

## DELEGATED DECISION REPORT

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HPK/2017/0429  
Valid 21/08/2017

SHIRE CROFT RESERVOIR  
ROAD  
WHALEY BRIDGE

DEVELOPMENT OF 6NO NEW  
BUILD DWELLINGS (USE  
CLASS C3)

(FULL - MINOR)

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### MAIN ISSUES

- Flood Risk
- Sustainability of Location
- Affordable Housing
- Design
- Amenity
- Trees/Ecology
- Land Stability
- Highway Safety

### DESCRIPTION OF SITE

The application site comprises a rectangular parcel of land with an approximate area of 0.28ha, located to the south of Reservoir Road, Whaley Bridge. The south east boundary is defined by a post and wire fence and mixed hedge next to an open stone channel containing a watercourse which runs in a south easterly direction.

The south west boundary is enclosed by a fence and stone wall which separates the site from a level area at the base of Toddbrook Dam. The northern boundary fronts onto Reservoir Road which is defined by a mixed hedgerow, and separated from the highway by a grass verge.

The topography of the site is such that there is a 7 metre change in levels between Reservoir Road to the north and the southern boundary of the site at the watercourse.

The site has previously been subject to an outline application for 4 no dwellings under HPK/2016/0249. Outline permission for 4 dwellings was granted in January 2017 subject to conditions and the signing of a Section 106 Legal Agreement.

### PROPOSAL

The application seeks full planning permission for 6no. dwellings with associated curtilage and parking provision. Original layout and elevation plans submitted with the application were considered to be an inappropriate and unacceptable form of design.

As such, the planning authority have worked constructively with the applicant and as a result, final revised plans have been submitted which depict a much changed scheme with regards to layout; house types; design; materials; and access. Details of how the design of the scheme has evolved are reported within the relevant sections of the report.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The local development plan for the site comprises the High Peak Borough Council Local Plan (Adopted April 2016) and any relevant Supplementary Planning Documents (SPD's).

The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

### **High Peak Local Plan 2016**

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S6	Central Area Sub Strategy
EQ5	Biodiversity
EQ6	Design and Place Making
EQ9	Trees, Woodland and Hedgerow
EQ10	Pollution Control and Unstable Land
EQ11	Flood Risk Management
H1	Location of Housing Development
H3	New Housing Development
H4	Affordable Housing
CF6	Accessibility and Transport
CF7	Planning Obligations and Community Infrastructure Levy

Residential Design Guide Supplementary Planning Document (SPD) 2005

### **National Planning Policy Framework**

Achieving Sustainable Development	Paragraphs 1-17
Promoting Sustainable Transport	Chapter 4
Delivering a wide choice of high quality homes	Chapter 6
Requiring Good Design	Chapter 7
Meeting the challenge of Climate Change and Flooding	Chapter 10
Conserving and enhancing the natural environment	Chapter 11

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2016/0249      Outline planning permission with all matters reserved except access for proposed development of 4no new build dwellings (Approved 19<sup>th</sup> January 2017)

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 10<sup>th</sup> October 2017  
Neighbour consultation period ends: 9<sup>th</sup> October 2017  
Neighbour re-consultation period ends: 28<sup>th</sup> December 2017  
Press Advert: N/A

### **Public Comments**

#### First Consultation:

M. Daly, 39 Reservoir Road, Whaley Bridge – Objects:

- 4 dwellings on a badly tended field is a good idea and would not overly impact the wildlife, nor affect any persons living on Reservoir Road. However 6 dwellings would not.
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- The Road is not wide enough, nor will it be able to cope with an extra potential 25-30 cars per day, and will be an accident waiting to happen
- Like many applications of this nature, money and greed are the main factors, and not the well being of people living on the road, or in the immediate area.

Mr W. Gallagher, 33 Reservoir Road, Whaley Bridge – Objects:

- The road is narrow enough and with the constant traffic, noise, dirt at all hours it will also be disturbing to the area.

