

DELEGATED DECISION REPORT

HPK/2017/0603
Valid 10/11/2017

THE OLD SEA SCOUT
CLUB HOUSE UNNAMED
ROAD FROM TOM LANE TO
TUNSTEAD FARM
TUNSTEAD MILTON
WHALEY BRIDGE

REPLACEMENT 2 BED
DWELLING

(FULL - MINOR)

MAIN ISSUES

- Principle of development
- Countryside
- Amenity
- Ecology
- Flood Risk
- Highway Safety

DESCRIPTION OF SITE / BACKGROUND

The site relates to a small parcel of land located on the edge and to the south west of Combs Reservoir. Access is via Tom Lane leading to a stone track along the southern side of the reservoir. Within the site is a wooden hut on raised brick pillars with a veranda to the front, a lawned area to the east and a small wood hut to rear on elevated land. The site is enclosed by post and wire fencing to the western and southern boundaries, wooden fencing to the northern boundary and landscaping to the east. The site was formerly in the ownership of the The Sea Scouts.

The site is within the Countryside and within close proximity of Combs Reservoir SSSI to the north. The site is within the Chapel Neighbourhood Plan Area.

PROPOSAL

The application seeks full planning permission to replace the existing club house structure with a two storey detached dwelling.

The Design and Access Statement clarifies that the proposal is for the replacement of the Former Club House to continue its use for leisure use and holiday accommodation.

The proposed dwelling would be positioned on the same footprint as the existing building and with the same orientation. The submitted plans show materials to comprise render walls with slate roof above, although the application form states gritstone.

A previous application, ref. HPK/2016/0351 for a Lawful Development Certificate for existing use of the club house and land for holiday & leisure purposes was approved in August 2016.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S2 – Settlement Hierarchy
S6 – Central Area Sub Strategy
EQ2 – Landscape Character
EQ3 – Rural Development
EQ5 – Biodiversity
EQ6 – Design and Place Making
EQ9 - Trees, woodland and hedgerows
EQ10 – Pollution Control and Unstable Land
H1 – Location of Housing Development
H3 – New Housing Development
CF6 – Accessibility and Transport

Chapel-en-le-Frith Neighbourhood Plan

H2 – Smaller Sites
H3 – Design Criteria
CNP1 – Provision of Infrastructure and Facilities and Developer Contributions
C2 – Biodiversity
TR1 – Information Required to Support Planning Applications

National Planning Policy Framework

Paragraph 7, 14, 17, 196-197
Sections 3, 4, 6, 7, 8, 11

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2016/0351 – Application for Lawful Development Certificate for existing use of land for holiday & leisure purposes including the siting of a former club house for leisure and holiday accommodation – Approved 10/08/2016.

HPK/2016/0020 – Application for a lawful development certificate to retain the existing use as a dwelling – Refused 07/04/2016.

CONSULTATIONS

Publicity

Site Notice expiry date: 08/01/2018

Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

3 no. objections have been received. The concerns raised relate to the principle of replacing the former sea scouts hut with a dwelling, “manipulation of the planning system to build a new house” and the precedent that this would set, together with the impact that a larger building would have on the local countryside and banks of Combs Reservoir.

One email of support has also been received.

Town / Parish Comments

Chapel-en-le-Frith Parish Council – Strongly Objects. Councillors have previously queried the status of the Club House as a dwelling. The present proposal is for a much larger development in open countryside and as with the most recent appeal judgement, would therefore have a visual impact on the surrounding area of Combs Reservoir.

Environmental Health

Recommend conditions.

Natural England

As submitted, the application could have potential significant effects on Combs Reservoir Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Details required of how the applicant proposes to deal with foul and surface water arising from the development.

Derbyshire Wildlife Trust

No comments received.

Derbyshire County Council Highways

Recommends conditions. Tom Lane serves a limited number of properties and a car park which is used by visitors the adjacent reservoir. It is understood that there has been a building at this location for a number of years and it has had a number of uses from meeting/club house and holiday accommodation.

The location is somewhat remote from local services, amenities and facilities. There is no linking pedestrian route and it is considered that future occupiers will be reliant on the private car. The lane serving the plot is generally of single vehicle width is without formal footway or margins and which has limited forward visibility in parts. The lane appears to be lightly trafficked at present and as a result of its limitations the majority of drivers drive at an appropriately low speed suitable for the nature of

the lane. Whilst the existing access does not conform to current design criteria it is not considered that the proposed dwelling would result in any significant increase in traffic movements over and above existing.

Additionally this Authority has taken commensurate use into its consideration of the proposals. There are 2 on-site parking spaces available for use with the plot. In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

OFFICER COMMENTS

Principle of Development

The site lies outside the built up area boundary of Chapel-en-le-Frith within the open countryside.

Paragraph 55 of the NPPF promotes sustainable development in rural areas and advises that LPA's should avoid new isolated homes in the countryside unless there are special circumstances. These include rural workers, re use of buildings and exceptional design. Local Plan Policy S2 (Settlement Hierarchy) states, in relation to development outside of the settlement boundary, including those villages, hamlets and isolated groups of buildings in the Green Belt and the Countryside which do not have a settlement boundary as defined on the Policies Maps, that development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5.

