

**5. FULL APPLICATION – ERECTION OF A PAIR OF SEMI DETACHED AFFORDABLE LOCAL NEEDS DWELLINGS AT LAND OFF RECREATION ROAD, TIDESWELL (NP/DDD/0222/0190, AM)**

**APPLICANT: MR & MRS BATES**

**Summary**

1. The site is part of an agricultural field on the northern edge of Tideswell off Recreation Road.
2. The application proposes two affordable houses to be first occupied by the applicant's sons.
3. The application does not demonstrate that the proposed first occupants have a local qualification or that there is a proven need for the dwelling. The proposed dwellings would also not be affordable by size or type or meet the stated need of the first occupants.
4. The application is recommended for refusal.

**Site and Surroundings**

5. The site is located in an agricultural field on the northern edge of Tideswell adjacent to the dwellings on Recreation Road and the recreation ground.
6. The site and wider field is open pasture bounded by drystone walling. The nearest neighbouring properties are 34 and 35 Recreation Road to the south of the site.
7. There is an existing field access to the site at the end of Recreation Road.

**Proposal**

8. The application is for the erection of two 3 bedroom affordable houses on the site. The dwellings would be first occupied by the applicants' two sons.
9. The dwelling would be sited in the southern part of the field adjacent to the dwellings on Recreation Road. Access would be taken from Recreation Road for each of the two dwellings and a new field access would be created.
10. The dwellings would be two storey, semi-detached properties constructed from stone and slate with uPVC windows with stone heads and cills. Each dwelling would have a gross internal floor area of 97m<sup>2</sup> plus an attached single garage. Solar photovoltaic panels are proposed roof to the front elevation.

**RECOMMENDATION:**

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

1. **The application does not demonstrate that the development would meet eligible local needs for affordable housing. The proposed housing would not be affordable due to its size and type. The application therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, Development Management policies DMH1 and DMH2 and the National Planning Policy Framework.**

## **Key Issues**

- Whether there is justification for the proposed local need affordable houses and whether the proposed development is in accordance with policies HC1, DMH1 and DMH2
- The design and landscape impact of the proposed development.

## **History**

11. None relevant.

## **Consultations**

12. Parish Council – Support the plans as keen to encourage affordable housing. The plans are also well designed.
13. Highway Authority – No objection subject to conditions and makes the following comments:
  14. *“The application site is located Recreation Road which is a unclassified road subject to a 30mph speed limit, whilst the proposed development will intensify the use of the existing field/vehicular access, the access is located on a cul-de-sac and benefits from acceptable emerging visibility onto Recreation Road, therefore, any increase in traffic generation the proposal may generate is unlikely to lead to any severe safety issues associated with the access.*
  15. *It should be noted that should there be any further proposed development on the land adjacent to Recreation Road, any access road/street would unlikely be adopted as publicly maintainable highway and an intensification of vehicular use associated with the existing access above what is currently proposed would likely be open to highway objection.*
  16. *Typically, off-street parking bays should be demonstrated by dimensions, however, the Proposed Site Plan demonstrates sufficient space within the site to accommodate 2no off-street parking bays to serve each dwelling, therefore, it is considered the appropriate dimensions can be secured by condition.*
  17. *Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.*
  18. *The proposed integral garages are below recommended dimensions, single vehicular garages should have minimum internal dimensions of 3.0m x 6.0m, therefore, the applicant may wish to increase the size of the garages in order to be used for the parking of vehicles.*
  19. *No details have been submitted regarding the storage of bins and collection of waste, an area of adequate dimension for standing of waste bins on refuse collection days should be provided adjacent to, but not within, the public highway to serve the proposed dwellings.”*
20. District Council – No response to date.
21. Natural England – No response to date.
22. PDNPA Archaeology – Awaiting response.
23. PDNPA Ecology – No objection subject to conditions and makes the following comments:

24. *“The site was surveyed on 01/11/2021 and is semi improved grassland with some flowering plants, and a building providing some nesting opportunities for song birds. The report states that Swifts have been recorded within 1km.*
25. *The recommendations in the report covering lighting, protection of birds, bats and hedgehogs should be carried out in full.*
26. *I would recommend that within the area of both new dwellings two general purpose nest boxes be erected, native species are used in any landscaping and each garden has a wildflower area created on low nutrient material to compensate for loss of habitats. Also by way of ecological enhancement each house should have two swift boxes attached just below the roof line.”*
27. PDNPA Policy –
28. The Policy Team Officer notes that the supporting statement from the agent sets out that the proposal is for two local need houses for returners and that the applicant would enter into a S106 to limit the sale to those who can satisfy the local connections requirements which they feel would likely reduce open market value by approximately 30%.
29. The Policy Response makes the following detailed comments;
- “Both properties would have internal floor areas of 97sqm in size, the maximum size allowance for a 5 persons bed space property. This does not include the addition of a garage. A garage is a feature that would affect the affordability of the property in the longer term and it is recommended that it be removed from the application. The applicant themselves have demonstrated in their D&A statement the unaffordability of property in the area to justify their need to build. This issue applies to everyone seeking to remain in the locality; the addition of a garage would only exacerbate this issue when the time came to sell the property, which the applicant would be entitled to do after 3 years.*
30. *Moving on to the size of the proposed dwellings. The dwellings are to accommodate a two person family and a 3 person family. In accordance with DMP policy DMH1 the gross internal floor area should be limited to 58m<sup>2</sup> and 70m<sup>2</sup> respectively to be in line with the applicants’ existing need. The Planning Committee have approved a Policy DMH1 Practice Note to afford some flexibility for applicants and to address the tension between what an applicant would like and what their current need is. For 2 people, this would increase the bed space size allowance to 70m<sup>2</sup> and for 3 people this would increase the bed space allowance to 97m<sup>2</sup>. There is capacity to amend the scheme to address the above size threshold requirements.*
31. *With regards to the acceptability of the location of the development, it is on the edge of the settlement in accordance with Core Strategy DS1. However, whether this is an acceptable ‘on the edge of settlement’ location in landscape terms to accord with Core Strategy policy L1, needs to be determined through the Landscape Strategy and advice from the Landscape Officer.*
32. *The applicant references planning permission DDD/0421/0433, which was approved by Planning Committee as giving ‘carte blanche’ to all applications for local needs housing to be of the maximum allowance plus garaging. Each planning application is assessed on its own merits and the applicant fails to acknowledge the appeals that have been dismissed for similar proposals in which the Inspector supported the Authority’s position on restricting the size of affordable properties and the more recent policy position the Planning Committee has agreed to in the Policy DMH1 Practice Note, both of which are relevant to determining this application.”*

## **Representations**

33. We have received two letters to date. One letter supports the application and the other objects. The material planning reasons are summarised below.

### **Support**

- This is a very sensible proposal and a good location for two much needed affordable homes.

### **Objection**

- The access into the site is not wide enough to take extra traffic. The width at the top of the road is 3m which is the same as waste disposal wagons, therefore creating concerns regarding parking and access for the top 3 houses.
- Query if current drainage and utilities on Recreation Road able to accommodate more houses.
- Query if the application could result in additional houses in the future.

## **Main Policies**

34. Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, CC1, HC1, L1 and L2
35. Relevant Development Management policies: DMC3, DMC4, DMC11, DMC12, DMC14, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8, DMU1 and DMU2.

## **National Planning Policy Framework**

36. The National Planning Policy Framework (NPPF) 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 our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
37. Para 176 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.'
38. Para 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
39. The NPPF defines rural exceptions site as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

### Peak District National Park Core Strategy

40. Policy DS1 sets out the Development Strategy for the National Park. Part D says that in named settlements such as Tideswell there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable in principle.
41. Policy HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local need.
42. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
43. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
44. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
45. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.
46. Policies L1, L2 and L3 require development to conserve and where possible enhance the landscape, biodiversity and cultural heritage of the National Park. Development which has a harmful impact should not be approved unless there are exceptional circumstances.

### Development Management Policies

47. The most relevant development management policies are DMH1 and DMH2. Policy DMH11 is also relevant as it states the need for a planning obligation to secure the affordability of the dwellings in perpetuity if the scheme were permitted.

48. Policy DMH1 – New Affordable Housing

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

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

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

One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

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

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

49. Policy DMH2 First occupation of new affordable housing

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

- (i) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (ii) a person (and his or her dependants) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

50. Policy DMC3. A says 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.

51. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.

52. Policy DMC4. A says that planning applications should provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the settlement

to local landscape character. The siting of the development should complement and not harm the character of these settlements.

53. Policy DMC11. A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.
54. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees which should be protected during the course of the development.
55. Policies DMT3 and DMT8 require development to be provided with adequate off-street parking and safe access.

## **Assessment**

### **Principle of affordable housing**

56. Our policies do not allow new build housing in the National Park unless there are exceptional circumstances. One circumstance where housing can be permitted is under policy HC1. A where development would meet eligible local need for affordable housing.
57. The site is located on the edge of Tideswell, therefore in terms of spatial policy DS1, the development of affordable housing is acceptable in principle if there is a proven need for the dwellings, the housing accords with floorspace thresholds and the named first occupants satisfy our occupation criteria in accordance with policies DMH1 and DMH2.