Alison Oakes, 41 Reservoir Road, Whaley Bridge – Objects:

- The original plan was for six houses which was reduced to four. This new application is over development and pure greed.
- The road is narrow and the volume of traffic that would use the road whilst building is going on would be a nightmare. Also after building, the extra cars would add to congestion. The traffic survey was no a true reflection on traffic on this road.
- Potential damage to boundary walls. The neighbours wall has been demolished on three occasions, rebuilt at substantial cost

- Wildlife will be lost and the common toad/frogs and the common newts which migrate every year through the land will be lost due to habitat destruction

Bill Oakins, 41 Reservoir Road, Whaley Bridge – Objects:

- The outlook from the park to the Brookfield pond nature reserve will be blocked by these houses. The heart of green space of Whaley Bridge will be lost.
- Keeping green spaces in our village makes it what we all love. Infilling of green fields kills this.
- The road cannot cope with any more traffic. The line of sight is very bad coming down the road

Martin Petch, 23 Reservoir Road, Whaley Bridge – Objects:

- 6 houses is certainly over development of this small site and the previous outline permission was for 4 houses – suitable for this site.
- Development on this scale will be out of character with the surrounding development and will look incongruous.
- The site is on a common toad and frog migration route well known to Derbyshire Amphibian Rescue Group (DARG) and this will be destroyed by this over dense development.
- The sight splays and limited width of Reservoir Road are a major concern for safety. It is hard to see how the construction phase could be managed safely using public access as the only other access is via Canal & River Trust and Toddbrook Sailing Club land.
- This application would affect the wildlife corridor along Reservoir Road and would radically affect light pollution in which is currently a dark and quiet zone as well as adding traffic movement along what is presently a precious amenity walk for the people of Whaley Bridge

Toddbrook Sailing Club, Whaley Bridge – Objects:

- Primary concerns relate to the existing car park which serves the sailing club. We would not wish to suffer any restriction in access during the construction phase, nor any reduction in parking space, either while the work is taking place, or thereafter when the houses are occupied.
- If minded to approve, request that planning conditions are placed on the developer and contractors restricting vehicular access to the existing Sailing Club Car Park.

- Request that the Highway Authority review road safety on the very narrow road prior to a decision that would generate more traffic volume. Has consideration been given to a potential traffic scheme that would improve road safety.
- Trust that sufficient parking provision has been made within the curtilages of the proposed dwellings to obviate the need for residents, or their visitors, to park in the car park adjacent to the sailing club – particularly important in view of the parking restrictions (double yellow lines) on the frontage along Reservoir Road.
- Would be useful if by way of condition, the developer and contractors managed the phasing of their works in such a way that all their wagons, plant and materials could be accommodated within the site boundary at the beginning of the construction and that they should erect suitable temporary signs to instruct drivers not to pass through the sailing club gates or attempt any u-turns in that area. It would also be desirable to avoid construction during the sailing season to avoid traffic conflict.

Whaley Bridge Amenity Society – Objects:

- Object to proposed six dwelling when an earlier decision was approved for four dwellings. The present application would result in overdevelopment of the site, because the houses are large family homes

Re-Consultation:

M. Daly, 39 Reservoir Road, Whaley Bridge – Objects:

- No new issues further to original comments submitted

Alison Oakins, 41 Reservoir Road, Whaley Bridge – Objects:

- Further to previous objection, I would like to add that Reservoir Road is too narrow to allow access to large wagons and all plant needed to complete this build.
- Restrictions should be put in place to stop plant and machinery and the volume of wagons and builders cars and vans from turning in our private driveway, as this is the only place apart from the Sailing Club car park large enough for people to turn.
- The site should accommodate 4 houses as per the previous planning consent
- If this is allowed to go ahead the wildlife will be decimated as the toads use that field and come across the road and migrate into the pond.
- Please consider the residents of Reservoir Road.

- Questions the legitimacy of the traffic survey as the wire installed was severed.

Bill Oakins, 41 Reservoir Road, Whaley Bridge – Objects:

- My Mum worked to make Brookfield pond a Nature Reserve. If these houses are built the frogs and toads will not be able to get to their breeding ground at the pond.
- Whaley Bridge and Reservoir Road cannot cope with any more traffic. The road is too narrow and any construction traffic would have nowhere to turn around.
- Houses built at right angles to the road will look out of place.
- My Mum loved Whaley Bridge and worked hard to keep Brookfield pond. These houses would destroy this nature area; an asset to Whaley.

### **Town / Parish Comments**

Whaley Bridge Town Council

#### First Consultation (16th October 2017):

- Object on grounds that permission was granted for 4 dwellings. 6 dwellings would represent overdevelopment of the site.

#### Re-Consultation (18<sup>th</sup> December 2017):

- Whaley Bridge Town Council cannot support this application unless there is a maximum of 4 dwellings. The application in its current form does not conform with the Local Plan.
- If the application is approved, protection must be assured for toad crossing

### **Environmental Health**

The Environmental Health Department has no objection to the proposed development subject to conditions relating to Land Contamination and Hours of Construction (18<sup>th</sup> October 2017)

### **DCC Flood Risk Management Team**

#### First Consultation (21st September 2017):

The Lead Local Flooding Authority (LLFA) is a statutory consultee for major development; as the application is a minor development we are not obliged to comment. I would however like to offer you our standing advice for minor planning applications in addition to some site specific flood risk comments below:

- The south west tip of the site is located within Flood Zone 2
- No method of surface water disposal is proposed. The LLFA strongly recommend the use of Suds and on site surface water management

Re-Consultation (13<sup>th</sup> December 2017):

Due to the nature of the proposed plans and the site parameters the LLFA have no further comments to make. However we would wish to refer to our previous response from 21/09/17 which is still relevant to this re-consultation.

