

DELEGATED DECISION REPORT

HPK/2017/0553
Valid 07/11/2017

AVENING
ADDERLEY PLACE
DINTING
GLOSSOP

ERECTION OF ONE
DETACHED DWELLING.

(FULL - MINOR)

MAIN ISSUES

- Housing Provision / Principle of development
- Affordable Housing / Obligations
- Design / Layout
- Amenity
- Access and Highway matters
- Ecology / Biodiversity
- Trees
- Archaeology

DESCRIPTION OF SITE

The site comprises an area of grassed garden area to the rear (south west) of the bungalow known as 'Avening'. The bungalow is set at the end of an unadopted road, itself a footpath stemming from Simmondley Lane. The road serves several properties at Adderley Place as well as a scout hut. The site is within the built up area boundary of Glossop.

A woodland (Gamesley Sidings Local Wildlife Site) is immediately to the west of the site. To the south and east is a field which is allocated for housing by Policy DS4 in the Local Plan (Adderley Place).

PROPOSAL

This application seeks full planning permission for the erection of a large detached two storey dwelling on the site. The dwelling would be L-shape in plan with the main body of the dwelling on the south side and a triple garage with accommodation above attached to the north wing. The property would be constructed in stone to the lower walls with render and timber cladding to the upper walls and a tiled or slate roof. The dwelling would be accessed via the existing unadopted road and a driveway running along the western side of the existing property, Avening, within the ownership of the applicant.

A number of amendments have been made to this scheme during the course of the application. The location plan was amended to include the driveway to the new dwelling within the site edged red. The position of the building was moved further south to sit more centrally on the plot and the building line was staggered along the eastern side of the building. Alterations were made to the proposed balconies on the

south elevation. The amended plans also corrected various discrepancies between the elevations and floor plans.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Policy S1 Sustainable Development principles
Policy S1a Presumption in favour of sustainable development.
Policy S2 Settlement Hierarchy
Policy S5 Glossopdale Sub-area Strategy
Policy EQ1 Climate Change
Policy EQ5 Biodiversity
Policy EQ6 Design and Place Making
Policy EQ7 Built and Historic Environment
Policy EQ9 Trees, woodland and hedgerows
Policy EQ10 Pollution Control and Unstable Land
Policy H1 Location of Housing Development
Policy H3 New Housing Development
Policy H4 Affordable Housing
Policy CF4 Open Space, Sports and Recreation Facilities
Policy CF6 Accessibility and Transport
Policy CF7 Planning Obligations and Community Infrastructure Levy
Policy DS4 Adderley Place, Glossop

Supplementary Planning Documents

Residential Design SPD
Appendix 2 – Guidelines for the Design and Layout of Residential Development

National Planning Policy Framework

Paragraphs 7, 14, 17
Section 4 Promoting sustainable transport
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 10 Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment
Decision-taking

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2015/0293 – Proposed outline permission for two four bedroom detached dwellings with shared driveway and parking – Approved 19/02/2016.

CONSULTATIONS

Publicity

Site Notice expiry date: 22/12/2017

Neighbour consultation period ends: 08/12/2017
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

N/A

Environmental Health

Recommend conditions.

Derbyshire Wildlife Trust

Gamesley Local Wildlife Site (LWS) is located immediately adjacent to the western boundary of the application area. There are two badger setts located within 200 m, along with records of bat roosts, water vole, birds and invertebrates in the local area. There doesn't appear to be any ecological information submitted with the application. It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. Prior to determination of this application it is recommended that a Preliminary Ecological Appraisal is undertaken of the site in order to establish the habitats that are present on site and to determine the presence or absence of protected species.

