

DELEGATED DECISION REPORT

HPK/2018/0286
Valid 01/06/2018

TURNLEE CENTRE
CHUNAL LANE
GLOSSOP

PROPOSED CHANGE OF USE
FROM A RETREAT BUILDING
TO A CLASS C3 DWELLING

(FULL - MINOR)

MAIN ISSUES

- Principle of the proposed development
- Design/impact on the character and appearance of the countryside
- Arboricultural impact
- Highway safety
- Ecological impact
- Sustainability

DESCRIPTION OF SITE

The site to which the application relates comprises a disused building (which has recently undergone some refurbishment), an area of land around the building and an access track from Chunal Lane.

The building is located north-east of Dover Mill within the countryside and 'settled valley pastures' landscape character area; the building is surrounded by protected trees; most of the access track is located within flood zones 2 & 3 and an area designated as being at risk from flooding from seas/rivers; the stretch of track from Chunal Road to the bridge over the brook falls within the built up area boundary of Glossop.

There is a brook south-east of the building (which the track crosses over via a recently refurbished bridge) and a mill pond immediately west of the building. There is a Public Right of Way (Footpath HP12/32/2) which follows the track from Chunal Lane to the brook before heading in a south-easterly direction.

The woodland surrounding the property is protected by Derbyshire County Council TPO 61 Woodland 11. A significant amount of tree work/felling has been undertaken on the site.

PROPOSAL

The application is for the change of use of what is described as a "former rural retreat building" to a Class C3 dwelling with associated external works, driveway/access, detached garage, boundary fencing, turning area, and landscaped gardens.

As part of the on-going maintenance programme to ensure security and weather

tightness the property has been re-roofed, surface water collection system replaced and external joinery improved. Internal works have also been undertaken to provide living accommodation. A detached garage has been erected in the western part of the proposed domestic curtilage.

The access bridge which crosses Brayclough stream has been rebuilt and widened and the applicant states that it is able to accommodate goods, refuse, private and emergency vehicles.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S1 – Sustainable development principles
S1a – Presumption in favour of sustainable development
S2 – Settlement hierarchy
S3 – Strategic housing development
S5 – Glossopdale sub-area strategy
EQ1 – Climate change
EQ2 – Landscape character
EQ3 – Rural development
EQ4 – Green Belt Development
EQ5 – Biodiversity
EQ6 – Design and place making
EQ9 – Trees, woodland and hedgerows
EQ11 – Flood risk management
H1 – Location of housing development
H2 – Housing allocations
H3 – New housing development
CF6 – Accessibility by public transport
SPD - Residential Design Guide

National Planning Policy Framework

Section 1 Introduction
Section 2 Achieving sustainable development
Section 4 Decision making
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 13 Protecting Green Belt Land
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

National Planning Practice Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

As regards the history of the site, the description of the proposed development

submitted requests a “change of use of former rural retreat building”. However, the Officer can find no clear evidence that the building has a lawful planning use as a “rural retreat building”.

HPK/2016/0240 - Change of use of leisure building to 4 bed dwelling with raised decking to the rear, new window openings and roof lights – Refused 18/11/2016.

HPK/2017/0621 – Change of use of leisure building to detached dwelling – Refused 02/02/2018.

CONSULTATIONS

Publicity

Site Notice expiry date: 29/06/2018

Neighbour consultation period ends (in relation to amended plans): 11/07/2018

Press Advert: N/A

Public Comments

None received.

Town / Parish Comments

N/A

Environment Agency

No objection, in principle, to the proposed development. The Flood Risk Assessment demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

The FRA states that the existing pedestrian access bridge is proposed to be replaced to take vehicular traffic. The watercourse at the crossing point is not designated "main river" and your Lead Local Flood Authority engineers would need to agree any such proposals.

DCC Flood Risk Management Team

Under the Land Drainage Act (1991) the developer would need to consult with DCC Flood Risk Management Team to check if they needed to apply for Land Drainage Consent but this is separate to the planning process. You could add an advisory note to any positive decision but as it's covered by the Land Drainage Act I don't believe it would pass the six point test to be included in a condition.