**United Utilities**

No objection to the proposed development provided that appropriate conditions relating to drainage are attached to any approval (19<sup>th</sup> September 2017)

**Coal Authority**

First Consultation Response (9<sup>th</sup> October 2017):

No objection following a review of the Coal Mining Risk Assessment dated June 2016 and Coal Mining Risk Assessment dated July 2017 prepared by Earth Environmental

Re-Consultation Response (20<sup>th</sup> December 2017):

The Coal Authority previously commented on this planning application in a letter dated 9<sup>th</sup> October 2017. Having reviewed the amended plans we can confirm that the Coal Authority have no additional comments to make.

**Arboricultural Officer**

The revised layout dated 22/11/2017 allows for better accommodation of the trees to the west of the site. I note that an arboricultural report provided relates to the previous scheme and therefore an Arboricultural Method Statement which relates to any approved scheme would be required.

No objections subject to appropriate conditions (4<sup>th</sup> January 2018)

**Derbyshire Wildlife Trust**

The Phase 1 Habitat Survey report produced in 2014 described the site habitats including improved grassland, hawthorn-dominated hedgerows and associated trees. Site is considered to be of relatively low ecological value.

A stable and two sheds were present on site at the time of survey and all were considered unsuitable for roosting bats or barn owls. No significant protected species constraints were identified, with the exception of a recommendation for reptile survey, which was undertaken in 2015. No reptiles were recorded during survey.

Todbrook Reservoir SSSI is located approximately 85 m to the west of the application area and Brookfield Pond LNR is located approximately 100 m north. No direct impacts are anticipated to either site; however the development will be located between the sites on existing green space. As such, it may have some impacts on connectivity between the sites for wildlife.

Given that the surveys were undertaken around three years ago, an update site visit is recommended, prior to determination, to check if any major habitat changes have occurred. This should particularly check for the presence of mobile species such as badger or the introduction of any invasive species such as Japanese knotweed. Numerous invasive plant species are known to occur in the immediate local area.

If the Council are minded to grant permission for the proposed development it is recommended that the following conditions are attached:

- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- To mitigate for the hedgerow to be lost along the northern boundary, the remaining hedgerow around the site boundary should be gap planted and strengthened, using additional native species to improve the species-richness of the hedgerows. Berry/fruit-bearing native species should be used, such as holly, hazel, blackthorn or guelder rose.
- Trees and hedgerows to be retained require adequate protection, which should be adhered to and follow British Standards 5837:2012 'Trees in Relation to Design, Demolition and Construction'.
- To avoid impacts to the adjacent designated sites and minimise fragmentation effects, an external lighting strategy should be produced and agreed in writing by the LPA, prior to the start of development. This should include details of the lighting fixtures and a lux plan for the site to clearly indicate lightspill to the surrounding habitat including the SSSI and LNR. Once agreed, this mitigation strategy should be implemented in full.
- Prior to the commencement of development a Biodiversity Enhancement Strategy 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) will be clearly shown on a plan. At least three houses should have integral bat boxes incorporated within them.



- measures to maintain connectivity throughout the site for wildlife such as hedgehogs and amphibians will be clearly shown on a plan, e.g. garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).
- ecologically beneficial landscaping.
- All excavations will have sloping escape ramps to prevent wildlife becoming trapped, including badgers, hedgehogs and amphibians. All pipes should be blanked off at the end of the day and chemicals should be stored securely.
- Given the location of the application area between Todbrook Reservoir to the west and Brookfield Pond to the north, and the presence of a known toad crossing at Reservoir Road, close to the north-western corner of the site, it is likely that amphibians will cross the application area. Proposed gardens are likely to provide habitat for common amphibians and to safeguard animals, offset gullies such as Aco kerbs, should be utilised within the road design.

## **Canals & Rivers Trust**

### First Consultation Response (29<sup>th</sup> January 2018) – Objection:

Application site is a short distance east of the headwall of Todbrook Reservoir, which is owned and operated by the Canal and River Trust to supply water to the nearby Peak Forest Canal. The south east boundary of the site adjoins one of the feeder channels linking the reservoir to the canal

The applicant does not appear to have taken account of the potential effect of the proposed development on the stability of the slope, which in turn may affect the canal feeder channels structure; or considered whether there may be an increased loading imposed on the wall of the feeder channel as a result of the development.

