

## DELEGATED DECISION REPORT

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HPK/2018/0324  
Valid 13/07/2018

90 - 94 MANCHESTER  
ROAD  
CHAPEL-EN-LE-FRITH

DEMOLITION OF EXISTING  
POLICE STATION (DISUSED)  
AND THE ERECTION OF  
THREE PAIRS TWO STOREY  
SEMI DETACHED HOUSES  
WITH DRIVES.

(FULL - MINOR)

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### MAIN ISSUES

- Design, character and appearance;
- Residential amenity;
- Highway safety; and
- Affordable housing.

### DESCRIPTION OF SITE

90-94 Manchester Road comprises the former police station. The site is currently vacant and occupies a corner plot between Manchester Road and Orchid Drive; and comprises 2 detached two storey buildings of no architectural merit. The site is located within the Chapel-en-le-Frith Built up Area Boundary.

### PROPOSAL

3 pairs of semi-detached dwellings are proposed in a ribbon form of development, orientated to front the highway. A shared access is proposed in response to comments received from DCC Highways Section.

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### High Peak Local Plan 2016

S 1 Sustainable Development Principles  
S 1a Presumption in Favour of Sustainable Development  
S 2 Settlement Hierarchy  
S 6 Central Sub Area Strategy  
H 1 Location of Housing Development  
H 3 New Housing Development  
EQ 2 Landscape Character  
EQ 5 Biodiversity  
EQ 6 Design and Place Making  
CF 6 Accessibility and Transport

## **National Planning Policy Framework**

Paragraph(s) 1 - 14

Section(s)

5. Delivering a sufficient supply of homes

11. Making effective use of land

12. Achieving well-designed places

## **Supplementary Planning Guidance**

Residential Design Guide

Sustainable Development

Chapel-en-le- Frith Neighbourhood Plan

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

There is no site history relevant to the determination of this application.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: Expired

Neighbour consultation period ends: Expired

Press Advert: N/A

### **Public Comments**

One representation has been received which raises objection to the scheme. The objections raised are summarised as follows:

- The houses when viewed from 1 Orchid Drive are three storey;
- Existing fencing not in keeping with a residential development;
- There are trees both on the proposed development site and on land adjacent to it. what does the developer propose to do about trees overhanging the site?

### **Town / Parish Comments**

No objection for houses however there are concerns regarding the visibility from the driveways onto Manchester Road along with the possible intrusive visibility from the third floor rear window into the neighbouring properties and gardens. The proposals also show not availability for parking for guests of the properties, the main road is unsuitable for parking, if HPBC were mindful to approve the application a condition should be imposed to ensure there is no on road parking.

### **Environmental Health**

No comments received.

## **Derbyshire County Council Highways**

Comments dated 20<sup>th</sup> July 2018:

This [Highway] Authority has some concerns regarding the layout as proposed – firstly there is an incorrectly dimensioned sightline shown from the neighbouring new estate street shown going over third party land i.e. the current application plot. Since the provision of any sightline over third party land would have required a Section 106 agreement or other such legally binding agreement I only would have expected to have been included if relevant. It should therefore be removed from the drawings.

The exit visibility sightlines that should, however, have been demonstrated are from each of the proposed new accesses. As Manchester Road is a B class road subject to a 30mph speed limit at this location I would have expected to see 2.4m x 47m sightlines being provided from the centre point of each new access. Any reduction in this requirement should be supported by 85<sup>th</sup> percentile speed readings of approaching vehicles.

Exit visibility sightlines can only be taken over controlled land or public highway. The area in advance of the sightlines should be provided and maintained free from obstructions greater than 1m in height (or 600mm in the case of vegetation).

On site turning is recommended on classified roads, to enable vehicles to enter and exit the site in forward gear. This could be a shared facility.

Pedestrian visibility splays are 2m x 2m x 45° and not 2.4m x 2.4m x 45° as shown.