Derbyshire Wildlife Trust

The Trust have provided multiple responses to planning applications at the above site since October 2016, which included recommendations ecological surveys. To our knowledge, no survey has been done prior to works at the site, showing a disregard for the advice provided by the Trust/LPA and for wildlife legislation. Whilst it is claimed that the majority of works comprised an internal refit to the property and external works were confined to garden habitats of low ecological value, the application area is located within a wooded setting with adjacent large pond and streams. We maintain that protected species receptors including bats, birds, amphibians and badgers should have been properly considered prior to works to ensure that no breaches of wildlife legislation occurred and that the development resulted in no net loss/net gain for biodiversity in accordance with the NPPF 2012. In May 2018, the Trust were contacted by ecologist Simon Booth who was commissioned by the applicant to undertake the ecology work to accompany the current planning application, however upon visiting site it appeared that the renovation works to the building had been completed and therefore survey work was no longer relevant.

In an attempt to move forward and secure some measures for biodiversity, the Trust advised that an Ecological Enhancement Plan should be produced. This has now been submitted as part of the current application. The measures included include:

- ☐ Shrub planting
- ☐ 2 x hibernacula
- ☐ Bat boxes
- ☐ Bird boxes

These measures are welcomed by the Trust and considered to represent a likely net gain in biodiversity at the site (this is supposed as we had no baseline survey information). We advise that a condition should be attached to any planning permission requiring the implementation of the Plan and confirmation that the measures have been implemented:

All measures detailed in the Ecological Enhancement Plan (Ecology Services, May 2018) shall be implemented in full and retained in perpetuity. Confirmation shall be submitted to the LPA, including photographs of the measures in situ.

Follow up comments 23 July 2018

We have already approved (raised no objection to) the Biodiversity Enhancement Plan (Ecology Services Ltd., May 2018) for this site. The species enhancements in both documents are the same (and are welcomed) but the Biodiversity Enhancement Plan only includes shrub planting and not the tree, hedgerow and grassland as detailed on the Landscape Plan. To my mind, the BEP should be updated to include management prescriptions for the other habitats. It is important that the information provided is cohesive and simple to implement and the Landscape Plan should reference the Biodiversity Enhancement Plan (Ecology Services Ltd. rather than the Ecological Appraisal.

Follow up comments 30 July 2018

Following receipt of a revised Ecological management plan, DWT comment that the additional habitats and management prescriptions have been added. No further comments.

Arboricultural Officer

1. Background

1.1 Previous application HPK/2017/0621 was refused. For 5 reasons which highlighted the following issues

- The proposals would prominently encroach into the countryside and would have a detrimental impact on the visual amenity and open character of the countryside
- Insufficient information to demonstrate that the proposals would not have an impact on biodiversity
- Insufficient information to demonstrate that the proposals would not have an impact on protected trees and the location of the building in relation to protected trees does not provide a suitable setting for a dwelling.

1.2 Part of the site is covered by Derbyshire County Council Tree Preservation Order No 61 (DCCTPO61). This is a woodland designation which covers all the trees. An assessment of the survey information provided previously and a site visit in May 2018 indicated that the 26 trees have been removed from the immediate proximity to the property

Sycamore x 4

Ash x 1

Beech x 7

Silver Birch x1

In addition a row of 13 'juvenile trees' have also been removed

Enquiries with the DCC indicated that consent to remove these trees was not granted written consent and as such the tree removal was unauthorised. It is obviously up to the County Council whether they wish to pursue a prosecution.

I am also aware that there has been further tree and shrub removal from outside the TPO area.

1.3 The whole site is designated as countryside in the local plan. The site lies within the Settled Valley Pasture Landscape Character area.

2. The application and supporting information

2.1 The application is for proposed change of use from a Retreat Building to a Class C3 Dwelling. It includes a large area of domestic curtilage. Two of the documents submitted are particularly pertinent to trees and landscape.

2.2 The tree report – Bowland Consulting – May 2018 provides details largely with the assessment of risk of the retained mature trees near the dwelling. This report also provides a draft tree planting scheme which allows for 28 replacement trees – a mixture of native and some ornamental species.

2.3 Biodiversity Enhancement Plan (BAP) – Ecological Services Limited May 2018. Includes some basic biodiversity enhancements.

3. Assessment of the proposals

3.1 Impact on the visual amenity of the countryside.

3.1.1 A significant amount of trees have been removed from the site prior to application including the unauthorised removal of at least 26 TPO'd trees plus an undefined amount of non protected trees. The tree removal has particularly impacted on the density of the tree belt to the east and south where the site is adjacent to open countryside and a public right of way.

3.1.2 The site is with the settled valley pastures landscape character type DCC guidance describes tree cover in this area as

Trees are well represented throughout giving the overall impression of a well-wooded landscape. Many of the tributary valleys feeding the main valleys form wooded cloughs, some of ancient origin, and these woodland belts are supplemented by scattered hedgerow trees, amenity tree groups associated with settlement and secondary woodland along roads and railway lines.

