

DELEGATED DECISION REPORT

HPK/2017/0619
Valid 16/11/2017

32 PRINCES ROAD
CHINLEY

PROPOSED OUTLINE
RESIDENTIAL DEVELOPMENT
OF 3 HOUSES ON THE LAND
ADJACENT TO 32 PRINCES
ROAD, CHINLEY, WITH ALL
MATTERS RESERVED.

(OUTLINE - MINOR APPS)

MAIN ISSUES

- Principle of development
- Highway safety
- Ecological impact
- Flood risk
- Arboricultural impact
- Design/impact on the street-scene/character & appearance of the area
- Residential amenity
- Public Health
- Sustainability

DESCRIPTION OF SITE

The site to which the application relates is land adjacent to (east of) number 32 Princes Road, Chinley.

The site is located within the Chinley built up area boundary and 'settled valley pastures' landscape character area, as defined in the Local Plan. Part of the eastern boundary of the site edged red extends a little into an area designated as Flood Zones 2 and 3.

There is a significant change in levels between number 32 and the land in question, with the land generally sloping away from the eastern boundary of number 32 down towards the brook which marks the eastern boundary of the application site. There are trees located within the site.

PROPOSAL

The application seeks outline planning permission for what is now described as: *"Proposed outline residential development of 3 houses on the land adjacent to 32 Princes Road, Chinley, with all matters reserved."* Access has been removed from the description.

RELEVANT POLICIES/GUIDANCE AND OTHER MATERIAL CONSIDERATIONS

High Peak Local Plan Adopted April 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S3	Strategic Housing Development
S6	Central Sub-Area Strategy
EQ1	Climate Change
EQ2	Landscape Character
EQ5	Biodiversity
EQ6	Design and Place Making
EQ9	Trees, woodland and hedgerows
H1	Location of Housing Development
H2	Housing Allocations
H3	New Housing Development
H4	Affordable Housing
CF6	Accessibility and Transport

SPD Residential Design

National Planning Policy Framework

- Ministerial foreword
- Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- 1 Building a strong and competitive economy
- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

National Planning Practice Guidance

SITE HISTORY/RELEVANT PREVIOUS APPLICATIONS

HPK/0000/7632 – Double garage. Approved

ADDITIONAL INFORMATION

The applicant submitted the following documents with the application details of which can be read on file:-

Ecology Report
Design and Access Statement
Arboricultural Statement

CONSULTATIONS

Chinley, Buxworth and Brownside Parish Council

The majority of Chinley, Buxworth and Brownside Parish Council do not object to the proposed development in principle. However, we remain concerned about the lack of turning space and request that DCC adopt the full length of Princes Road.

DCC Highway Authority

The publicly maintainable highway ends at the frontage of 20 Princes Road and as such the red-line development boundary has no frontage to the public highway. I assume you will confirm that the applicant has the necessary vehicular rights of access to the plot and that these can be assigned to all future owner occupiers. You may also wish to clarify whether the appropriate notices have been served on all relevant landowners. It is recommended that access to the public highway be included within the red-line development boundary for avoidance of doubt on any future drawings.

You will be aware that a small turning facility was delivered as part of adjacent development of 4 dwellings (Application Ref; HPK/2013/0368) and the current proposed development is to be accessed directly off this.

The dwellings are to be provided with 2 on-site parking spaces each.

The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access given the private nature of the cul-de-sac end. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days. These areas could be shared facilities.

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.

Due consideration should be exercised during the construction phase to ensure that the turning facility and access to premises are not obstructed.

Subject to the applicant suitably addressing all the above matters in any subsequent reserved matters or full application this Authority would not wish to raise objection. If your Authority is minded to approve then I would ask for conditions to cover the following to be include in any consent granted:-

☐ Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

□ At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location and adequate level of on-site parking and turning provision. The approved scheme shall be implemented in full prior to occupation of any dwelling and retained thereafter free from impediment to designated use.

□ At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of adequate bin storage and a bin dwell area for use on refuse collection days, clear of the public highway, within the site curtilage clear of all access, parking and turning provision. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

Derbyshire Wildlife Trust

We have considered the following relevant documents submitted as part of the planning application:

- Ecological Appraisal. Dunelm Ecology. September 2017.
- Design and Access Statement. High Peak Architects. October 2017.
- Proposed Site Plan

The Ecological Appraisal is based on an extended Phase 1 habitat survey undertaken in August 2017. The site comprises a residential garden, with garage building. Otter Brook flows immediately outwith the eastern boundary.

