Planning and Design and Access Statement

Erection of One Contemporary Replacement Dwelling (AVA/2020/0771)

18 Wood Lane, Horsley

August 2020 (Revised December 2020)

Heatons

Planning Environment Design

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Revision	Author	Checked by	Date
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Contact
Christopher Lindley
chris@heatonplanning.co.uk

Client
Mr R Thornton

Our Reference
LOS-001-D

1. Introduction

1.1 This Planning, Design and Access Statement has been prepared in support of a full planning application for the demolition of the existing dwelling and the erection of one replacement dwelling with access arrangements at 18 Wood Lane, Horsley.

1.2 The proposal comprises of a new contemporary family home built to the Applicant's specification and design, which is set out in further detail below. The replacement dwelling will be constructed partially on the footprint of the existing dwelling and that of the permitted development extensions and alterations which could be achieved under provisions of the General Permitted Development Order (2015 – as amended). Following the submission of the planning application in August 2020, discussions have taken place with the Council and this revised statement is submitted alongside some revised plans.

1.3 In addition to this Statement, the application now comprises the following documents:

- Application Forms and Certificates;
- Site Location Plan (ref: 1576 103);
- Proposed Ste Layout Plan (ref: 1576 102);
- Proposed Layouts and Elevations (ref: 1576 101D);
- Proposed Section and Elevation Plan (ref: 1576 103)
- Permitted Development Rights Plan (ref: 1576 104);
- Ecological Appraisal dated July 2020 by Baker Consultants;
- Coal Mining Risk Assessment dated June 2020 by Erda Associates.

1.4 The Statement will provide a full description of the revised development proposal and an assessment of it in relation to planning policy and other material considerations. The Statement is set out as follows:

- Section 2 provides a detailed site context and relevant planning application history
- Section 3 provides a description of the proposed development as revised through this submission
- Section 4 examines the relevant planning policies
- Section 5 gives the planning assessment of the revised proposal
- Section 6 draws a conclusion on the above

1.5 The below Statement will demonstrate that the revised proposals comply with relevant local plan policies and the overarching National Planning Policy Framework (NPPF, February 2019). Therefore, the proposal is in accordance with Section 36(6) of the Planning and Compulsory Act 2004.

2. The Site and Surrounding Context

2.1 The subject site is a single dwelling plot and measures approximately 0.8ha in size. It is currently occupied by a 1960's built detached two storey dwelling to the east of Wood Lane, Horsley. The property once formed part of the wider agricultural holding to the north, however, is now under separate title and stands vacant. The location of the site is identified on the enclosed Site Location Plan (ref: 1576 103).

2.2 There are existing agricultural units to the north and some of these units are due to be converted to residential properties, the details for these separate planning applications are outlined below.

2.3 The site is part of a long-established ribbon of development fronting Wood Lane which continues south to the junction with Smalley Mill Road (west) where Cloves Hill begins. The site benefits from views across the open countryside to the east.

2.4 The site currently has an existing vehicular access point which is used by the wider holding to the north and is due to be improved as part of planning permission AVA/2019/1245. There are bus stops located approximately 200m to the south of the site which provide services into Ilkeston and Derby City.

2.5 The site has good access to services and amenities in neighbouring settlements, with Stanley Common and West Hallam just 3km and 4km to the east respectively (approx. 5-minute drive). Further afield, Derby City Centre is less than 11km south of the site.

2.6 The site is within Flood Risk Zone 1. The site lies within the designated Green Belt.

Planning Application History

2.7 There is no planning application history related to this planning application site online via Amber Valley Borough Council's public access. However, it is worth noting recent activity associated with the wider site;

- PDR/2020/0040 – Prior Approval for Proposed Change of Use of Barn to Dwellinghouse and associated building work – Mill Farm, 18 Wood Lane, Horsley – Pending Consideration
- AVA/2019/1245 – Conversion of agricultural building to dwelling. Demolition of agricultural buildings and associated hard and soft landscaping works and new access and driveway — Planning Permission Granted – May 2020
- PDR/2019/0065 – Prior Approval for Proposed Change of Use of Barn to Dwellinghouse and associated building works – Mill Farm, 18 Wood Lane, Horsley – Withdrawn – February 2020

3. The Proposed Development

Use, Scale and Layout

3.1 Full planning permission is sought for the demolition the existing dwelling house and erection of one replacement dwelling at 18 Wood Lane, Horsley. The building to be demolished is highlighted on the enclosed plan reference 1576 104.

3.2 The proposed replacement property would provide a modern, two storey detached family home with 3 en-suite double bedrooms and 1 master en-suite bedroom. The property will host the bedrooms at ground floor level, with the principal living area at first floor to take advantage of the views into the open countryside to the east with good levels of natural sun light.

3.3 The main entrance into the property would remain central to the elevation with an entrance hall leading to the master bedroom and en-suite, two en-suite double bedrooms, a home gym and laundry room which has immediate access into the garden. A WC and study area can also be accessed directly from the reception hall.

3.4 The staircase would remain central, leading onto a gallery landing with space reserved to the rear of the property for an open plan family room, dining, and kitchen area with a small balcony at the rear.

3.5 The proposal also seeks to incorporate an integral double garage to provide alternative secure parking to the front of the property if required. Please refer to the enclosed Ground Floor and First Floor Layout Plans for full details (ref: 1576 101D).