### **Whether the applicants have an eligible local need**

58. The applicants' two sons are the intended first occupants of the dwellings. The application states that both sons were born in Tideswell and have lived in Tideswell, Peak Forest and Great Hucklow for more than 10 years over the past 20 years. The application states that one son left the family home in 2021 and now lives outside the National Park with his family, while the other left in 2016 and now lives outside the National Park with his partner.
59. No evidence to demonstrate the local qualification of either intended first occupant was submitted with the application. We requested this from the agent but no evidence has been provided to date. Provided this evidence was submitted both named first occupants would meet the criteria of a returner under the first part of policy DMH2 (ii).
60. Policy DMH1 and DMH2 (ii) require the intended first occupants to be in need of affordable housing in all cases, including returners. The application states that both sons are in need of affordable housing and includes information on earnings and a property search of market housing to demonstrate this. The Housing Need Survey (HNS) for Tideswell is up-to-date and identifies a need for 20 dwellings comprising mostly 2 bedroom houses with a lesser requirement for 3 bedroom houses and some bungalow provision.
61. However, where dwellings are proposed to meet an individual's need our policies call for the same information required by Housing Authorities to assess claims of housing need (in this case Home-Options). Evidence of eligibility and registration with Home-Options has now been submitted for both intended first occupants.

62. The evidence demonstrates that one of the sons is eligible for affordable housing and is assessed by Home Options for a 1 bedroom property. However, the evidence also demonstrates that the housing need of the other son, also for a 1 bedroom property, can be met by the market. Therefore, the evidence demonstrates that the second intended occupant is not in need of affordable housing. Therefore the application is contrary to policies DMH1 and DMH2 (ii).
63. Our policies require all intended first occupants of proposed affordable housing to demonstrate they are in need of affordable housing (including returners). This is essential to ensure that the limited land suitable for development is only released when there is a demonstrated need. This evidence submitted with the application demonstrates that while one of the intended first occupant is in need of affordable housing, the second occupant is not in need.

#### Would the dwellings be affordable by size and type

64. The application proposes the erection of two semi-detached three-bedroom dwellings, each with a gross internal floor area of 97m<sup>2</sup>. This equates to two five-person dwellings as set out by policy DMH1. From the information provided by the agent in their supporting statement, one son lives within a 3-person household (maximum floor area of 97m<sup>2</sup>) and the other lives within a 2-person household (maximum floor area of 70m<sup>2</sup>).
65. However, the registration letters from the Home-Options contradicts the evidence submitted with the application with the assessment having concluded that each son has only a requirement for a single person household. The discrepancy between the application and the home-option assessment letter has not been explained. In accordance with policy DMH1 a single person household would only justify a maximum floor area of 39m<sup>2</sup> which is significantly smaller than the proposed dwellings.
66. These maximum figures take into account the practice note approved by Planning Committee to afford some flexibility for applicants. Nevertheless, the proposed dwellings appear to be larger than the need.
67. Furthermore, both of the proposed dwellings would be provided with large gardens which would significantly increase the value of the properties. The proposed dwellings therefore would not be affordable by size. The development would also not make an efficient use of the site, which if it were to be developed for affordable housing could potentially take a larger number of dwellings by reflecting the density of development along Recreation Road.
68. Therefore, the application does not demonstrate that there is a proven need for the proposed affordable houses contrary to policy DMH1. A or that either first occupants meet our occupancy criteria set out by policy DMH2.
69. The desire to return to the National Park and a larger property is understood. However, our policies require applicants to demonstrate that they are in need of affordable housing and have a local connection. This is to ensure that the limited sites available for affordable housing are only released when development would meet a demonstrable local need that can not be met by the existing housing stock.

#### Siting and landscape impact

70. The site is located within the limestone village farmlands landscape character type within part of a larger field bounded by drystone walling. The land here is relatively level but rises slightly to the north. The site is located adjacent to properties on Recreation Road and is therefore on the edge of the settlement. The Authority does not designate sites for

affordable housing, however, the wider field this site is within has previously been identified as suitable for affordable housing.

71. The proposed development would be sited within the field but would be adjacent and well related to the existing properties on Recreation Road. The development would read as a natural extension of existing development into a field, which is not prominent from within or outside of Tideswell or in the wider landscape. The development therefore would not have a harmful impact upon landscape character. The site is outside of the designated Tideswell Conservation Area and would not harm its setting.
72. Response is however awaited from the Authority's Archaeologist, in respect to any heritage significance arising from the well preserved strip fields that surround the settlement and that this development could potentially impact upon.
73. Concern has been raised that if the development were approved that it could set a precedent for further development within the fields. However, each application must be determined on its own merits. This development would in principle conserve the landscape character of the area in accordance with policies GSP1, GSP3, L1, L3 DMC3, DMC4 and DMC5.