Local Plan policy EQ2 seeks to protect, enhance and restore the landscape character by

Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers, ecological networks or other topographical features.

The tree removal undertaken has impacted on the landscape character. The proposals include some draft recommendations of tree planting to enhance the eastern boundary with some additional undefined 'scrub' planting included in the BAP. The BAP in particular does not detail species or quantities and only gives some generalised management recommendations.

There is no landscaping proposed adjacent to the PROW to south.

No details have been provided with regards to the landscape of the 'garden' area.

3.2 Impact on Biodiversity

3.2.1 DWT will be the primary consultees on this issue. But I note that the report submitted does not provide any information on the site prior to works commencing. Therefore the BAP whilst provide some general Biodiversity proposals does not

really address whether these are adequate in terms of mitigation for the impact already caused. Particularly in terms of trees and shrub loss and the disturbance that these works could have had on any species on the site and they had the potential to impact on protected species and nesting birds.

3.3 Impact on trees and woodland

3.3.1 There are 2 elements to this

- Is there sufficient information to indicate that the proposal would not have a detrimental impact on trees.
- The location of the building does not provide a suitable setting for a dwelling

3.3.2 In terms of whether the current application has provided sufficient information to indicate that the proposals will not have a detrimental impact on the protected and other trees on the site. I do not consider that this is adequately addressed. There is not assessment or detail with regard to the trees that have already been removed to accommodate the proposals. The tree report includes a draft tree planting scheme that provides for a 1:1 replacement for the protected trees that have been removed without authorisation. There is no commentary on why these trees were removed.

Policy EQ9 requires that new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1

Therefore proposal are detrimental to trees and the tree planting specified is clearly inadequate to mitigate for the tree loss that has already occurred.

The proposal also includes a large garden area within the domestic curtilage has the potential to conflict with the reinstatement of tree coverage around the site. There is no over arching landscape proposal which ties together the various elements of advises on the intention the garden are that would allow this to be assessed.

3.3.3 The previous refusal indicates that the location of the building was not suitable for dwelling due to the proximity of trees. There are 3 elements to this shading, risk and general nuisance.

3.3.4 I have visited the property and the windows and skylight to allow for some natural light to the building.

3.3.5 The tree report has undertaken a risk assessment of the trees closest to the building and demonstrate that the risk is within acceptable limits subject to one trees condition being monitored. Although I would still have reservations as peoples perceived risk of trees is often great that the actual risk so there would still be potential for further tree removal particularly in relation to the tree which as some decay at the base.

3.3.6 The proximity to the protected trees will mean that the dwelling will have several nuisances associated with trees in particular heavy leaf fall and other debris from trees effecting the property.

3.3.7 Therefore even though the trees are protected, it would be difficult in the longer term for the Council to reasonably resist request for further pruning / felling works given the size and proximity of the trees to the dwelling.

4. Conclusions

4.1 I consider that based on the information provided the proposals will have a detrimental impact on the landscape character of the area and that there is insufficient landscaping and tree planting detail to demonstrate that this can be mitigated for and as such I recommend that the application is refused.

Follow up comments 25 July 2018

With regard to comments of the agent of 10 July, for the record the evidence of tree removal comes from the tree information and plan submitted with the 2016 application on this site HPK/2016/0240. A landscaping plan has been produced however there are still issues with this. The standard landscaping condition requires several pieces of information which are not shown on the submitted plan. Therefore the plan is not considered adequate or enforceable. Therefore my objection stands with the addition of enforceable:

I consider that based on the information provided the proposals will have a detrimental impact on the landscape character of the area and that there is insufficient enforceable landscaping and tree planting detail to demonstrate that this can be mitigated for and as such I recommend that the application is refused.

Follow up comments 01 August 2018

In response to amended soft landscape drawing (Revision A) received on 30 July 2018, the Arboricultural Officer comments as follows:

I don't have much to add. Essentially trees were removed to accommodate the proposals some of these trees were protected and removal occurred without written consent. We are able to ascertain that at least 26 trees have been removed although it is possible more have been.

It is entirely reasonable to require replacement planting on a 2:1 basis in accordance with Local Plan policy EQ9.

The applicants agent seems concerned that we should be happy to condition the approval with these details. But given that the development has already been undertaken and this is essentially a retrospective application and landscaping condition would normally be a pre commencement condition. I consider that in this scenario providing full details would be helpful.