In the absence of any form of slope stability assessment, or any information as to the proposed ground and finished floor levels across the site, it is not possible to determine the extent to which the development may create land instability or otherwise impose additional loadings on the adjacent feeder channel which could adversely affect its structural integrity

Note that no Flood Risk Assessment has been provided to consider flooding from the reservoir

No surface water drainage details have been submitted with the application. Given the site topography, it is possible that the applicant may wish to consider discharging surface water to the feeder channel adjacent to the south east boundary. Any such discharge will require the prior consent of the Trust, and we will need to assess the acceptability of it.

Any discharge proposals would need to demonstrate that measures could be incorporated into the site drainage system to minimise the risk of contaminants entering the feeder channel and thus affecting water quality. Furthermore, during any

construction operations, measures to prevent contaminants or contaminated run-off, soils, silts etc. entering the feeder channel must be implemented. These matters could be secured via a suitably worded planning condition.

#### Second Consultation Response (29<sup>th</sup> January 2018) - Objection:

Having reviewed the additional information submitted by the applicant, it is our response that planning permission should not be granted.

The applicant has now submitted drawings to show the proposed site levels including the location of various retaining wall structures. However, these drawings on their own do not demonstrate that the development will not affect the stability of the existing slope on the site or ensure that additional loadings on the feeder channel structure will be avoided, or adequately mitigated.

The drawings simply show the significant extent of the earthmoving that will be required to facilitate the proposed development. The submitted drawings do not provide adequate information to permit such an assessment and in the absence of such information, it is not possible to quantify the risk of creating land instability or determine whether adequate mitigation can be secured via planning conditions. We therefore consider that planning permission should be granted for the application as it currently stands.

#### Third Consultation Response (13<sup>th</sup> February 2018) – No Objection:

Based on the preliminary sections and plans provided by WML Consulting, the Trust is now satisfied that it should be possible to undertake the proposed development with a low risk of creating slope instability across the site, and that consequently the risk to our feeder channel which runs along the south-east site boundary is also considered to be low.

We consider that a decision can now be made subject to appropriate conditions to secure any necessary mitigation

### **Derbyshire County Council Highways**

#### First Consultation (6<sup>th</sup> October 2017):

The Highways Authority has provided comments with regard to the above site in the past, with regard to outline planning permission HPK/2016/0249, for the construction of 6 dwellings, later reduced to 4, with permission granted in January 2017.

This application now seeks consent to construct a total of 6 dwellings. Pre-application correspondence has been provided with regard to this latest submission in which no objections were raised in principle to the proposal, subject to it being demonstrated that both emerging and forward visibility associated with the development was appropriate to Reservoir Road.

As part of this submission the applicant has provided speed readings by means of an automated traffic count. Such surveys are not typically considered appropriate as

they can be skewed by factors such as convoys following a slow vehicle, parked cars or inclement weather. It is also unclear where the automated speed survey was positioned along Reservoir Road with this also having the potential to skew the recorded speeds.

There are therefore concerns over the validity of the speed survey submitted as part of this planning application.

Irrespective of the above, the application has shown that applying the highest recorded 85th percentile speed of 20.1mph, without applying a wet weather reduction, together with an approach gradient of 1 in 12, a stopping sight distance (SSD) of 24.5 metres (or 29 metres for a 2.0s reaction time) would be required for eastbound traffic around the adjacent bend. However this SSD does not take account of the car bonnet distance of 2.4m, as noted in Manual for Streets (MfS) paragraph 7.6.4. Accordingly a revised SSD of 27.0m (or 31.5 metres for a 2.0s reaction time) would be sought.

In addition to the above, the achievable forward visibility splay of 34m, noted as being achievable around the bend, to the west of the site, has not been demonstrated on a detailed plan. With it appearing to have been taken from the centreline of the carriageway to the centreline of the most westerly access (assumption based on Photograph 2). This is incorrect, the forward visibility should be measured as shown in figure 7.19 of MfS, with this considered to reduce the achievable visibility distance.

It is considered that in light of the above concerns sufficient forward visibility is unlikely to be achievable along Reservoir Road around the bend. I would therefore request that the applicant submit a detailed topographical survey clearly demonstrating both emerging and forward visibility splay lengths associated with the development along their whole lengths.

More generally, within the site sufficient space has been provided for residents to park and the proposed footway to be provided fronting the development is welcomed.