Following representations from the applicant's agent, DWT advise that precautionary measures will be required during construction to prevent injury to badgers. In addition, due care should be given to safeguarding the adjacent Gamesley Sidings LWS during construction and also in the long term. This should include protection from direct impacts during construction through boundary fencing etc but also through a sensitive lighting plan for the new dwelling. The woodland edge should not be affected by lightspill. Typically these considerations would be picked up in a Preliminary Ecological Appraisal by an ecologist, which is what DWT recommended in their original consultation response. These considerations will need to be addressed as a minimum for the council to adequately fulfil their biodiversity duty. However in accordance with the NPPF 2012, DWT would also typically look for ecological enhancements to be included within applications, such as native landscaping and bat/bird boxes.

Derbyshire County Council Highways

No objections and recommends conditions. Whilst the access road (not adopted) has a poor construction quality with no drainage, street lighting or pedestrian facilities, the road already serves several properties as well as a meeting hall. Therefore, the minor increase in traffic a single dwelling is likely to generate is not a highway safety concern. It is, however recommended the applicant provides evidence that there is a right of access over the un-adopted access road to the application site.

OFFICER COMMENTS

Housing Provision / Principle of development

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan Policies Adopted April 2016.

Paragraph 14 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Local Plan policy S1a also establishes a presumption in favour of sustainable development as contained within the NPPF.

The Core Principles of the NPPF are set out in paragraph 17 which, amongst other things, seek to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

Section 6 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 47 requires the Local Planning Authority to boost significantly the supply of housing by identifying a five year supply of housing land to meet the objectively assessed needs for market and affordable housing in the area. The Council is considered to have a five year housing land supply and therefore housing supply policies are up-to-date. Paragraph 49 of the NPPF advises that LPAs should consider housing applications in the context of a presumption in favour of sustainable development.

Policy H1 states that the Council will ensure provision is made for housing, taking into account all other policies in the Local Plan, by promoting the effective reuse of land by encouraging housing development, including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose. Housing development on unallocated sites will be supported within the defined built up area boundaries of the town and villages. Policy H1 therefore allows consideration of sustainable sites for new housing development subject to the other policies in the Local Plan, including those

that are concerned with the impact on the local environment.

Although the site is not allocated for housing, it lies within the built up area boundary of Glossop and lies immediately to the north and west of a large future housing site amounting to 6.3ha, Adderley Place, which is allocated under Local Plan Policy DS4 for residential development of approx. 130 dwellings. Outline planning permission was granted for two, four bedroom detached dwellings on the application site in February 2016 (ref HPK/2015/0293) and that consent is still extant.

The site is in a relatively sustainable location with good links to local services and shops by walking/cycling and nearby public transport. Although the Council is now able to demonstrate a five year housing supply, the proposed dwelling would make a limited contribution towards the supply of housing in the borough and provide a contribution economically and socially to the area. The site is in a mainly residential area and is adjacent to existing residential properties and the future housing site to the east. As such, the proposed development would be compatible with adjoining land uses. It is therefore considered that the principle of residential development on the site is acceptable.

Affordable Housing / Obligations

Policy H4 states that in determining applications for residential development below the given thresholds, that would increase the net overall stock of unrestricted market housing, the Council will want to negotiate a financial contribution towards the provision of affordable housing on suitable sites elsewhere within the plan area. At the present time the Council does not have a formula based approach to calculating financial contributions for affordable housing below a capacity of 5 no. dwellings. As such, the requirements of Policy H4 have not been applied to this development.

Design / Layout

The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and reflect the identity of local surroundings and materials whilst reinforcing local distinctiveness.

Local Plan policies S1 and EQ6 expect new development to contribute to a sense of place by taking account of the distinct character, townscape and setting of the area and securing high quality and locally distinctive design and amenity. The adopted Supplementary Planning Document on Residential Design 2005, also provides guidance on the approach to new residential development, and the factors which contribute toward local distinctiveness.