Habitats are largely ornamental and the garage displays negligible potential to support roosting bats. None of the trees to be affected support potential roost features.

Loss of garden habitat will result in a net loss for garden birds and mammals, however the application area is limited in size and it is considered that new garden planting and specific species enhancements could offset this loss. It is important that the existing vegetation remains along the eastern boundary and that no additional lighting is installed to the rear of properties in order to protect Otter Brook.

Should the council be minded to approve the application, we advise that the following conditions are attached:

Nesting Birds

No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Biodiversity Enhancement Strategy

Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the

Council. Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- details of bird, bat and insect boxes (positions/specification/numbers).
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).
- ecologically beneficial landscaping.

Precautionary Working Measures

A Method Statement should be submitted to the LPA to confirm how Otter Brook will be safeguarded during construction. It should also detail measures to protect inquisitive mammals such as badger, otter and hedgehog during construction. Measures to prevent the spread of non-native species should also be included.

Lighting

Lighting should not be installed to the rear of the new properties to avoid lightspill to Otter Brook.

DCC Flood Risk Team

The Lead Local Flood Authority has briefly reviewed the planning application and has no comments. The proposed development has not triggered a bespoke response from the LLFA; all relevant parties are referred to the LLFAs Standing Advice.

Environment Agency

No comments received – as of 15/03/2018.

United Utilities

Drainage

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

Condition 1

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Surface Water

Condition 2

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

It is noted that a public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

The applicant can discuss any of the above with Developer Engineer, Will Harrison, by email at wastewaterdeveloperservices@uuplc.co.uk.

The comments provided by UU also include advice re:

- Management and Maintenance of Sustainable Drainage Systems
- Site Drainage methods
- Contact information re connecting to the mains or public sewers and mapping services

HPBC/SMDC Arboricultural Officer

No objections.

I agree with DWT that the boundary with the brook should be landscaped with native planting to maintained the ecological value of this feature. Therefore a landscaping condition will be required.

The trees to be retained on site adjacent to the brook will require tree protection during the construction phase. Given that the brook should be protected during

development I recommend that a protective fence is erected to give a 5m protected buffer.

Suggested bespoke condition

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a protective fence in accordance with section 6.2 of BS5837:2012 Trees in relation to design, demolition and construction Recommendations has been erected 5m from the side of the brook to create a protected zone within which there will be no construction activities including storage of materials, fires, excavation of changes in ground level.

HPBC/SMDC Environmental Health Officer

No objection subject to the conditions set out below being applied to any permission granted.

The proposed end use of the development is particularly sensitive to the presence of land contamination, for this reason the following condition 1 is recommended.

The construction/demolition stage of the development could lead to an increase of noise and dust experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 2 to 4 are suggested.

Conditions

1. CONTAMINATED LAND: IF CONTAMINATION FOUND

If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

2. CONSTRUCTION AND DEMOLITION: DUST

There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456)

3. CONSTRUCTION & DEMOLITION: WASTE DISPOSAL

Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.. Any open fires that arise shall be extinguished without delay.

4. PILING: NOISE CONDITION

No piling shall take place outside the hours <0900> hours to <1600> hours Mondays to Fridays

5. CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS

Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Advisory Notes

- Noise
- Flies and light
- Asbestos management
- Dust
- Contamination

Publicity

Site Notice expiry date: 01.01.2018

Neighbour consultation period ends: 25/12/2017

Press Advert: Yes – Required by applicant re ‘unknown land owners’. Published 22/02; 21 days from that date is 15/03.

Neighbours

1 No. representation has been received, which makes the following observation:-

My comment relates to the congested nature of the site in terms of car parking and access. The proposal states that two-car parking is provided for each house, in line with requirements. However, there does not appear to be provision for turning of vehicles parked at the Southern end of the access road. Access to or from Princes road can only be done by reversing in front of the other two properties.

OFFICER COMMENTS

Principle of development

As noted above, the application seeks outline planning permission for 3 dwellings with all matters reserved.

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.

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 Local Plan 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 of the Local Plan seeks to ensure provision is made for housing development (taking account of all other policies in the Plan) by, amongst other things, supporting housing development on unallocated sites within the defined built up area boundaries of towns and villages. The application site is located within the built up area boundary of Chinley and as such the principle of the proposed accords with policy H1.

Highway safety

As noted, the Highway Authority does not object to the proposal subject to conditions. It is noted that the Highways Authority drew attention to the fact that part of Princes Road is not adopted and that the access from the Road was not initially included in the site edged red. This matter has been addressed with an amendment to the site edged red to include part of Princes Road and notification served to known landowners and a Notice published in the press as not all land owners were known.

