SIMON FOOTE
ARCHITECTS

01332 209 178
studio@sfarchitects.co.uk

74 Friar Gate
Derby DE1 1FN

SFARCHITECTS.co.uk

Mark Penford
Amber Valley Borough Council
Town Hall
Ripley
Derbyshire
DE5 3SZ
14th October 2022

Dear Mark

REF: AVA/2022/1240 New House In rear garden of South Lodge, Windley

Further to your email dated 13th May 2022, this letter replies to the points that have been made in relation to the submitted scheme and design queries from both the council officers and the local residents.

Documents attached

- 18-603-00.3.2-P01-Rev-A-Proposed Floor Plans
- 18-603-00.3.2-P02-Rev-A-Proposed Elevations
- 18-603-00.3.2-P03-Rev-A-Proposed 3D Views
- 18-603-00.3.2-P04-Rev-A-Proposed Sections
- 18-603-00.3.2-P05-Rev-A-Proposed Site Plan
- 18-603-00.3.2-P06-Rev-A-Proposed Section A –A
- 18-603-00.3.2-P07-Rev-A-Proposed North And East Colour Elevations
- 18-603-00.3.2-P08-Rev-A-Proposed South And West Colour Elevations
- N0761_LVA_Draft_updates in red
- N0761_R01B_LVA-compressed
- Newts -CE-SL-2131 -LT01 –FINAL

These all relate to the comments made through the consultation process and discussions with the planning officer.

Landscape Impact

The attached amended drawings include the removal of the mounted angled solar panels and replaces them with part sedum roof and part horizontal solar tiles. This will remove the primary issue with the roofscape as highlighted with the consultees replies.

We have also had a topographically survey of Windley Lane completed to allow us to accurately assess the views from Windley Lane into the garden. The applicants Landscape Architect has amended their appraisal to reflect these visual impact findings.

Using the *accurate* topographical survey of Windley Lane, we have been able to complete visual aspects from the lane towards to the proposed site. This concludes that the proposed house cannot be seen from Windley Lane or any other public aspects adjacent to the site.

Trees and Conservation Area

We welcome the support of the DCC countryside officer in relation to the mitigation measure proposed to protect trees with the tree preservation order.

We note that no site visit has been made by the local authorities tree and conservation area officer. As highlighted above, we have completed an accurate assessment of the views, into the garden, from the relevant public aspects with the relevant drawings attached for consideration.

We hope that this will help to accurately guide the officers visit to the property .

The applicant we would be happy for a condition to be attached to any approval that ensures that for any trees that are removed are replaced within the garden.

Derbyshire Wildlife Trust

We have attached a letter from Crestwood Environmental Ltd which concludes that Great Crested Newts are not considered an ecological constrict to the scheme.

Planning Policy H4 and NPPF

The applicant welcomes your confirmation that the application site is within the settlement boundary of Windley.

As you letter highlights, Windley is not listed within the Boroughs main settlement under Policy H3 and therefore Policy H4 is applicable to the application.

Policy H4 states

'Within the built framework of all other settlements not listed in policy H3, 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, or of existing buildings to housing from other uses

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, providing the development is in the form of infilling of small gaps capable of accommodating no more than 2 dwellings within existing groups of houses, subject to the character of the surroundings'

Section 3 of Policy 4 is relevant to this application.

We have stated that the application site is part of a long and well established garden to South Lodge and is therefore classed as 'previously developed land'. We now need to assess whether, or not, the application site comprises 'previously developed land'.

Within the NPPF, Annex 2 Glossary excludes land, as being 'previously developed land', in built up areas 'such as residential gardens'. This is not, however, land lying within a built up area.

The site has, for many years, and certainly over the 25 years, been used as part of the active garden of South Lodge. The submitted design statement clarifies the land usage with supporting evidence.

Further to the above, the proposed house will be 104.6m from the existing property, South lodge, 37.8m from Hillside Cottage and some 41.8m from The lees. These are distances that are

witnessed throughout the adjacent urban pattern, including homes that are set back up to 40m from Windley Lane. The distances stated within the email 13th May 2022 are incorrect.

Paragraph 130 of the NPPF, and specifically part (c), states

'Planning policies and decisions should ensure that developments 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)'

The special landscape area has been a priority since the project was first discussed with the applicants, and has been at the forefront of every design decision that has been made.

The submission is innovative in the way that proposed home does not impact on the landscape and can be removed at a later date, if required.

The submitted additional documentation demonstrates that the proposal has no impact on the visual aspect from the surrounding built environment and highlights how a bespoke innovative approach, to a undulating site, can comply with the relevant planning policies.

Paragraph 174 of the NPPF, has also been highlighted. The applicant's landscape architect has completed a landscape design that enhances the surrounding setting of the houses and the wider special landscape area, as well as biodiversity through the introduction of relevant local planting.

Finally, stating that the proposal does not constitute a sustainable form of development does not take into account the three objectives set out in paragraph 8 of the NPPF.

The economic objectives is, I suggest, satisfied by enabling, if only in a modest way, sufficient land of the right type to become available to support growth, innovation and improved productivity. The economic objective is also , in part, satisfied by the employment that will be created by this construction project and sale of South Lodge to part fund the new home.

The social objective is also met in that the application seeks to add to the supply and range of homes to meet the needs of both the present and future generations, through both the new home and South Lodge.

The Environmental objective is also satisfied because the impact on the landscape of developing what is, essentially, previously developed land that makes effective use of land, as required in Paragraph 8c.

The landscape proposal improves the biodiversity offer. We have stated that the materials used will be locally sourced and the construction type will also for a super insulated envelopment and use of renewable energy sources which all move the scheme to the low carbon economy.

This application has similarities, in policy terms, to several other approved new homes within the adjacent area and where decisions have been taken by the council in respect of giving approvals.

The planning permission at Ashbourne Road, Turnditch, to the west of 'the Tiger' public house, to the east of Cowers Lane and adjacent to the 'Puss in Boots' public house and the detached dwelling adjacent to Dell Cottage, Windley lane, Windley, all have similar considerations.

Dell Cottage has an almost identical process and constraints, in planning terms, to the Barkers submission.

All these have been approved.

Conclusion

For all the reasons, both planning policy and the submitted design, we consider that this is a proposal that has the highest respect to its setting and the immediate locality. The proposal is innovative in its design and the way that it responds to its site and landscape constraints.

We consider this proposal to be broadly compliant with its requirements and it is similar, in many respects, to the other development site recently approved within Turnditch and Windley parishes.

It is considered that for all of these reasons the granting of planning permission is justified.

Your sincerely



Simon Foote