Accordingly, before making my formal recommendations I would be obliged if you could ask the applicant to revise the proposal in view of the above comments and in the meantime please hold the application in abeyance until revised plans have been submitted.

#### Re-Consultation Comments (27<sup>th</sup> December 2017):

The latest plan has removed the western most accesses in favour of a more centralized shared access to serve 4 of the 6 dwellings proposed, such a revision addresses concerns raised over achievable visibility along Reservoir Road, particularly forward visibility around the adjacent bend to the west. This amendment, coupled with the witnessed vehicular speeds due to the horizontal alignment of the road together with the likelihood of a vehicle waiting to turn right into the site being considered low, in view of the nature of Reservoir Road being a cul-de-sac, it is

considered highway objections would not be sustainable should the application go to appeal.

Whilst forward visibility around the bend is still not considered ideal, the issue is whether this event is so likely to occur as to result in demonstrable harm to highway conditions, such that a severe harm to highway safety would result. In this regard it is considered that the likelihood of such an event is sufficiently low that an objection for these grounds alone could not be sustained. Accordingly the revised layout is considered acceptable in terms of visibility.

More generally, the latest plan (Ref: 968/A/003 Rev C) demonstrates acceptable individual accesses to the eastern dwellings, offering two parking spaces per dwelling of an appropriate size within the site. Concerning the shared driveway, this is considered to be of sufficient width for the number of dwellings it is to serve, with such dwellings having been provided with sufficient spaces for vehicles to park, and whilst space is confined within the site for vehicles to manoeuvre, this is unlikely to lead to vehicles reversing from or onto Reservoir Road.

An appropriately sized bin storage area should be provided within the site immediately adjacent Reservoir Road. However it is considered this can be suitably controlled by condition.

Accordingly, there are no highway objections to the above proposal, subject to the appropriate conditions.

## **OFFICER COMMENTS**

### **Principle of Development**

Policy S1a of the adopted local plan reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay unless 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; or specific policies indicate development should be restricted. Footnote 9 to paragraph 14 of the NPPF provides a list of restrictive policy areas.

Policy H1 of the Local Plan refers to new housing development. The policy supports housing development on unallocated sites within the defined built up area boundaries of the towns and larger villages.

The application site is located within the built up area boundary of Whaley Bridge; classified as a Market Town within the Settlement Hierarchy set out within Policy S2 of the adopted Local Plan. The development would therefore help to support the aims of policies H1 and S2 of the Local Plan.

The application site has been the subject of a previous outline application for residential development (HPK/2016/0249) which was approved for four houses subject to the signing of a Section 106 legal agreement and appropriate conditions in January 2017.

A small part of the site is located within Flood Zone 2 and the application is therefore subject to policy EQ11 of the Local Plan and restrictive policies relating to Flood Risk contained within Chapter 10 of the NPPF. The presumption in favour of sustainable development is not therefore automatically engaged.

Given that the site is located within the development boundary and has had previous consent granted for residential development, the principle of development is considered to be acceptable in terms of Policy H1 and subject to other relevant policies of the adopted Local Plan.

### **Flood Risk**

Policy EQ11 of the Local Plan refers to Flood Risk and supports proposals that will not lead to an increase in risk of flooding either on site or elsewhere, consistent with relevant paragraphs within Chapter 10 of the NPPF.

A small portion of the site in the south western corner is situated within Flood Zone 2. The Lead Local Flood Authority has no objection to the proposals and refers to standing advice which is set out within their consultation response.

Based on this response, it is considered that the application would not result in any significant adverse impacts with regards to flood risk, either on site, or elsewhere in the Borough, and as such the application comprises sustainable development in this regard, in line with policy EQ11 of the Local Plan and relevant paragraphs within Chapter 10 of the NPPF.

### **Locational Sustainability**

Policy H1 of the Local Plan supports proposals for housing on non allocated sites within the built up area of the towns and larger villages. The site is situated within the built up area boundary of Whaley Bridge, classified as a Market Town within policy S2 which stands at the top of the Settlement Hierarchy.

Whaley Bridge is home to a large number of services and facilities which are all within walking distance of the application site. Based on this, it is considered that this site comprises a sustainable location for housing development.

### **Affordable Housing**

Policy H4 of the adopted Local Plan refers to Affordable Housing. The policy states that in order to address the need for affordable housing, residential developments should seek to achieve 20% affordable housing on sites of 5-24 units (0.16ha or larger).

Affordable housing provision should normally be provided within the development site itself and in perpetuity. In exceptional cases, the Council may allow provision off-site or a financial contribution of broadly equal value.