3.6 To summarise, the main living area would be at first floor level, there would be one double en-suite bedroom at first floor level with two more at ground floor and a master bedroom with en-suite and dressing room. The property will incorporate other amenities such as a home gym, playroom, utility room and study. The property would provide an internal floor space of approximately 400m².

3.7 It is considered that the proposal would significantly improve the appearance of the site with the removal of an older property with little architectural value. Attached at **Appendix 1** are images of the existing dwelling.

Design

3.8 The Applicant has had direct input into the final design, and the proposed building has been designed to reflect the clients brief to ensure the property meets the Applicants' requirements into the future.

3.9 The age, form and appearance of dwellings along Wood Lane varies considerably and there is no consistent architectural theme. The design seeks to produce a building of high architectural and construction merit using appropriate, predominantly locally sourced materials.

3.10 The proposed dwelling would be reduced in height in comparison to the existing dwelling (with extensions achievable under permitted development rights) to remain sympathetic to the surrounding landscape and conditions of Green Belt development.

3.11 The existing dwelling provides limited architectural merit and its (revised) replacement incorporates a contemporary design which would improve the appearance of the street.

3.12 Following the submission of the planning application and feedback from the Planning Case Officer (see email at Appendix 3), the following revisions have been considered and made to the proposal:

- A skillion style roof has been incorporated in line with a request from the planning officer, amendments have also been made to the soffit and fascia detail to incorporate a slimmer powder coated aluminium profile to give more distinction between different elements of the design and reduce perceived mass from this detail;
- The covered balcony has been set back to reduce the mass to the frontage, this also helps soften the appearance giving a clear step between the single storey garage and the two storey element.
- The rear elevation has been amended to suit the revised roof form, the principle stays the same but the proportions of glazing have been balanced and are better resolved; and,
- The illustrative texturing of the revised plans depicts a varied materials palette intended to provide a more domestic appearance. This will be further addressed via appropriately worded planning conditions.

Access

3.13 The proposal would utilise the existing access to the west off Wood Lane, which is due to be improved through planning permission reference AVA/2019/1245 in order to increase the visibility splays at the junction.

3.14 The refuge collection arrangements for the existing house will be unchanged for the proposed replacement property and collections will be placed on Wood Lane.

3.15 Furthermore, as the proposal comprises one replacement dwelling it is considered unlikely to generate significant additional traffic movements, which is insufficient to warrant formal Transport Assessment.

Landscaping

3.16 The proposed scheme would incorporate landscaping features which are low maintenance native species where appropriate. The landscape features will be developed further, and details agreed with the Local Planning Authority by way of planning condition should a positive outcome be achieved.

4. Planning Policy Context

4.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 The Local Development Framework in this instance comprises the saved policies of the Amber Valley Borough Local Plan (adopted 2006) and all but three policies remained relevant after 2009.

4.3 The adopted Local Plan Proposals Map identifies the site to be within the countryside washed over with Green Belt. An extract of the Proposals Map can be found at Appendix 2.

4.4 The emerging Amber Valley Borough Local Plan (March 2018) was submitted to the Secretary of State in March 2018. The Examination is on-going and given the Plan is at an advanced stage of preparation, policies can be afforded some weight in line with Paragraph 48 of the National Planning Policy Framework (NPPF, February 2019).

4.5 The following section is a summary of the policies which are pertinent to this application.

Amber Valley Borough Local Plan 2006

4.6 Policy LS1 *Sustainable Development* states that proposals for development should be located taking account of the following sustainability criteria by, amongst other things:

a) Being well-related to existing patterns of development
b) Re-using previously developed land
c) Protecting and enhancing the quality of the built and natural environment

4.7 Policy LS3 *Design* reaffirms that development proposals are to reflect the principles of good design, by respecting the character of the locality in terms of the scale and nature of development, its layout, density, height, massing, architectural style, materials and landscaping

4.8 Policy H4 *Housing Development Within Other Settlements* refers to the built framework of other settlements not listed in Policy H3 (not repeated here), planning permission will be granted for housing development, providing the proposals are in the form of one or more of the following

1) The conversion of existing dwellings to provide additional units
2) Extensions to or replacement of existing dwellings
3) New development on previously developed or brownfield land, or on vacant land which has not been previously developed.

4.9 Policy H5 *Housing Development Outside Settlements* relates to development outside the built framework of settlements, where planning permission will not be granted for housing unless the proposals include,

amongst other things, the replacement of existing dwellings, providing that the number of dwelling units is not increased.

4.10 Policy H12 *Quality and Design of Housing Development* confirms that the Borough Council will require that the proposals:

a) Are in scale and character with their surroundings
b) Have regard to distinctive landscape features and provide supplementary landscaping where appropriate, particularly where the development is visually prominent or situated on the established urban fringe
c) Provide adequate amenity space for each dwelling unit
d) Do not unduly affect the amenities or privacy of adjoining to adjacent properties
e) Provide satisfactory access to the transport network

In assessing the above criteria the Borough Council will

a) Resist tandem development, where the amenities of the proposed and existing development will be adversely affected
b) Resist the development of existing open land having amenity value, where the provision of housing would be visually inappropriate.

4.11 Policy TP1 *Impact of Development on the Transport Network* ensures that development proposals provide satisfactory access to the transport network and that any additional traffic movements likely to be generated by the development can be satisfactorily accommodated on the transport network.