I note that some elements of the standard condition may not apply – but equally providing as much detail as possible would be advantageous.

Also when looking at the current proposals in relation to the previous refusal I consider that landscaping element of the domestic curtilage of the site is important

because this will be part of the assessment of the impact on the countryside, biodiversity and protected trees.

Derbyshire County Council Highways

From a highways view point the submission is very similar to the previous one, i.e. the details state a proposed change of use of a former leisure building to a single 3 no. bedroom dwelling served in entirety via an existing access route between the site and the A624. As such, the Highway Authority's views on the proposals remain largely the same as those provided in the response dated January 2018 in response to application ref:- HPK/2017/0621.

As stated previously, if the LPA considers that this site has no extant use, the Highway Authority would expect all access and off street parking / manoeuvring layouts to comply with current guidance.

The existing access is deficient to current recommendations in terms of width and provision of exit visibility in the leading direction and, should it be deemed that the site has no extant use, the proposals would be open to objection on these grounds as it would appear that land required to address each of these issues lies outside of the applicant's control. Streetview images and site observations in relation to earlier proposals for development of the site suggest that the access was unlikely to have had much, if any, vehicular use for some considerable time prior to the works carried out presumably sometime in 2017.

It's assumed that the applicant has demonstrated that they have lawful and full ("for all purposes") access along the Public Footpath to the premises and, if not, will be requested to do so.

Beyond the route of the Public Footpath, the Proposed Site Layout Plan demonstrates areas for parking and turning of vehicles that, it's suggested, would be suitable to serve the proposed dwelling and cater for most servicing purposes.

The Transport Statement available on your website suggests that, in order to avoid the need for refuse vehicles to enter the site, occupants of the proposed dwelling would be expected to place waste bins on the opposite side of Chunal Lane on collection days. This would be considered far from ideal as the practice would involve residents crossing the A624 with, possibly, heavy bins (twice on dual collection days), potentially in the hours of darkness in winter months, and transporting the bins some five times the recommended maximum mancarry distance. It's considered that this would be against the best interests of highway safety and an alternative solution should be sought that would not involve the public highway or any vehicular accesses being impeded. It's also recommended that the views of the local refuse collection service are sought with respect to suitability of the revised proposals for their purposes.

Therefore, if it's considered that the site does have extant use, it's suggested that future use as a single residential unit would be likely to be the generator of the fewest vehicular trips and, should you be minded to approve the proposals, it's recommended that conditions are included covering:

- (1) Revised detailed designs demonstrating the proposed off street parking and manoeuvring areas.
- (2) Space to be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles.
- (3) Full width of controlled land between the A624 and site access bridge shall be surfaced in a manner suitable for vehicular and pedestrian use and maintained clear of any obstruction.
- (4) There shall be no boundary treatments within 2.4m of the nearside carriageway channel greater than 1m in height.
- (5) There shall be no gates or other barriers to prevent use of the proposed off street manoeuvring area.
- (6) Details of arrangements for storage of bins and collection of waste to be submitted for approval.

Waste Minimisation and Recycling Officer

No concerns.

OFFICER COMMENTS

The principle of the proposed development is considered in the context of the following key policies:

Policy H1 of the Local Plan (location of housing development) deals with the allocation of housing development across the Plan area. The policy states that the Council will make provision for housing taking account of all other policies in the Local Plan. This will be achieved as outlined in the policy. In general, development will be:-

- On specific sites allocated in the Local Plan/neighbourhood Plans
- Allowed where re-use of land, infill, conversion, change of use is on sites suitable for housing
- On unallocated sites within the built-up area boundaries of towns and larger villages
- Included in mixed use schemes where suitable
- Supported through Community Right to Build & Self Build schemes

Outside the defined built-up area boundaries consideration will be given to approving housing taking into account all other policies in the Local Plan and providing that:-

- Development would adjoin the built-up area boundary and relate well with the existing pattern of development
- Would not lead to prominent intrusion in the countryside/adversely impact on the character of the countryside
- Would provide reasonable access re range of modes of transport and to local services & facilities
- The local and strategic infrastructure can accommodate the development

It is noted that the site a) is not allocated for housing, b) is not within the built-up area boundary, c) is within the countryside and therefore d) would have to meet all criteria in policy H1 for housing development outside the built-up area boundary as well as

meeting all requirements of other policies within the Local Plan.