#### Design, sustainable building and climate change

74. The proposed dwellings would be constructed from stone and slate with narrow gables and pitched roofs. Windows and doors would be uPVC with natural stone heads and sills.
75. The dwellings have narrow gables and utilises traditional materials and detailing. The design therefore broadly reflects the local built tradition and our adopted design guide. There is some concern about the proposed use of uPVC windows given that the tradition is for timber windows. The acceptability of uPVC would depend upon the detailed design of the frames. These details and landscaping could be reserved by planning condition if permission were granted.
76. The application states that the dwellings would be built to the equivalent of Code Level 3 in the Code for Sustainable Homes. This is welcomed in principle; however, Government has withdrawn the Code. The dwellings would be well insulated and heated by a gas boiler. Low energy and water fittings would be installed along with water butts to collect rainwater. Solar photovoltaic panels are proposed to the front elevation.
77. The proposed measures are noted but the use of a gas boiler is disappointing as there are other technologies available to reduce carbon emissions and mitigate the impacts of climate change. However, we welcome the proposed solar photovoltaic panels which will minimise energy use significantly over the lifetime of the development.
78. Therefore, on balance, the development does demonstrate how the development has been designed to make the most efficient use of natural resources, taking into account the energy hierarchy and achieve the high standards of carbon reductions and water efficiency in accordance with policy CC1.

#### Impact upon amenity and Highway Safety

79. The proposed dwellings would be adjacent to and at a similar level to neighbouring properties on Recreation Road. Given this relationship and the distance to neighbouring properties there are no concerns that the development would lead to any significant loss of light or privacy or be overbearing in relation to neighbours. A window is proposed in the southern gable looking towards neighbours but this is a bathroom window and therefore would not cause any unacceptable loss of privacy if obscure glazing was installed and permanently maintained.

80. Therefore, the development would not be contrary to our detailed design guidance in respects of amenity and would not harm the amenity, security or privacy of any neighbouring property.
81. The amended plans show the development would utilise the existing field access providing a driveway, turning area and two parking spaces for each of the houses. There is sufficient parking and turning space within the site to serve the development. The Highway Authority has raised no objections subject to conditions.
82. There have been concerns raised about the width of Recreation Road and potential impact on amenity. Recreation Road does narrow where it meets the application site and the last two neighbouring properties (nearest to the site) do not benefit from off street parking and therefore are more likely to park on the road which could restrict access to the site. Nevertheless, the development would be served by ample off-street parking and therefore would not result in additional street parking or harm the amenity of road users.
83. There is concern that the access to the development must not prejudice further development of the fields or affordable housing. The access should be designed so that it could be adopted and not prejudice any future development which may require alteration to Recreation Road. This has been incorporated into the amended plans.

#### Trees and protected species

84. An ecological appraisal has been submitted with the application. The site has been surveyed and is semi-improved grassland with some flowering plants, and a building providing some nesting opportunities for birds. Swifts have also been recorded within 1km of the site.
85. The appraisal recommends mitigation in relation to protection of birds, bats and hedgehogs on site along with external lighting. Our Ecologist recommends that planning conditions be imposed to secure this mitigation along with the provision of nest boxes and creation of a wildflower area created on low nutrient material to compensate for loss of habitats.
86. There are a number of mature trees within the field but these are away from the location of the proposed dwellings. These trees are unlikely to be harmed if tree protection fencing is erected to protect them during construction.
87. Therefore, subject to conditions the development would conserve and enhance biodiversity in accordance with policies L2, DMC11 and DMC12 and would not adversely affect trees in accordance with policy DMC13.

#### Other Issues

88. If approved, a planning condition would be required to ensure that on-site utilities infrastructure is installed underground to ensure the development is in accordance with policies DMU1 and DMU2.
89. The application proposes to dispose of surface water to the main sewer and states that provision for disposal of foul sewage is 'unknown'. There is ample space on the site to dispose of surface water to a soakaway in the event that disposal to the main sewer is not desirable. We would expect that foul sewerage would be to the main sewer unless this is not practicable or viable. If permission were granted, we would recommend a pre-condition to require foul drainage details to be submitted for approval before the development commences.

## **Conclusion**

90. The application does not demonstrate that the proposed first occupants have a local qualification or that there is a proven need for the dwellings contrary to policies HC1, DMH1 and DMH2.
91. Furthermore, the proposed dwellings are not affordable by size or type and do not reflect the stated need of the named first occupants.
92. Having taken into account all material considerations and issues raised in representations we conclude that the proposed development is contrary to the development plan. Material considerations do not indicate that planning permission should be granted. Therefore, the application is recommended for refusal.

## **Human Rights**

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

## **List of Background Papers** (not previously published)

94. Nil

Report Author: Adam Maxwell, Senior Planner