4.12 Policy TP6 *Parking* requires development proposals to have regard to the maximum parking standards set out at Appendix 3 of the Local Plan.

4.13 Policy EN1 *Countryside* states that outside the built framework of settlements, new development will only be permitted where it:

a) is essential in conjunction with the requirements of agriculture or forestry,
b) is necessary within the countryside and cannot reasonably be located within an existing settlement;

or

c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages

4.14 Policy EN2 relates to proposals within the *Green Belt,* and confirms that planning permission will only be granted for appropriate development, which includes;

a) limited extension, alteration or replacement of existing dwellings, providing that this would not result in a disproportionate increase over the size of the original dwelling
b) the re-use of existing buildings, providing that:-

1) the proposals would not have a significantly greater impact than the existing use on the openness of the Green Belt and the reasons for including land within the Green Belt

2) strict control is exercised over any future extension of the building and any associated land uses which might conflict with the openness of the Green Belt and the reasons for including land within the Green Belt

3) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction

4) the form, bulk and general design of the buildings are in keeping with their surroundings

Any proposals for housing development will also need to satisfy the criteria in Policy H12

4.15 Policy EN13 *Biodiversity* states that development will not be permitted which would have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 (as amended)

4.16 Policy EN16 *Pollution* states that planning permission will not be granted for development that would be likely to lead to a material increase in levels of air, water, noise, light or other forms of pollution.

4.17 Policy EN18 *Derelict, Unstable and Contaminated Land* states that planning permission will be granted for the reclamation and re-use of derelict, unstable and contaminated land, providing that where it is suspected or known that land is contaminated, a detailed and independent assessment is undertaken to identify the nature and extent of contamination and any remedial or mitigating measures which need to be undertake.

The National Planning Policy Framework (NPPF, February 2019)

4.18 The NPPF was published in July 2018 and is a key material consideration in the context of the provisions of S38(6) of the Planning and Compulsory Purchase Act 2004.

4.19 Paragraph 8 clarifies that there are three dimensions to sustainable development which requires the planning system to fulfil a number of roles: an economic role, a social role and an environmental role.

4.20 The NPPF sets out the Government's policy and intentions to significantly and positively impact on the determination of planning applications, setting out a clear presumption in favour of sustainable development (Paragraph 10). Paragraph 11 confirms that plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

For **decision-taking** this means:

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.21 Paragraph 38 confirms that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.22 Paragraph 41 states that, for their role in the planning system to be effective and positive, statutory planning consultees will need to take an early, pro-active approach and provide advice in a timely manner throughout the development process. This assists to ensure that applicants do not experience unnecessary delays.

4.23 Paragraph 47 states Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

4.24 Paragraph 59 states "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

4.25 Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.26 Paragraph 127 confirms that planning decisions should, amongst other things, ensure that developments 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 which promote health and well-being with a high standard of amenity for existing and future users.

Other Policy Considerations

Planning Practice Guidance (PPG)

4.27 The National Planning Practice Guidance (NPPG) is a resource which brings together planning guidance on various topics and adds further context to the Framework. The resource is regularly updated and amended to reflect the latest Government guidance.

4.28 Paragraph 001[1] states that when "assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case" and the Courts have identified that a number of matters can be taken into account in making these assessment which includes, but is not limited to *openness* being capable of "having both spatial and visual aspects" i.e. the visual impact of the may be relevant, as could its volume.

Amber Valley Borough Local Plan (March 2018)

4.29 The emerging Amber Valley Borough Local Plan was submitted to the Secretary of Statement for independent Examination in March 2018. However, in May 2019 following a change in political control Amber Valley Borough Council resolved to withdraw the Submission Local Plan from Examination.

4.30 A Local Development Scheme (LDS) has been prepared for a new Local Plan for Amber Valley and evidence is being compiled by the Council. However, consultation is yet to take place and therefore there is no emerging planning policy which carries any weight. As such, the decision maker must rely upon the saved policies of the 2006 Amber Valley Local Plan which provided land use planning policies up to the period 2011.

Case Law Example

4.31 We refer to the interpretation of Green Belt policy within Paragraph 145 of the Framework, formerly Paragraph 89 of the 2012 Framework, which relates to "materially larger" replacement buildings.

4.32 The judgement of Tandridge DC v SoSCLG, [2015] EWHC 2503 (Admin), related to the challenge of an Inspector's appeal decision to allow planning permission for a replacement dwelling.

4.33 The Judge stated, at Paragraph 56, that the case was to be determined on the basis of underlying policy, "that is to allow a replacement for buildings which are constrained in their size in order to prevent greater impact on Green Belt openness."

4.34 The judgment continues and states (Paragraph 58) that in considering the "not materially larger" test the issue of comparative size is to be determined on the facts by reference to the objectives of Green Belt policy and refers to a Surrey Homes case, in which it states that the issue of "materially larger" does not always depend on a simple floorspace comparison but must be judged by reference to other factors which may affect openness. This includes "the concept of whether a dwelling is materially larger can be assessed

[1] PPG Paragraph 001; ID: 64-001-20190722; Revision: 22 07 2019

by reference to matters such as bulk, height, mass, and prominence. These are all matters going to the openness of the Green Belt."

4.35 It was held in Tandridge (paragraph 65) that in determining the appeal for a replacement dwelling that would be 78% larger in terms of volume, approximately 1m taller but have a 22% smaller footprint than the dwelling it would replace, the Inspector had followed due process. The appeal Inspector reached a conclusion by comparing the physical dimensions, but also assessed the materiality of the size increase as per Surrey Homes (above).