The provision of a single dwelling in this location would not meet the provisions of Policy S2 and H1 of the Local Plan. Nor would a new dwelling comply with Policy H2 of the Chapel Neighbourhood Plan since proposals for single dwellings outside the built up area boundary will only be supported where they provide homes for key workers in agricultural, forestry or other rural enterprises or accord with other special circumstances in paragraph 55 of the NPPF, none of which are considered to apply to this application.

However, the Design and Access Statement submitted with the application states that the proposal is for "the replacement of the Former Club House adjacent to Coombs Reservoir to continue its use for leisure use and holiday accommodation". Therefore, on the basis that the applicant has clarified that the application is for a replacement dwelling for holiday and leisure use only commensurate with the existing established use of the site, it is considered that the principle of the development is acceptable since the proposal would not result in an additional dwelling in the open countryside but merely seeks to replace the existing building for continued holiday and leisure use and a condition could be attached to ensure that the building is only used for these purposes and not for permanent residential accommodation.

Countryside / Landscape Impact

Policy EQ3 (Rural Development) states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green

Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. Policy EQ3 allows for certain forms of new residential development in areas outside the settlement boundaries, including a replacement dwelling provided it does not have a significantly greater impact on the existing character of the rural area than the original dwelling nor result in the loss of a building which is intrinsic to the character of the area.

The existing building is a relatively modest and unassuming single storey timber structure typical of its originally intended use as a sea scouts club house. The proposal is to replace the existing structure with a two storey dwelling of substantial stone construction. Whilst the proposed dwelling would be sited on a similar footprint to the existing club house, the ridge height of the proposal would be 6.3 metres, which is over 2 metres higher than the existing building. Given the increased scale, massing and height of the proposal, it is considered that the proposal would be a much more obtrusive and prominent structure in the rural landscape.

Moreover the design of the new building includes double height veranda's on the front elevation, which due to the height would appear prominent and uncharacteristic of surrounding rural buildings. The height of the building combined with the veranda's and the use of render (although it is acknowledged that the application form states gritstone), would result in an uncharacteristic building in this very rural location, and would appear as an incongruous addition in the countryside and landscape. The application site is in a sensitive countryside location and clearly visible from both the public highway and the railway bridge to the north west and particularly from the popular public right of way along the banks of Combs Reservoir. It is considered that the proposal would have a significantly greater impact and an urbanising effect on the existing character of the rural area and therefore conflicts with Policy EQ3 of the Local Plan.

The proposal is also contrary to Local Plan Policy EQ2, which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The site is isolated from other residential properties and it can therefore be concluded that the proposal would not adversely affect the amenities of any other residential occupiers in the vicinity and in this respect the proposal complies with Policy EQ6 of the Local Plan.

Ecology

The site is within close proximity of Combs Reservoir SSSI. The conservation and enhancement of the natural environment is a core principle of the NPPF, which seeks a level of protection for wildlife sites commensurate with their status and with appropriate weight to their importance and the contribution they make to wider ecological networks. Section 11 of the NPPF outlines that planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for. Policy EQ5 of the Local Plan seeks to conserve, where possible, the biodiversity and geological resources of the district by ensuring that development proposals will not result in significant harm to such interests. Policy C2 of the Neighbourhood Plan states that proposals which would result in a significant net loss of biodiversity will not be accepted.

Natural England has raised a concern that there are no details of how the applicant proposes to deal with foul and surface water arising from the development. This is particularly important because the site is in close proximity to Combs Reservoir SSSI. The applicant has stated that foul water is by an existing treatment plan on the site. There is no public drainage system. Surface water will drain into soakaways as existing. It is considered that there is insufficient information to determine no significant impact on the SSSI through water quality impacts from the drainage scheme. The applicant's agent has requested that the application be determined as submitted. Therefore, in the absence of a drainage scheme it is considered that the applicant has failed to demonstrate compliance with Local Plan Policy EQ5 and Policy C2 of the Neighbourhood Plan.

Flood Risk

The site lies within flood zone 1, an area which has the lowest risk from flooding. Treatment of surface water run-off and drainage would need to be addressed by means of appropriate conditions.

Highway Safety

The site is served by an existing private access track from the highway. The access has adequate visibility for traffic entering and leaving the site and the access gate is set back from the highway so that cars can pull off to open the gate. There are 2 on site parking spaces available for use within the plot. The Highway Authority does not object to this application subject to conditions and informative notes. The Highway Authority considers that, whilst the existing access does not conform to current design criteria, the proposed dwelling would not result in any significant increase in traffic movements over and above the existing use. In summary, the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

It is considered that the proposed development complies with Local Plan Policy CF6 and TR1 of the Neighbourhood Plan.

CONCLUSION / PLANNING BALANCE

The National Planning Policy Framework provides for a presumption in favour of sustainable development. The Framework advises that proposals which comply with the development plan should be approved "without delay". The site lies outside the defined built up area boundary within an area of countryside. The development conflicts with Local Plan Policies EQ2, EQ3 and EQ6 as it would lead to prominent intrusion into the countryside and have an adverse impact on the character of the countryside. The applicant has failed to demonstrate that there would not be significant adverse effects on Combs Reservoir Site of Special Scientific Interest (SSSI). It is considered that the environmental harm outweighs any benefits of the scheme. In summary, the application represents an unsustainable form of development and is therefore recommended for refusal.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Mark Ollerenshaw

Recommendation Date: 08/01/2018

X 

Signed by: Jane Colley

On behalf of High Peak Borough Council