The design of the proposed development has been subject to discussions with the applicant's agent. In particular, there were concerns regarding the scale and massing of the dwelling; proposed dormers were indicated on the floor plans (but not on the elevations); the use of timber cladding to parts of the building; and the proliferation of balconies, particularly to the south elevation. The plans have been

amended so that the eastern elevation has been broken up by staggering the building line along that elevation. Dormers previously indicated have been omitted and the number of balconies reduced. Timber cladding is still indicated to the north and west elevations. This material is considered unacceptable as it not found commonly in this area and would not reflect the character of the area, as noted in the Councils new Design Guide. However, a condition can be attached to the recommendation to details of finishing materials to be submitted for approval in order to ensure a high quality finish. It will also be important to ensure a high quality landscaped setting for the development and this can also be dealt with by means of a condition.

Despite being within the built up area boundary as shown on the Local Plan Proposals Map, the site currently has a rural character being adjacent to open fields to the south and east and an area of woodland to the west. The siting of the proposed dwelling has been revised such that it would closer to the southern boundary and occupy a more central position on the site. This is considered acceptable. The proposal is still of substantial scale and massing and in design terms unimaginative. However, the development would be seen within the context of the existing dwelling, which is itself a substantial building and in time will be seen in the context of the adjacent housing site to the south and east. It is envisaged that the adjacent site will be developed in the middle phase of the plan period (2021-2026) and it has an indicative capacity of 130 dwellings. Therefore, bearing in mind the extant outline consent and the future development on the adjacent site, it considered that an objection to the proposal on visual / landscape grounds could not be sustained.

In summary, it is considered that the proposal achieves a high standard of design and accords with Section 7 of the NPPF and Local Plan Policy EQ6.

Amenity

Policy EQ6 also requires development to achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of adverse impacts on amenity.

The proposed dwelling would be situated to the south of the existing dwelling, Avening. The triple garage element of the new dwelling would be approx. 35m+ from the south facing elevation of Avening at the nearest point. No windows are contained in the north facing side of the garage. It is therefore considered that there would be no adverse impact on the amenities of this property in terms of loss of light or overlooking. Although the driveway serving the new dwelling would run alongside the west elevation of the applicant's existing property, this elevation of the property does not contain any principal windows and vehicle movements along the driveway are unlikely to significantly affect the amenities of the existing property in terms of noise and disturbance. The neighbouring cottages at Adderley Place to the north are a significant distance away from the proposed dwelling and are therefore unlikely to be significantly affected.

Consideration has been given to the impact on the adjacent housing site to the south and east in order to safeguard the ability of that strategic site to deliver its predicted

number of dwellings. In this regard, it is noted that there are conditions attached to the extant outline consent for this site, HPK/2015/0293, which restrict the building heights of the two dwellings (3m to eaves and 6m to ridge) and set minimum separation distances of 12m between the south and eastern boundaries and the south and eastern walls of the outline dwellings, together with a minimum distance of 13m between first floor window/roof windows in these elevations and the respective boundaries. The proposed development does not comply with the restrictions on the outline consent in that the maximum height of the proposed dwelling is 7m and the eastern elevation is 6m from the eastern boundary, with the garage element being approx. 10m from that boundary. Notwithstanding the above, the current application is a full planning application in its own right and does not strictly follow on from the outline consent. Given the distance between the eastern elevation of the proposed dwelling and the boundary, together with the assumed length of gardens to any new properties to be built on the adjacent housing site, it is considered unlikely that the proposal would have any significant effect on the adjacent site in terms of overbearing impact or loss of light. The eastern elevation of the proposal contains several windows at both ground and first floor level. The first floor windows would serve bathrooms, en-suites, landing and dressing room, which could all be fitted with obscure glass to minimise any overlooking. Subject to appropriate boundary treatment along the eastern boundary, it is considered that the ground floor windows in that elevation are unlikely to cause significant overlooking of new properties on the adjacent site.

Concerns were raised by officers regarding the proposed balconies indicated on the south elevation of the dwelling and the potential for overlooking to the adjacent housing site at unacceptably close range. The amended scheme indicates the removal of one balcony, whilst another balcony to a bedroom on the westernmost point of the south facing elevation would be retained. This would be largely screened from the housing allocation to the east by the projecting gable/chimney and is situated a sufficient distance from the eastern and southern site boundaries. A Juliet balcony is indicated on the south elevation to Bedroom Two but this would be unlikely to cause significant overlooking of the adjacent site. In summary, it is considered that the amended scheme would not prejudice the deliverability of the adjacent strategic housing site.