4.36 The judge noted that the development plan (in this case AVBC Local Plan 2006 Policy EN2) did not set any volumetric or other standards for determining what is materially larger. Similarly, the NPPF or NPPG does not provide detailed guidance on how "materially larger" should be considered.

4.37 In summary, the above cases establish that the issue of 'materially larger' hinges on factors that go beyond the scale of the proposal. As well as purely spatial considerations such as floorspace, volume and height. Other considerations such as bulk, massing and visual prominence also form part of the overall planning judgement in determining whether any size increase would be "material" in the context of sustaining the objectives of Green Belt policies.

5. Planning Assessment

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.

5.2 Whilst the Framework does not change the statutory status of the development plan as the starting point in decision making, the Framework constitutes an important material consideration in determining applications.

5.3 Paragraph 8 clarifies that there are three dimensions to sustainable development which requires the planning system to fulfil a number of roles: an economic role, a social role and an environmental role.

5.4 These three objections should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.

5.5 Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

5.6 Paragraph 10 ensures that sustainable development is pursued in a positive way and at the heart of the Framework is a **presumption in favour of sustainable development.** Paragraph 11(d) confirms that, for decision-taking, this means where there are no relevant development plan policies, or **the policies which are most important for determining the application are out-of-date (Footnote 7)**, granting permission unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.**

5.7 Footnote 7 applies to planning applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In the case of Amber Valley Borough Council, where such supply cannot be demonstrated (3.42 years[2]) and the emerging NPPF compliant Development Plan is yet to be adopted, the "presumption in favour of sustainable development" must be applied and the provisions of the Framework carry significant weight.

5.8 In this regard, the assessment below therefore demonstrates that the proposals accord with the wider thrust of the NPPF and whether any adverse impacts of the proposed development would demonstrably outweigh the benefits.

5.9 Section 1 of the NPPF refers to "building a strong, competitive economy" and it is generally accepted that new residential development would provide an economic benefit. The current property is vacant and is

[2] White House Farm, Belper Lane: APP/M1005/W/17/3188009

not physically robust with early signs of structural issues. Therefore, the proposals provide an opportunity to provide a dwelling which has been designed for modern day family living.

5.10 In this regard, the proposals would contribute to the vitality and viability of the wider rural economic area as a result of having economically active residents on a site which is currently vacant and underused. Therefore, the social role of achieving a sustainable development is therefore apparent and consistent with the overarching aims and objectives of the NPPF.

5.11 The environmental objective of the NPPF is to "contribute to protecting and enhancing our natural, built and historic environment." The proposal represents a 35% decrease in terms of footprint yet would significantly enhance the character of the locality with a high-quality family dwelling in place of vacant existing property which offers no architectural merit. This net benefit weighs in favour of the proposed development and contributes towards meeting the identified objective of the overarching Framework.

5.12 Paragraph 79 of the Framework allows for the creation of dwellings within the countryside by conversion of existing redundant or disused buildings where they would lead to an enhancement to the immediate setting.

5.13 Paragraph 122 states: "planning policies and decisions should support development that makes efficient use of land, taking into account, amongst other things, (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it."

5.14 Paragraph 124 advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which people can live and work.

5.15 Paragraph 127 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

e) types and materials to create attractive, welcoming and distinctive places to live, work and visit;

f) 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

g) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.16 Section 13 of the Framework focuses on the great importance of Green Belts, and confirms that the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.17 Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.18 Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate, although the exceptions to this rule includes (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and (g) the partial or complete redevelopment of previously developed land which would not have a great impact on the openness of the Green Belt.

5.19 Paragraph 178 confirms that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.

5.20 There are no specific policies within the NPPF that indicate that would preclude the proposed development and that the presumption in favour cannot be applies.

5.21 In respect of planning policies, the adopted Proposals Map (2006) shows that the site does not have any specific land use, environmental or ecological designation. Furthermore, the Proposals Map does not define settlement limits and therefore overlooks established pockets of development that are set within the countryside yet do not contribute to retaining its openness and natural characteristics.

5.22 The key planning considerations that have been identified in respect of the proposed development are as follows:

- The Principle of Development within the Green Belt
- Visual Impact
- Ecology
- Access
- Other Considerations

The Principle of Development

5.23 As mentioned above, the adopted Local Plan provides no definition of what constitutes a 'settlement' and there are no defined 'Development Limits' shown on the adopted Proposals Map (extract at Appendix 2). However, subtext to Policy H3 confirms that the built framework is defined as "limits of continuous or contiguous development forming the existing built up area of a settlement."

5.24 The site forms part of a continuous line of development fronting Wood Lane which when taking into consideration the character and appearance of surrounding development cannot be considered to be within the Countryside. In any event Policy H5 (although 'out of date'), deals with Housing Developments Outside Settlements, allows for the replacement of existing dwellings, providing that the number of dwelling units is not increased. The development proposal is compliant in this regard.

5.25 The site is within the Green Belt and Policy EN2 states, amongst other things, that within the green belt planning permission will be granted for development which follows certain criteria, which includes the replacement of existing dwellings, "providing that this would not result in a disproportionate increase over the size of the original dwelling". The ability to extend the existing property under permitted development rights provides a fall back position which is a material consideration and allows a comparison between the size and volume of a theoretically extended dwelling and a proposed building in regard to its impact on openness.

