proven need in the Parish for affordable housing and consequently the principle of development is acceptable.
108. The key issues therefore relate to whether the proposal is acceptable in terms of the site specific considerations of layout, design, landscape/streetscape impact with particular regard to the impact upon the protected trees and the Tideswell Conservation Area along with consideration of the impact upon local amenity and the highway implications.

**109. Layout, Design and Appearance**

110. Layout

111. The arrangement of the houses on the site attempts to avoid the trees with one detached near the frontage and the other two set further down the site, back from Sherwood Road as a pair of semidetached properties with the area between dominated by the parking. Rather than the proposed layout being designed to closely relate to the built form of Sherwood Road, this layout seems to have primarily been generated by a combination of keeping the access point and to use the available space between the existing trees which is extremely limited, even with the proposed removal of the lime tree.
112. The protected trees present a major constraint to any development on the site and in this case have led to a cramped layout and a culs-de-sac style of development in some depth back from the street. The layout of the parking spaces is also tight with the spaces themselves being only 4.8m x 2.4m which is below the adopted standards of 5.0m x 2.5m and none are designed as accessible spaces.
113. Consequently the proposed layout of the buildings would relate poorly to the existing pattern of development in the immediate locality as well as to the trees. The development would be wholly out of keeping with the established development along Sherwood Road which is characterised by buildings fronting or close to the street with private gardens to the rear running down the slope.
114. The proposed development would not therefore result in a layout that detracts

from, instead of respecting the valued character of the local built environment contrary to Policy DMC3.

115. Design

116. The houses are reflect a simple traditional style and would be constructed in natural local stone, with natural stone dressings to corners and openings. The roof would be blue slate. The houses are simply fenestrated with doors and window frames in painted timber.
117. There are no design concerns regarding the detached house which would be a typical two story house having a modest rectangular plan form and a traditional narrow gable width at 5.5m. It would be sited backing directly onto Hardy Lane and close to the adjacent listed Hardy House. It has been designed with its main elevation facing north into the site and would have a largely blank rear facing Hardy Lane.
118. In contrast the semi-detached houses would have a much deeper plan form with an over-wide gable width of over 8m. Coupled with the steep roof pitch to accommodate bedrooms in the roof space this form results in an over-dominant and uncharacteristic roof in terms of the ratio of roof to wall height which would not reflect the established local building tradition sufficiently. As a result we would have sought amendments to the design to lower the roof pitch and narrow the gable had the development, in other respects, been found acceptance.

119. Impact upon trees

120. The application is supported by an arboricultural survey which identifies the 6 trees on the site, all of which are protected by TPO. The agents supporting statement explains that one tree is proposed to be removed to facilitate the development and that strict rules will be set out for the protection of these trees during the construction works. The agent considers that the proposals have been carefully designed in relation to the trees with the houses set well away from their canopies and the access road and car parking areas designed to pass underneath. The agent concludes that whilst the loss of the tree is unfortunate it is necessary to develop the site and when balanced against the long term benefit of providing affordable local housing provision and the fact that the tree has a life expectancy of only a further 10 years it is considered that its loss would not be sufficient to warrant refusal of the scheme.
121. We take a different view and our specialist Tree Conservation Officer identifies that the submitted BS5837 Tree Survey contains significant errors, including incorrect identification of the tree that the proposed development requires to be removed along with various other minor inaccuracies which cast doubt on the efficacy and integrity of the survey.
122. In particular, the argument for the removal of the tree is based on it being incorrectly identified as an Elm and an assumption that the tree is therefore not suitable for retention because it is likely to succumb to Dutch Elm disease. However the tree is in fact a Lime tree and we are advised by our Tree Conservation Office that it is currently in a good physiological and structural condition with a potential remaining life expectancy of at least 40 years.
123. The layout of the proposed development is clearly incompatible with the protected trees on site in that it places each of the buildings underneath the canopies and therefore within the root protection areas of the protected trees. Three of the TPO'd trees on site are Beech trees which we are advised are particularly intolerant of soil disturbance within their rooting area, as they tend to be fairly shallow-rooted as a tree species. One

of the mature beech trees under which the pair of houses are proposed has already lost a significant limb, causing damage to a neighbouring wall and neighbouring trees. Surprisingly therefore the detailed plans of the houses show standard strip footings and alterations to ground levels which will cut through the root protection areas causing clear and unacceptable harm to these protected trees.

124. Notwithstanding the initial physical harm from construction, the houses would all be overshadowed by significant, mature trees, casting extensive shade leaving the houses feeling dark and the proposed gardens completely shaded. In future this would be very likely to put pressure on potentially already stressed trees for significant works or removal, due to fears of limb failure and concerns about shade in gardens and lack of natural light in the proposed houses. The likely impact on cars parked underneath, or washing and outdoor furniture from debris and dirt falling from the trees would only add to the pressure.
125. The clear advice from our in house tree specialist is that it is not possible to mitigate all of these issues with special engineering solutions and the proposed development would leave these mature, protected trees stressed and with their rooting areas significantly disturbed and thus compromised.
126. We therefore conclude that the development would cause severe harm to the protected trees and result in the immediate loss of the Lime and the likely loss of others in future. The resulting loss to biodiversity would be contrary to adopted policies DMC11 & 13.