It has been noted in representation that the indicative layout suggests that the cars associated with the plot closest to the southern boundary would have to either reverse into or out of the site.

It is also noted that the PC, although not objecting, requested DCC Highway Authority fully adopt Princess Road.

As full details of access (as well as turning, parking and refuse storage & collection arrangements) would be required at the reserved matters stage (access has been removed from the description) any concerns would be addressed at the reserved matters stage.

The comments of the PC are noted. However, the adoption of the un-adopted stretch of Princess Road is not required to ensure the current application is acceptable in planning terms. Hence, this request cannot be dealt with as part of this application.

Hence, it is considered that access into the site is feasible and that details of the access, turning, parking & bin storage/collection can be secured with a subsequent reserved matters (or full) application. As such is considered that the proposed development does not raise any significant highway safety concerns. As such it is

considered that the proposed development accords with Local Plan policy CF6 and section 4 of the NPPF.

Ecological impact

As noted above, DWT do not object, subject to certain conditions. No protected species have been identified as being threatened by the proposal. Any minor loss of biodiversity could be mitigated against as part of any forthcoming reserved matters (or full) application.

Therefore it is considered that the proposed development does not raise any significant ecological/biodiversity issues and that the proposal accords with Local Plan policy EQ5 and section 11 of the NPPF.

Flood Risk

The majority of the site lies within flood zone although the eastern boundary of the site is adjacent to a flood risk area (with only a small area falling within it). The LLFA notes that the proposed development has not triggered a bespoke response from them and that all relevant parties are referred to the LLFAs Standing Advice. The applicant's attention can be brought to the LLFAs standing advice via an informative.

The Environment Agency has been consulted but no consultation response has been received. It is assumed that if the EA required an FRA a response would have been provided, at minimum requesting an FRA.

Given the site/application circumstances, i.e. a) the site edged red barely extends into the flood zones, b) a buffer to the brook's edge is likely to be required for ecological, arboricultural and landscaping reasons (and possibly for EA maintenance reasons), c) the sloping nature of the site, which will result in finished floor levels being higher than brook level, d) the floor levels of any dwellings could be raised if required anyway and e) no objections from the LLFA, it is considered that there are no flood risk grounds for refusal of the application. The proposal accords with Local Plan policy EQ11 and section 10 of the NPPF.

Arboricultural impact/landscaping

As noted above, the Arboricultural Officer raises no objections, subject to landscaping conditions. As all matters are reserved, details of proposed landscaping (based on an assessment of what exists on site/what can be retained) would be dealt with as part of any subsequent reserved matters (or full) application.

It is therefore concluded that the future well-being of existing relevant trees will not be threatened by the proposed development and that the site would be able to accommodate any required mitigation. As such it is considered that the proposal accords with Local Plan policy EQ9 and section 11 of the NPPF.

Design/impact on the street-scene/character & appearance of the area

As noted, all matters are now reserved. The application does include an indicative layout. It is considered that up to 3 No. dwellings could potentially be accommodated within the site designed to be in keeping with the street-scene and character and appearance of the area.

Therefore the proposed development is considered to comply with the general design tenets of Local Plan policies S1 and EQ6 and those outlined in section 7 of the NPPF.

Residential amenity

Again, noting all matters are reserved and bearing in mind the indicative site layout submitted, it is considered that up to 3 No. dwellings could potentially be accommodated within the site and designed in a manner to ensure that the proposal would have no significant impact on the amenities of neighbouring properties and that the amenity levels for future occupants would be adequate.

Hence, it is considered that the proposed development accords with the amenity tenets of Local Plan policies S1 and EQ6 and bullet point 4 of para 17 of the NPPF.

Public Health

There are no known public health concerns associated with the site. The Environmental Health Officer has recommended conditions to address potential land contamination and protect public amenity. Subject to the recommended conditions it is considered that the proposed development does not pose a threat to public health and as such the proposal accords with Local Plan policies EQ10 and EQ6 and the NPPF.

SUSTAINABILITY, PLANNING BALANCE, CONCLUSION & RECOMMENDATION

Bearing all the above matters in mind it is considered that the proposed development accords with Local Plan policies S1 and S1a and the central tenet of sustainability running through the NPPF. It is therefore recommended the application be approved, subject to appropriate conditions and informatives.

OFFICER RECOMMENDATION: APPROVE

Case Officer: John Williamson

Recommendation Date: 15/03/2018

X *J Colley*

Signed by: Jane Colley

On behalf of High Peak Borough Council