5.26 Furthermore, Local Plan policies relating to Green Belt were incorporated from the previous South and South-East Derbyshire Green Belts Local Plan, adopted in 1985. The Green Belt policies within the saved Local Plan, whilst are in place to protect the Green Belt, do not wholly reflect the guidance provided under the Paragraph 89 of the Framework.

5.27 The NPPF, at Paragraph 89, advises that the replacement of a building is not inappropriate providing the new building would be in the same use and not materially larger than the one it replaces. However, the NPPF or NPPG do not provide additional guidance on what should be interpreted as "materially larger."

5.28 The figures contained within the table below summaries the footprint and volume of the proposed new (revised) dwelling compared with the existing dwelling including the realistic fallback position of what could be achieved by utilising permitted development rights.

5.29 In this case, as noted above it would be entirely appropriate to consider the scale of the dwelling should permitted development rights be exercised. The matter of the fallback position is detailed below.

	Existing Dwelling with P.D Extensions and Outbuildings	Replacement Dwelling (as originally submitted)	Revised Proposed Replacement Dwelling	% Difference (as originally submitted)	% Difference (Revised)
Floorspace	479m²	403m²	398m²	-15%	-16%
Volume	1912m³	1158m³	1232m³	-39%	-35%

5.30 The proposed revised replacement dwelling provides an internal floor space of 398m², a -16% difference which results in a potential reduction in volume when taking into consideration the legitimate fallback position. The external footprint of the proposed building as revised measures 213m².

5.31 This demonstrates that the proposed dwelling would in its revised form, still result in a reduction in footprint and a significant reduction in volume when compared with the permitted development fallback position which should be afforded due weight in the determination process.

5.32 The appropriateness of this methodology has been discussed with the Council and is reflected in the correspondence contained at **Appendix 3** and also **Appendix 4** of this email which confirms:

- The extent of design changes requested; and,
- Written agreement as to the acceptability of a volume of a proposal generated by a 'fall back position' as described above.

5.33 Furthermore, it remains relevant to consider that any future extensions or alterations to the proposed replacement dwelling can be controlled through the provisions of an appropriately worded planning condition.

Visual Impact

5.34 Policies LS3 and H12 require proposals to conserve or enhance local distinctiveness of the Borough's natural and built environment, through appropriate layout, density, height, massing, architectural style, materials and landscaping.

5.35 Policy H12 aims to ensure that new developments are of a scale and character that is appropriate with its immediate surroundings. Furthermore, the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

5.36 The proposed dwelling would be sited in a similar location to the current dwelling, albeit would extend further to the rear to accommodate additional amenity space at ground and first floor level. The replacement dwelling would be of a similar scale and form to other dwellings fronting Wood Lane.

5.37 Furthermore, as set out above, there is a realistic fallback alternative available to the Applicant which would result in a development that is increased in scale impacting further on the openness of the Green Belt.

5.38 It is considered that the proposal presents a development scheme which respects the character and enhances the appearance of the immediate area, substituting a property with little architectural merit for one of aesthetic value and high sustainability credentials. Therefore, accords saved Policy H12 and the NPPF.

Ecology

5.39 The application is accompanied by an Ecological Appraisal undertaken by Baker Consultants in July 2020. The document assesses features of ecological value found to be present on site which could support the presence of protected species.

5.40 The assessment found that the existing property supports three day roosts used by common bat species, with only single bats using two of the three available roosts. The report therefore correctly identifies that a protected species license from Natural England will be required to ensure the development incorporates appropriate mitigation measures.

5.41 On the basis the mitigation measures set out in the report are incorporated into the development as secured by an appropriate license, the disturbances to bats would be reduced to a minimum and the proposals would fully accord with the requirements of Policy EN13 and Paragraphs 170(d), 174 and 175 of the NPPF.

Access

5.42 The NPPF makes it clear (Paragraph 109) that developments should only be refused where they have an unacceptable highway safety impact, or where they generate severe residual impacts on highway capacity.

5.43 In this regard, the development proposals would utilise an existing shared vehicular access point off Wood Lane, which is due to undergo improvement works as part of planning permission AVA/2019/1245 to increase visibility splays in both directions. Furthermore, the proposals would incorporate four off-street parking spaces for the replacement dwelling.

5.44 As the development would not generate a demand for additional vehicle journeys, it is considered that the proposal would not raise any significant highways safety issues and therefore complies with the Framework.

Other Considerations

5.45 With reference to the Coal Authority Interactive Mapping Website, the site is located within an area designated as “High Development Risk” Coal Mining Report Area. As such, the submission is accompanied by a Coal Mining Risk Assessment produced by Edra Associates.

5.46 The risk assessment highlights a negligible risk of surface instability from unrecorded historic shallow mine workings and therefore, has recommended further investigation through trial pits to assess potential for shallow opencast workings.

5.47 The application sites lies within Flood Risk Zone 1 and is not protected by any environmental or ecological designation that would preclude the development of a replacement dwelling.

5.48 The site would be appropriately landscaped upon completion of the development. It is considered appropriate that such matters can be dealt with by way of an appropriately worded condition.