**127. Impact upon the Conservation Area and adjacent Listed Building**

128. Policy DMC8 requires development to assess and clearly demonstrate how the character and appearance and significance of the Conservation Area would be preserved or enhanced. The loss of the open green space, the Lime tree and inevitable harm to the remaining trees along with the inappropriate layout of the houses would seriously detract from the valued character and appearance of the street scene along Sherwood Road and erode the special character and appearance as well as the significance of Tideswell Conservation Area.
129. The development would be sited close to and within the setting of the listed Hardy House which is located just to the south and across Hardy Lane opposite the proposed semi-detached houses. The loss of the green space and the substitution with the proposed layout with its wide gables and tall roof so close to Hardy House would have an inappropriate impact on the setting and therefore we conclude the proposal would be contrary to Policy DNC7 in that this less than substantial harm to setting would not be outweighed by the public benefits of the provision of affordable housing given the need can be accommodated close by on an already identified suitable site.

**130. Amenity Considerations**

131. There are no concerns that the houses would adversely impact upon neighbouring amenity in terms of overlooking given the separation from adjacent houses and the orientation. There are however very substantial concerns about the residential amenity of future residents were the development to go ahead. The main concern is the substantial shading of the houses and gardens from the trees which would make them overly dark inside with a gloomy outlook. There are also very strong concerns about the ability of future residents to enjoy the outdoor amenity space given mature trees dropping large amounts of leaves and other debris including branches of varying size up to and including that which could seriously harm residents and their property including cars. For these reasons the proposal does not accord with adopted policy DMC3 which requires a high standard of amenity.

### **132. Highways Considerations**

133. The proposed parking layout would utilise the existing access point off Hardy lane result in a material increase in traffic using the lane and its junction with Sherwood Road which has substandard emerging visibility not helped by parked vehicles. In addition the parking spaces fall below our adopted space size, albeit by a small margin and would need to be increased further making the layout a little more cramped. There are also no accessible parking provision or visitor parking and therefore albeit a small development there would be a an increase in visitors parking on Sherwood Road close to the junction and contributing to local concerns over parking congestion and highway safety. However, as the Highway Authority has raised no objections we would be unable to sustain any formal objection in this regard.

### **134. Ecology Impact**

135. The protected species form accompanying the application has been incorrectly filled in as it has not acknowledged that the proposal involves the loss of a mature tree. Consequently although a tree report has been submitted no protected species survey has been submitted and therefore we have no information upon which to assess the impact of the development upon protected species. The proposal is therefore contrary to DMC11 & 12. We have invited the applicant to withdraw the application rather than go to the expense of further survey work given the fundamental objections we have raised as officers to the proposal however the applicant has requested determination as submitted.

### **136. Environmental Management**

137. In order to meet the requirements of Policy CC1 the supporting statement explains that the new dwellings will be built partly on brownfield land and sited within the village boundary. The agent further explains that the houses would be designed to achieve the equivalent of Code Level 3 in the (former) Code for Sustainable Homes, and in addition designed to Lifetime Homes standards. It goes on to set out that the following specific strategies are proposed (summarised):
138. Energy use: The houses will be 'super insulated' to reduce energy use in the simplest and most direct way. The homes will be heated using a high efficient A rated gas condensing boilers. All internal and external lighting will be 100% low energy and any white goods will, where fitted be A rated. Outdoor amenity space is also provided to all dwellings to allow for outside clothes drying
139. Water use: Low water use fittings will be specified and water butts will be provided to harvest rain water for use in the gardens.
140. Materials: The specification of materials will ensure minimum environmental impact. Natural materials which will be sourced locally will be used thus reducing their carbon footprint. All trades people will be local also ensuring that the carbon footprint of the proposal is minimised (this cannot reasonably form part of a planning condition). Glazing will be high performance double glazing without vents.
141. These energy efficient measures would go some way to meeting the terms of Core Strategy Policy CC1 however if the development were to be approved we would require more certainty as to the proposed specification in order to secure these efficiencies. In addition whilst it is recognised that solar Pv or ground source heat pumps would not be

appropriate on this site there has been no consideration of the use of air source heat pumps which could make a significant contribution to reducing the carbon footprint of the development. We have not however pursued this further given the other fundamental objections to the scheme.

**142. Conclusion**

143. The impact of the proposed housing development would be out of keeping with the local built environment, cause significant loss and harm to protected trees, reduce biodiversity and adversely impact upon valued character and appearance of Sherwood Road and the special character and significance of the Conservation Area as well as the setting of the listed Hardy House. Furthermore the application contains incomplete and inadequate supporting information to make full and proper consideration of key planning considerations and consequently the proposal is contrary to adopted policies GSP1-3, L1, DMC3, 5, 7&8, 11 -13, and is recommended for refusal.

**144. Human Rights**

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

146. List of Background Papers (not previously published)

147. Nil

148. Report author: John Keeley – Planning Manager - North Area Team