The number of units proposed within this application is six dwellings and therefore triggers a requirement for Affordable Housing contribution in line with Policy H4. The Housing Officer in the previous application (HPK/2016/0249) stated that it would in this case be appropriate to seek an off site financial contribution towards affordable housing.

Following the council's methodology for calculating affordable housing provision (which has been presented to the applicant) the total off site contribution required for six dwellings is £35,550.

Subject to this sum being secured via a legally binding Section 106 Agreement, it is considered that the proposed development will deliver the necessary affordable housing contributions in line with policy H4 of the Local Plan.

## **Design**

Policy S1 of the adopted local plan sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

Policy EQ6 of the adopted local plan states that all development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

The High Peak Residential Design Guide SPD (2005) provides useful guidance for new housing development particularly with regards to understanding the setting and character of an area; appropriate materials; and traditional architectural features.

Chapter 7 of the NPPF highlights the importance of good design, that good design is indivisible from planning and should contribute positively to making places better for people.

This application has undergone some significant design amendments as part of the consultation process following a meeting with the applicant's and their agent. A full assessment of these changes is set out below with regards to Layout; House Types; and Materials.

### **Layout**

The original proposed layout submitted with the application showed six large regimented detached properties set in a linear form with principal elevations fronting Reservoir Road with two of the properties set back slightly behind the others. Each property was served by two parking bays fronting on to Reservoir Road; with patio and garden to the rear.

This proposed layout was considered to be of a regimented linear pattern which portrayed a very suburban character in comparison to the previously approved scheme and as such inappropriate at this sensitive urban/rural fringe location. The proposed off street parking was also considered to result in a degree of 'visual clutter', and that a single shared access would be more appropriate and encouraged.

The loss of the strong definitive mixed species hedgerow on the northern boundary was considered to constitute poor design and should be avoided, unless a satisfactory landscaping scheme was to replace it.

The final revision (Plan Ref: 968-A-003 Rev C) shows a revised layout which comprises three detached dwellings (House Type A) to the west of the site which are staggered towards the southern boundary, with rear garden bordering the western boundary, served by a shared access off Reservoir Road. Whilst there are two houses more than previously approved, the layout has demonstrated that it is capable of accommodating six houses, with sufficient spacing between the houses and within the site to compliment the surrounding character of the area.

A single detached property (House Type A) lies within the centre of the site orientated at a slight angle so that the front principal elevation facing north westwards, also served by the shared access.

Two smaller detached properties (House Type B) sit at the eastern end of the site, each having two parking spaces to the front with principal elevations facing directly north on to Reservoir Road. Soft landscaping is also shown to be present along Reservoir Road.

The original proposed layout was considered of a urban and regimented in character and was inappropriate considering this sensitive location at the urban/rural fringe. By breaking up the layout and having variations in orientation, heights and the introduction of more spacing throughout the site, the revised scheme is considered to be of an appropriate layout which responds well to its physical context, in accordance with policies S1 and EQ6 of the Local Plan.

### House Types

The application as submitted proposed 3 x House Types (House Type A – Rev M; House Type B – Rev L; House Type C – Rev J). All three house types were considered to be of an excessive scale which had no resemblance to, and would appear out of keeping with the local area.

The proposed rear elevations, taking into account a drop in levels, were considered to result in significant visual impacts from the public right of way to the west alongside the dam wall, and have an unacceptable impact upon the landscape.

Following an ongoing consultation process, these house types have undergone various amendments with regards to scale, architectural features, and other design aspects such as the removal of ancillary garages, following a constructive meeting between the applicants and planning officers.

The final proposals, as shown on the Proposed Site Plan Rev C, show that the two properties on the eastern side of the site are to be House Type B 'Detached. The single dwelling in the centre of the site and three properties on the western boundary are to be House Type A – Rev O).

The revised house types have taken on board constructive comments from Planning Officers and are considered to represent a scale and architectural style which compliment the existing character of Reservoir Road and contribute positively to local distinctiveness, in accordance with policies S1 and EQ6 of the Local Plan.

### **Materials**

The original house types submitted with the application were also considered to be of a uniform and generic character, typical of a poorly designed urban estate, and not compatible with the character of the local area. It was relayed to the applicant that the proposed materials and detailing should reflect the local character in line with the Residential Design Guide SPD (2005).

Following a meeting between the applicants, agent and Planning Officers, the proposed materials and finishes to be used in the construction of each house type was revised to incorporate a traditional natural coursed gritstone into each elevation with headers and cills to the windows in a smooth Ashlar stone.

Appropriate conditions will ensure that samples of all facing materials, joinery details, and rainwater goods can be submitted to and agreed in writing by the local authority prior to the commencement of development.