6. Conclusion

6.1 Heatons have prepared this Statement in support of a full planning application made on behalf of Mr R Thornton for the demolition of the existing dwelling house and erection of a single detached replacement property at 18 Wood Lane, Horsley. Following feedback and agreement from the Planning Case Officer, the scheme has been revised with design changes discussed and incorporated.

6.2 The Statement has provided an overview of local and national planning policies which are pertinent to the revised development proposal. It is necessary to undertake an overall planning balance to consider whether these revised proposals represent a sustainable form of development when considered against the local planning policies and the NPPF.

6.3 The presumption in favour of sustainable development (NPPF, Paragraph 11), for decision making, this means where the policies which are most important for determining the application are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

6.4 The existing property is in a poor state of disrepair and requires a significant amount of investment to bring it up to a habitable standard. Whilst it is acknowledged that the replacement dwelling would be materially larger than the existing, taking into consideration the legitimate fallback position of available of permitted development rights (as agreed with the Council) which would allow for a side and rear extension which would add approximately 96sqm floorspace. Furthermore, the proposed dwelling would result in a reduction in height of built form on site, further reducing the visual impact and preserving openness on site.

6.5 It is submitted that the construction of the permitted development fallback position would have a greater impact on the openness of the Green Belt in comparison to the replacement dwelling as proposed though revised plans.

6.6 Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It has been demonstrated that the development complies with the wider thrust of the Framework and raises no unresolved technical issues.

6.7 For the reasons set out above, the planning balance weighs decisively in favour of granting planning permission as the revised proposal represents sustainable development. It is therefore respectfully requested that the full planning application is granted alongside appropriately worded agreed planning conditions.

Appendix 1: Existing Site Photographs



Image 1 – Front of 18 Wood Lane facing east

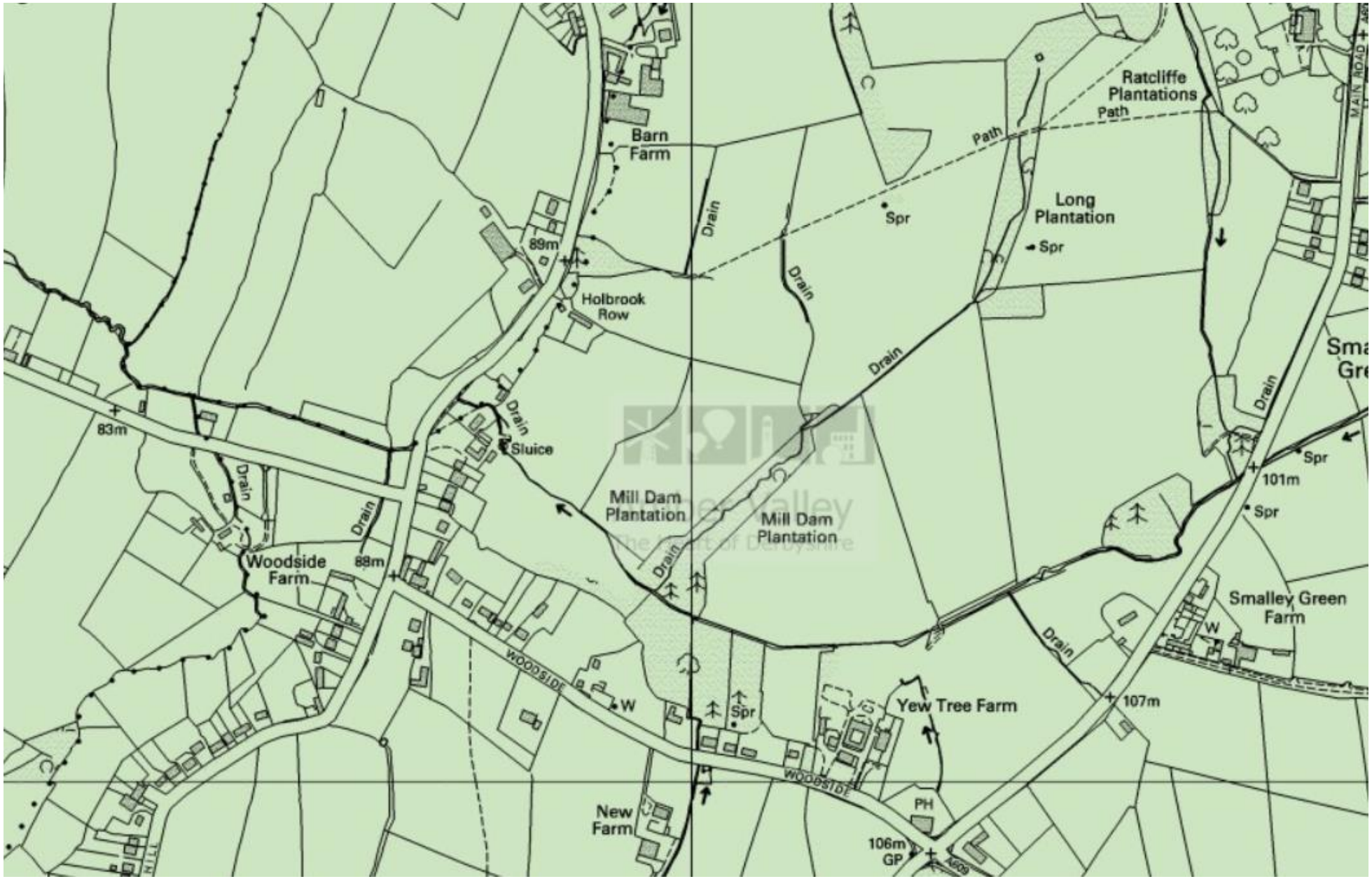


Image 2 – The existing dwelling from the roadside of Wood Lane



Image 3 – Rear of existing dwelling

Appendix 2: AVBC Local Plan Proposals Map Extract 2006



Appendix 1 – AVBC Local Plan Proposals Map Extract 2006

Appendix 3: Email Correspondence with AVBC

Chris Lindley

From: Ryan <Ryan@green2kdesign.com>
Sent: 16 September 2020 10:30
To: Reece Thornton; Chris Lindley
Cc: Tim Wayne
Subject: FW: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

fyi

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Wednesday, September 16, 2020 10:05 AM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Ryan,