Policy EQ3 of the Local Plan (rural development) states, amongst other things, that outside of settlement boundaries and allocated sites the Council will seek to ensure that new development is strictly controlled to protect the landscape's intrinsic character and distinctiveness which will be achieved by (amongst many other things):

- Supporting redevelopment of previously developed sites and/or conversion of existing for employment use provided there is no adverse impact on the character and appearance of the rural area
 - Ensuring all development is of high quality design and protects or enhances landscape character and the setting of the Peak District National Park
- Plus, policy EQ3 allows for the following forms of residential development:
- Replacement dwellings (providing no greater impact)
 - Affordable Housing (see Local Plan policy H5)
 - Meeting essential need (e.g. farm worker's dwelling)
 - Re-use of redundant and disused buildings and/or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside. Where the existing building is in an isolated location the development should lead to an enhancement of the immediate setting.
 - Limited infilling (of a small gap, up to 2 dwellings)
 - Extensions to dwellings (subsidiary and no adverse impact)
 - Gypsy & traveller sites (see Local Plan policy H6)
 - Development that accords with Local Plan policy H1

A narrow section of the proposed residential curtilage lies within the North Derbyshire Green Belt. This section of the site is proposed to be landscaped with new tree and shrub planting. No structures are proposed on this part of the site. Paragraph 146 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Once such exception is a material change in the use of land. Hence, the use of this part of the site as garden with new tree and shrub planting would not be an inappropriate form of development in the Green Belt

The proposed development may be acceptable in principle provided it meets the relevant criteria in Local Plan policies H1 and EQ3 and subject to according with all other relevant Local Plan policies.

Design/impact on the character and appearance of the area (countryside & settled valley pastures)

The existing building is single-storey with a small basement, broadly 'T' shaped and built of mainly stone and brick with a tiled roof. The building measures approx. 16m x 15m with a ridge height of approx. 5.4m from the highest ground level (the building sits on sloping land). The building is surrounded by trees covered by a Tree Protection Order, some being located within close proximity to the building.

The building is located approx. 115m from the access point off Chunal Lane. The

length of access track stretching from Chunal Lane has recently been upgraded to provide vehicular access and the bridge over the stream has also been rebuilt. The track leading to the building is a pedestrian track.

The proposed dwelling consists of renovating and converting the building, altering and inserting some window, door openings and roof-lights. An area south of the building is proposed for parking 2 no. cars and a detached garage has been erected. The proposed garden area to form part of the resultant curtilage of the dwelling is substantial and extends to the area of lawn and former tennis courts.

The physical alterations to the building are considered to be acceptable in themselves in terms of design, size, scale and materials and impact on the character and appearance of the area. However, the proposed garage, hardstanding and extensive garden/curtilage area, together with the engineering operations that have already been undertaken on the site, including the new access track, new bridge, and areas of timber fencing, encroach into and detract from the open countryside directly adjacent to the Green Belt.

As noted by the Arboricultural Officer, a significant number of trees have been removed from the site prior to the application including the unauthorised removal of at least 26 protected trees plus an undefined amount of non protected trees. The tree removal has particularly impacted on the density of the tree belt to the east and south where the site is adjacent to open countryside, Green Belt and a public right of way. The site is with the settled valley pastures landscape character type. DCC guidance describes tree cover in this area as:

Trees are well represented throughout giving the overall impression of a well-wooded landscape.

Bearing the above comments in mind it is considered that the proposed development would result in a prominent encroachment into the countryside which would have a detrimental impact on the landscape character of this part of the countryside. As such the proposal would not accord with policies S1, H1, EQ2, EQ3 and EQ6 of the Local Plan or section 12 of the NPPF.

Impact on residential amenity

There are no residential properties within close proximity of the site. As such the proposal would not have any detrimental impact on residential amenity and as such would accord with the amenity tenets of Local Plan policies S1 and EQ6.

Highway Safety

Bearing in mind the comments received from the Highway Authority, it is considered that insufficient information has been provided to demonstrate that the proposal would be acceptable from a Highway safety perspective. No evidence has been provided to demonstrate an existing leisure use of the site. There is no planning history for the site and no Certificate of Lawful Existing Use has been granted. Furthermore, if the site does benefit from lawful use as a “rural retreat” this appears to have been intentionally abandoned as a result of the conversion works to facilitate use as a dwelling which have taken place. The Highway Authority advises that, if the

site is considered to have no extant use, then the application should be refused as the existing access is deficient to current recommendations in terms of both width and provision of exit visibility in the leading direction. It would appear that land required to address these issues lies outside of the applicant's control. Streetview images and site observations in relation to earlier proposals for development of the site suggest that the access was unlikely to have had much, if any, vehicular use for some considerable time prior to the works carried out presumably sometime in 2017.