Given the above, it is considered that the proposed development would achieve a satisfactory relationship to adjacent neighbouring development and so it complies with Policy EQ6 of the Local Plan.

Access and Highway matters

The NPPF promotes sustainable transport and recommends that local planning authorities should seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel.

Policy CF6 of the Local Plan seeks to ensure development can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes. It aims to ensure that all new development is located where the highway network can satisfactorily accommodate traffic generated by the

development or can be improved as part of the development.

The proposal would be accessed via the existing unadopted access road and then a driveway running along the west side and to the rear of the existing dwelling, Avening. The Highway Authority observes that, whilst the access road has a poor construction quality with no drainage, street lighting or pedestrian facilities, the road already serves several properties as well as a meeting hall (Scout hut). The minor increase in traffic a single dwelling is likely to generate is not a highway safety concern. On this basis, there is no objection to this application on highway safety grounds, subject to the conditions recommended by the Highway Authority.

It is concluded that the proposed development complies with Policy CF6 of the Local Plan and Section 4 of the NPPF.

Ecology / Biodiversity

Section 11 of the NPPF outlines that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 109 seeks to minimise impacts and provide net gains in biodiversity where possible. Adopted Local Plan policy EQ5 echoes this advice, advising that biodiversity and ecological resources should be conserved.

Given the proximity of the site to Gamesley Sidings LWS and badgers setts, Derbyshire Wildlife Trust initially advised that a Preliminary Ecological Appraisal should be undertaken in order to give due consideration to biodiversity on site, including habitats and protected species. The applicant considers the request to be unreasonable and unnecessary partly on the grounds that the 'site is simply grass without any features of interest or importance'. DWT have subsequently advised that, as a minimum, precautionary measures will be required during construction to prevent injury to badgers and the adjacent Gamesley Sidings LWS should be safeguarded during construction and also in the long term. This should include protection from direct impacts during construction through boundary fencing and also through a sensitive lighting plan for the new dwelling. DWT would also recommend ecological enhancements such as native landscaping and bat/bird boxes. In this instance, it is considered that conditions could be attached to cover the matters raised by DWT to ensure there are adequate safeguards and enhancements in place in relation to biodiversity.

Subject to conditions, the proposed development will comply with Policy EQ5 of the Local Plan and Section 11 of the NPPF.

Trees

There are a few trees along the western boundary and a cluster of trees along the south western-most corner south of the site whose roots may be affected by ground works. There are some sections of hedgerow to parts of the site's boundaries which may be impacted upon. These hedges and trees positively contribute to the visual amenity of the area. The NPPF, paragraph 118 directs local planning authorities to refuse applications unless the need for, and benefits of, the development outweigh any loss or deterioration including the loss of aged or veteran trees. Subject to a

suitable set of conditions securing tree protection measures (including root protection areas) during construction, the scheme is capable of safeguarding the trees and hedgerows. A satisfactory soft landscaping scheme can also be secured through a condition.

Archaeology

There is a Roman Road that crosses the southern G32 site and there is potential for archaeological yield from this site from that era. Regard should be had for Strategic Policy DS 4 which requires 'An archaeological evaluation'. A condition requiring a desktop study, and further investigative work if necessary should be applied to any consent.

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 within a built up area boundary and is located within a sustainable location with good links to public transport and local services. The scheme would make a modest contribution towards the Borough's housing supply and thereby deliver social and economic benefits, including the creation of new jobs during the construction phase and additional spending in the local economy from future residents. Overall, highways and environmental matters are satisfactorily addressed, subject to conditions. The proposed development, as amended, is therefore a sustainable form of development under the terms of the NPPF and complies with the High Peak Local Plan. The application is therefore recommended for conditional approval.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Mark Ollerenshaw
Recommendation Date: 06/03/2018

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council