Having regard to the submitted Planning Statement and noting what could be erected under 'permitted development', I've no initial concerns with the increase in size proposed. However, given the comments I've made below, if you decide to amend the design to address the comments, the volume and footprint calculations will need to be amended to reflect any such amendments.

Kind regards,

Sarah

From: Ryan <Ryan@green2kdesign.com>
Sent: 16 September 2020 09:58
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Subject: RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Thanks Sarah,

I'll review your comments with my client and get back to you as soon as possible. Could you let me know your thoughts on the volume as soon as you've had chance?

Kr.

Ryan

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Wednesday, September 16, 2020 9:39 AM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Hi Ryan,

Thank you for your email and telephone messages. I am sorry I have not been able to update you until now.

I've discussed the design with my manager, and whilst a contemporary design is considered acceptable in principle would you be able to consider the following amendments please?

- Include a pitched or sloping roof. The dwellings in the vicinity of the application site all have pitched roofs, which form the character of the area. A flat roof dwelling in this prominent location would appear incongruous in the street scene. A skillion roof maybe an acceptable contemporary option. I've attached a photo as an example.
- Can the design be softened and made more domestic and lightweight?
- Can the render be amended to something off-white/darker than proposed? The submitted visuals show the render as a white, although I note the application form states 'Weber silver pearl through coloured render', which after viewing a sample online does appear to be an off white render. I'd be grateful if this can be clarified please.

I hope this provides some feedback. I've not yet had chance to assess the overall increase in volume of the replacement dwelling, with regards to the impact upon openness of the Green Belt. However, the principle of the replacement dwelling remains acceptable in principle.

Please note that I will be on site most of this afternoon and whilst I am working tomorrow I am only available for half of the day. I will be working a full day Friday.r

Kind regards,

Sarah

From: Pearce, Sarah
Sent: 08 September 2020 10:01
To: Frith, Helen <helen.frith@ambervalley.gov.uk>
Subject: FW: AVA/2020/0771 - 18 Wood Lane

From: Ryan <Ryan@green2kdesign.com>
Sent: 08 September 2020 09:55
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Subject: AVA/2020/0771 - 18 Wood Lane

Good morning Sarah,

Further to our previous conversation with regard to 18 Wood Lane, please find attached a copy of the 3D visuals we've had produced to better demonstrated the proposed design. The street scene visual has been produced using ordnance survey datum levels provided from the topographical survey and is an accurate representation of the proposed scale in comparison to the neighbouring properties.

Could you please attach the visuals as part of the planning application, I'd also appreciate a brief telephone conversation to run through your thoughts (I left you a message yesterday).

Speak soon,

Ryan Johnson
ACIAT

green2k design

Thomas Henry House, Second Floor, 1-5 Church Street,

Ripley, Derbyshire. DE5 3BU

t: 01773 512935
e: ryan@green2kdesign.com
w: www.green2kdesign.com

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Appendix 4: Email Correspondence with AVBC

Chris Lindley

From: Ryan <Ryan@green2kdesign.com>
Sent: 09 October 2020 13:51
To: Chris Lindley
Cc: Reece Thornton; Lisa.longdon@hotmail.co.uk; sam@heatonplanning.co.uk
Subject: FW: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

fyi

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Friday, October 9, 2020 1:38 PM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Dear Ryan,

I refer to your emails below, the email from Chris Lindley received yesterday and our telephone conversation this morning.

As discussed, I am struggling to meet with you early next week. I'm also unsure what else I can add to the comments I've already provided.

To summarise, I think the overall design needs to be more lightweight, with either a vertical or horizontal emphasis. We discussed the issue of materials, and I would be happy to recommend a condition requiring samples of materials to be agreed following any consent.

With regards to the query regarding the principle of the development, the proposal is for a replacement dwelling which is acceptable in planning terms, providing the replacement dwelling is not materially larger than the dwelling it replaces. You have indicated in your email below that the current revisions are a "36% reduction in volume in comparison to what could be carried out with permitted development extensions and outbuildings." I have no immediate concerns relating to the principle of the development or size of the dwelling proposed. As discussed, I would advise that once you've agreed on an amended scheme, that the planning statement submitted is updated with the volume/footprint calculations to reflect the amendments.

Kind regards,

Sarah

From: Ryan <Ryan@green2kdesign.com>
Sent: 08 October 2020 14:46
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Cc: Reece Thornton <r.thornton@loscoechilledfoodsltd.co.uk>; Lisa.longdon@hotmail.co.uk
Subject: FW: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Hi Sarah,

[redacted]

Let me know when's the earliest you can do.