Bearing these comments in mind, it is considered that the proposal does not clearly demonstrate accordance with policy CF6 of the Local Plan or section 9 of the NPPF.

Ecological impact

The previous application, HPK/2017/0621 was refused on the grounds that insufficient information had been submitted to demonstrate that the proposal would not have a detrimental impact on biodiversity (including protected species). DWT maintain that protected species including bats, birds, amphibians and badgers should have been properly considered prior to the works to ensure that no breaches of wildlife legislation occurred and that the development resulted in no net loss/net gain for biodiversity in accordance with the NPPF. As part of this application the applicant has provided a Biodiversity Enhancement Plan with measures including shrub planting, hibernacula, bat boxes and bird boxes. DWT consider that these measures represent a likely net gain in biodiversity at the site and therefore do not object to the current application. Subject to a condition requiring that the measures detailed in the Biodiversity Enhancement Plan are implemented in full, then the application accords with Policy EQ5 of the Local Plan.

Arboricultural impact

The previous application, HPK/2017/0621, was refused partly on grounds of a detrimental impact on protected trees and also concern that the location of the building in relation to surrounding protected trees does not provide a suitable site for a dwelling. A significant amount of tree work has been undertaken on the site as noted by the Arboricultural Officer, but there remains significant mature tree cover on and adjacent to the site. The Arboricultural Officer has raised concerns about the current application, in particular they are concerned about the significant amount of trees that have been removed from the site prior to the application and the resulting impact on landscape character. The applicant's agent has declined to provide further detail on landscaping at this stage and requests that the details be agreed by way of a condition. However, given the extent of tree loss on this site it is considered reasonable to request the precise details of landscaping at this stage. It is therefore considered that insufficient information has been submitted on landscaping and tree planting to demonstrate that the harm identified can be adequately mitigated.

A further concern is the proximity of the protected trees to the proposed dwelling which will result in several nuisances associated with the trees in particular heavy leaf fall and other debris as well as potential overshadowing. The submitted tree report includes a risk assessment of the trees closest to the building and seeks to demonstrate that the risk is within acceptable limits subject to the condition of one tree being monitored. Notwithstanding this, it is considered that there would be a

perceived risk from the trees and therefore still potential for further tree removal in the future. Even though the trees are protected it would be difficult for the Council to resist reasonable requests for further pruning / felling works given the size and proximity of the trees to the dwelling.

Bearing in the mind the comments of the Arboricultural Officer, it is not considered that the loss of protected trees can be adequately mitigated for contrary to policy EQ9 of the Local Plan or section 15 of the NPPF. Furthermore, given the location of the building and its proximity to protected trees the site is deemed to be unsuitable for a dwelling.

OTHER MATTERS

Flooding, surface water run-off & drainage

The Environment Agency has not objected to the proposals. DCC Flood Risk Team has directed the applicant to their standing advice. As neither the Environment Agency nor DCC Flood Risk Team has objected to the proposal, it is considered that there are currently no flooding, surface water or drainage issues that would warrant a refusal. As such, the proposed development accords with Local Plan policy EQ11 and section 14 of the NPPF.

CONCLUSION / PLANNING BALANCE

Bearing in mind the issues outlined above, it is concluded that: 1) it has not been demonstrated that the building has a lawful 'leisure use'; 2) the proposal would prominently encroach into the countryside which would have a detrimental impact on the visual amenity and landscape character; 3) it has not been clearly demonstrated that the proposal would not have a detrimental impact on protected trees; 4) it is considered that the location of the building in relation to the surrounding protected trees does not provide a suitable site for a dwelling; 5) it has not been clearly demonstrated that the proposal would not result in highway safety issues or provide a suitable access, access track, parking and turning areas all suitable for domestic and service vehicle use and pedestrian use of the Public Right of Way; 6) the conversion and renovation of the building is acceptable in terms of design; 7) there are no flooding, surface water or drainage issues that would warrant a refusal; 8) the economic benefits to be derived from the development are very minor; 9) there are no social benefits to be derived from the proposal; 10) the environmental harm identified result in the proposed development being an unsustainable form of development.

In summary, the proposed development does not accord with Local Plan policies H1, EQ2, EQ3, EQ5, EQ6, EQ9, S1, S1a and S5 or sections 9, 12, and 15 of the NPPF. For these reasons it is recommended the application be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Mark Ollerenshaw

Recommendation Date: 08/08/2018

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council