Subject to compliance with such conditions, it is considered that the House Types as revised are of an appropriate scale, layout, massing and visual appearance in accordance with policies S1 and EQ6 of the Local Plan.

### **Amenity**

Policy EQ6 of the Local Plan 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 any other adverse impacts relating to residential or recreational amenity of the area.

The revised Site Plan (968-A-003 Rev C) shows that the distance between the nearest dwelling to the western elevation of Shire Croft to the east of the site, is 15.1m. The plan also shows native hedgerow to be planted along this boundary edge.

The dwellings nearest to the eastern edge of the site boundary (House Type B) comprise two non habitable room in the facing gable serving a stairwell. In order to protect residential amenity these windows should be obscure glazed and secured by planning condition.



The site is bounded by woodland to the south and to the Reservoir to the west. There are therefore no properties to the south or west which could be adversely impacted by the proposals. There are no properties located to the north of the site which directly face any principal elevation.

Each of the proposed dwellings is considered to comprise an acceptable amount of amenity space, and are positioned in such a way which would not harm each others amenity by way of any of the aspects of amenity set out within policy EQ6.

In order to protect the recreational amenity for users of the public right of way which crosses the Toddbrook Dam wall and users of the Sailing Club, it is considered appropriate to attach a condition which requires a landscaping scheme to be submitted which ensures that a sufficient level of screening is maintained on its western boundary, which is currently home to a row of mature trees.

Given the above, it is considered that subject to appropriate conditions, the proposed development has been designed in such a way which would not result in any adverse harm to the amenity of any neighbouring property nor the users of nearby public rights of way or recreational facilities, in line with policy EQ6 of the adopted Local Plan.

### **Trees/Ecology**

Policy EQ9 of the adopted Local Plan states that the Council will protect existing trees, woodlands and hedgerows, by requiring new developments where appropriate to provide tree planting and soft landscaping.

Chapter 11 of the NPPF contains relevant policies regarding the conservation and enhancement of the natural environment.

The site does not contain any Tree Preservation Orders (TPO's) but is home to a number of mature trees on its western boundary with Toddbrook Dam.

As referenced by the Arboricultural Officer, the revised Site Plan is improved from the original in that it makes better provision for the protection of the trees which exist to the west of the site. There are no objections from the Arboricultural Officer to the revised proposal subject to appropriate landscaping and tree protection conditions.

It is noted that DWT have requested an additional site visit to establish whether there have been any changes on the site given that the ecology survey was undertaken in 2014. The previous outline application was submitted in 2016 and subsequently approved in January 2017. When making comparisons between site photos taken in 2016/7 and photos taken in relation to this more recent application, there does not appear to be any change in the nature of the hedgerow or wider site, and therefore no updated survey information was requested. Moreover it is noted that the site has relatively low ecological value and thus the surveys submitted with the application, including a reptile survey are considered to be a proportionate response.

DWT and public representations have highlighted that there is a known toad crossing at Reservoir Road, close to the north western corner of the site. DWT have

suggested that design features such as Aco kerbs should be utilised to safeguard amphibians and other animals, along with a condition to secure biodiversity enhancement measures.

Although the site lies close to the Todbrook Reservoir SSI and Brookfield LNR, neither of these areas would be directly affected by the development proposals and planning conditions can be used to ensure that biodiversity interests are secured.

It is considered that by attaching an appropriate condition to the application, any potential harm to ecological assets will be mitigated in accordance with policy EQ9 of the Local Plan and relevant paragraphs within Chapter 11 of the NPPF.

## **Land Stability**

Policy EQ10 of the Local Plan refers to Pollution Control and Unstable Land. It states that the Council will protect people and the environment from unsafe, unhealthy and polluted environs by ensuring that sites are suitable for their proposed use taking account of ground conditions and land instability.

The site is situated on sloping terrain with a small watercourse running from west to east along the southern boundary. The Canals & Rivers Trust objected to the revised layout of the scheme due to the lack of a land stability assessment. Further information was provided by the applicant showing finished floor levels, retaining wall locations, and proposed earthworks, however the objection was upheld by the Canals & Rivers Trust.

Further submissions provided by WML Engineering were submitted to the Canals & Rivers Trust, which included preliminary section and foundation plans. The trust responded by email on 31<sup>st</sup> January 2018 confirming that subject to a detailed construction methodology being secured via a suitably worded planning condition, the objection is withdrawn.

Subject to compliance with appropriate conditions, the proposed development is not considered to result in any adverse harm in respect of land instability and the canal environment in accordance with policy EQ10 of the Local Plan.