Thanks again,

Ryan

From: Ryan
Sent: Thursday, October 8, 2020 1:53 PM
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Cc: Chris Lindley <chris@heatonplanning.co.uk>; sam@heatonplanning.co.uk; Reece Thornton <r.thornton@loscoechilledfoodsltd.co.uk>; Lisa.longdon@hotmail.co.uk
Subject: RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Hi Sarah,

Thank you for taking the time to have another look over the concept, we all understand the pressure you are under and how busy the planning department and your efforts are appreciated.

The design team have all had a quick chat and we think it'd be extremely beneficial to have a zoom / teams meeting at this stage to avoid what could possibly be several weeks of bouncing emails back and forth to agree the design. I'd hope during an online meeting we'd be able to express more clearly what everybody is looking to achieve and hopefully agree the design principles to pursue in our next amended plan for submission.

Could you please let me know your availability to meet? I'd be me, Chris Lindley (Heatons), Reece & Lisa (the clients) attending the meeting.

Kr.

Ryan

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Thursday, October 8, 2020 9:58 AM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Dear Ryan,

Further to your emails below, I have discussed the amendments with Helen and can advise further as follows:

The roof design is an improvement overall, however we consider that further design changes are needed and we've suggested the following:

- To the main element of the building covering the entrance and garage door, the heaviness of the eaves detail running through as a frame to the window needs to be more lightweight in appearance.
- To the smaller side the heaviness of the framing again is a concern and gives it a more commercial appearance. The verticality of this section jars with the main element of the design which has a horizontal emphasis, overall the roof design and features need to be more cohesive across the whole scheme.
- The choice of material is still of concern, specifically as to how this will sit with neighbouring properties. The palette of colours and tones should be reconsidered to ensure the dwelling sits more comfortably in its setting.

I'm sorry for the delay replying, we are still very busy and are short staffed. I hope the comments help. I am due out on site later today, but in the office tomorrow if you need to discuss further.

Kind regard,

Sarah

From: Ryan <Ryan@green2kdesign.com>
Sent: 06 October 2020 07:59
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Cc: Reece Thornton <r.thornton@loscoechilledfoodsltd.co.uk>; Lisa.longdon@hotmail.co.uk; Chris Lindley <chris@heatonplanning.co.uk>
Subject: RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Good morning Sarah,

Would you mind giving me a call at some point today to discuss the current position of this one? We feel as though it could be beneficial to arrange a meeting over zoom / teams to discuss the scheme and how to progress things from here?

Kr.

Ryan

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Tuesday, September 29, 2020 4:08 PM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Ryan,

Yes I need to discuss with Helen. She's been in an Appeal Hearing today (and due to workload's and Planning Board, we didn't get chance to discuss yesterday). I'm hoping to discuss with her tomorrow, but please note that I am due on site.

Kind regards,

Sarah

From: Ryan <Ryan@green2kdesign.com>
Sent: 29 September 2020 09:54
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Subject: FW: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Good morning Sarah,

Could you please let me know your thoughts on the revised scheme as soon as possible so that I can finalise the drawing for formal submission?

Kr.

Ryan

From: Ryan
Sent: Friday, September 25, 2020 8:04 AM
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>

Cc: Reece Thornton <r.thornton@loscoechilledfoodsltd.co.uk>; Chris Lindley <chris@heatonplanning.co.uk>
Subject: RE: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Good morning Sarah,

Further to our recent correspondence I have now had the chance to consider a revised design for our project at 18 Wood Lane, please see attached.

As you will see I have incorporated a skillion roof design in line with your comments whilst retaining some of the original design features. Our client is keen to pursue the overall design as this is their "dream home" and has been designed with their architectural preferences in mind. With regard to the overall volume this is now at 1217m3, an increase of 59m3 to the flat roof option due to the additional roof mass. Given the information provided in the supporting statement with regard to permitted development volume etc. this now puts us at a 36% reduction in volume in comparison to what could be carried out with permitted development extensions and outbuildings.

Could you please consider the attached draft plan and let me know your thoughts? Once I have had confirmation, I will revise the full drawing for re-submission.

Kr.

Ryan

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Thursday, September 17, 2020 11:47 AM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Ryan,

Thanks for the update. Happy to look at revised plans.

Thanks,

Sarah

From: Ryan <Ryan@green2kdesign.com>
Sent: 17 September 2020 10:11
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Subject: RE: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Thanks Sarah,

I really appreciate you feedback, I'll be looking at the plans as soon as possible and will send something over for you to have a look at.

Kr.

Ryan

From: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Sent: Wednesday, September 16, 2020 10:05 AM
To: Ryan <Ryan@green2kdesign.com>
Subject: [OFFICIAL] RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

Ryan,

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Subject: RE: [OFFICIAL] FW: AVA/2020/0771 - 18 Wood Lane

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From: Pearce, Sarah
Sent: 08 September 2020 10:01
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Subject: FW: AVA/2020/0771 - 18 Wood Lane

From: Ryan <Ryan@green2kdesign.com>
Sent: 08 September 2020 09:55
To: Pearce, Sarah <Sarah.Pearce@ambervalley.gov.uk>
Subject: AVA/2020/0771 - 18 Wood Lane

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Speak soon,

Ryan Johnson
ACIAT

Thomas Henry House, Second Floor, 1-5 Church Street,
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t: 01773 512935
e: ryan@green2kdesign.com
w: www.green2kdesign.com

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