## **Highway Safety**

Policy CF6 of the adopted local plan seeks to ensure that new development can be integrated within existing or proposed transport infrastructure and that development does not lead to an increase in on street parking to the detriment of free and safe flow of traffic.

Paragraph 32 of the NPPF requires local authorities, in determining application, to consider whether safe and suitable access to the site can be achieved. Applications should only be refused on highway grounds where the residual impacts of development are found to be severe.

In their initial response dated 6<sup>th</sup> October 2017 relating to the layout as submitted, The Highways Authority objected to the application due to concerns regarding the

validity of speed survey data submitted by the applicant and visibility splays on to Reservoir Road.

Following the revisions to the proposed Site Layout which included a more centralised shared access on to Reservoir Road serving four of the six dwellings, the Highways Authority are satisfied that this revision addresses the previous concerns regarding visibility, commenting that witnessed vehicular speeds on Reservoir Road are low.

The comments of the objectors are noted in respect of the use and width of Reservoir Road. However, subject to appropriate conditions, the Highways Authority have no objections to the revised Site Layout. The proposals would not harm the safe operation of the highway and would deliver parking levels commensurate with the Councils guidelines for off road parking. It is therefore considered that subject to compliance with appropriate Highway conditions, the application would not result in severe harm to highway safety, in line with policy CF6 of the Local Plan and paragraph 32 of the NPPF.

## **CONCLUSION / PLANNING BALANCE**

The site is situated within the built up area boundary of Whaley Bridge, which sits at the top of the Settlement Hierarchy set out in Policy S2 of the Local Plan. Policy H1 of the Local Plan supports applications for residential development on unallocated sites within the built up area boundaries of the larger towns and villages. The principle of development is therefore acceptable in terms of policies H1 and S2 of the Local Plan.

A part of the site is located within Flood Zone 2 and as such the application is subject to policy EQ11 of the Local Plan and restrictive policies within Chapter 10 of the NPPF. The presumption in favour of sustainable development is not automatically engaged.

Subject to appropriate conditions the Lead Local Flooding Authority and Canals & River Trust have no objection to the application. In light of this, and that previous approval has been granted for residential development, the principle of development is therefore considered to be acceptable.

In line with Policy H4 of the Local Plan, the applicant will be required to enter into a legal agreement to secure off site Affordable Housing provision for the sum of £35,550.

Having undergone significant revisions, the final proposed site layout is considered to compliment the character of Reservoir Road in what is a sensitive site on the urban/rural fringe. The revised house types are considered to be of an appropriate scale, height, massing and visual appearance which will incorporate traditional architectural styles and materials which will preserve local distinctiveness, in line with Policies S1 and EQ6 of the Local Plan and relevant policies within Chapter 7 of the NPPF.

The proposed development is not considered to result in any harm to the residential amenity of any neighbouring development or the amenity of users of the public right of way which runs along the top of Toddbrook Dam, in line with policy EQ6 of the Local Plan.

Subject to appropriate conditions, the application will not result in any adverse harm to ecological assets, which include a bank of trees to the west of the site and known amphibians habitat, in accordance with Policy EQ9 of the Local Plan and Chapter 11 of the NPPF. A landscaping scheme will be required to be submitted and approved to ensure that the development can be suitably accommodated within the immediate setting.

The shared access included within the revised layout has addressed initial concerns raised by the Highways Authority and as such the application in its final revised form will not result in any adverse impacts to Highway Safety, in accordance with policy CF6 of the Local Plan and paragraph 32 of the NPPF. Sufficient parking spaces have been provided within the site of appropriate dimensions in accordance with guidance set out within Appendix 1 of the Local Plan.

In conclusion, the proposed development for 6no. dwellings will provide a modest but nevertheless important contribution to the council's housing need and will also result in a financial contribution for off site Affordable Housing meeting the social threat of sustainability. It is set within a sustainable location, and in its revised final form, is considered to be of an appropriate design which compliments the existing character of Reservoir Road.

The proposal complies with restrictive policies in the NPPF relating to Flood Risk, and supports the aims of policies H1 and S2 of the Local Plan. There is not considered to be any significant or demonstrably adverse harm which outweighs the benefits to this application, and therefore in line with policy S1a of the Local Plan and paragraph 14 of the NPPF the application is recommended for approval subject to conditions and the completion of a Section 106 Legal Agreement.

**OFFICER RECOMMENDATION:**      **Approve subject to the completion of a S106 Legal Agreement and appropriate conditions**

**Case Officer: James Stannard**

**Recommendation Date: 23<sup>rd</sup> March 2018**

X *J. Colley*

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**