This authority would recommend 2 parking spaces per dwelling. The drives appear to measure 3m x 8m; whilst the width is acceptable the depth is not. The western drive is annotated as being 9.6m and suitable for 2 vehicles but the drive areas as annotated and defined by the change in surfacing do not appear to measure 9.6m. A driveway depth of 11m per dwelling i.e. 2 x 5.5m) would seem more appropriate. This Authority would not support a reduced level of parking.

### *Applicants response:*

In response to the comments received from the Highway Authority revised plans have been submitted. Further consultation has taken place with the Highway Authority and their updated comments are detailed as follows:

The revised access and off-street parking / manoeuvring arrangements demonstrated on drawing number 2 Revision A 'Proposed Site Layout' are acceptable to the Highway Authority.

## **OFFICER COMMENTS**

### **Principle of Development**

Paragraph 11 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. This means c) approving

development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or relevant policies are out-of-date, granting planning permission unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as economic, social and environmental.

The presumption in favour of sustainable development is reflected in Local Plan policy D1, where the Council expects all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. Policy S1a sets out how the Council will work with applicants to secure development that improves the economic, social and environmental conditions of the area.

Development is directed towards the most sustainable locations in accordance with the Borough's settlement hierarchy as outlined at Policy S2. The spatial strategy seeks to focus future growth in the Market Towns, which includes Chapel-en-le-Frith, and will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character, vitality and appearance. Policy S6 sets out that the Council will seek to promote the sustainable growth of the Central Area such that it reflects the historic character of the settlements, provides increasing range of employment opportunities, promotes growth of a sustainable tourist economy and meets the housing needs of the local community. This is to be achieved by, amongst others, supporting the development of new housing on sustainable sites within the built up area boundary primarily in Chapel-en-le-Frith, New Mills and Whaley Bridge.

Section 5 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 59 sets out the importance of supporting the Government's objective to significantly boosting the supply of homes. The Council is considered to have a five year housing land supply, as defined by the criteria set out at paragraph 74 of the NPPF and therefore housing supply policies are up-to-date.

Policy H1 relates to the location of housing development and promotes the effective reuse of land by encouraging housing development including redevelopment of existing sites for housing, on all sites suitable for that purpose.

### **Affordable Housing**

Local Plan policy H3 sets out the Council's requirement for all new residential development to address the housing needs of the local people by meeting the requirement for affordable housing as set out by policy H4, which establishes a 20% provision of affordable homes on residential developments of 5-24 units or on site measuring 0.16ha or larger.

Government planning guidance, however, sets out that *there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal date 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. These circumstances are that; contributions should not be sought from developments of 10-units or less, and which have a maximum combined floorspace of no more than 1,000 square metres (gross internal area) ...*" The courts concluded that the guidance did not prohibit local authorities from requiring small sites contributions provided that they could demonstrate a cogent reason for deviating from the guidance.

At the time, the newly adopted Local Plan requirement was endorsed by the Inspector on the basis that the Council could demonstrate (by way of up to date evidence that comprised the evidence base of the Council's Adopted Local Plan) on overwhelming need for affordable housing and it was the view of officers that they were entitled to consider that the local plan outweighed the guidance in these circumstances.

Subsequently, the new NPPF was published last July (2018) and set out the governments' policy position on affordable housing thresholds very clearly whereby the: *"Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)"* (NPPF, para 63). The scheme proposal for 6 dwellings does not meet with the major residential planning application categorisation. In these circumstances affordable housing contributions should not be sought under the NPPF. Three recent planning appeals have successfully challenged the Council's policy position on affordable housing at: Land at Fairhaven, New Mills (APP/H1033/W/18/3204752); 39 Buxton Road, Whaley Bridge (APP/H1033/W/18/3201032) and Land South of Shaw Drive, Hadfield (APP/H1033/W/18/3203082).

At the Fairhaven appeal, the Inspector concluded that, in his view, the use of a planning condition was not appropriate in this particular case and also that (having considered the Council's evidence on need for affordable housing in the Borough) *'High Peak are not unique. Many areas of the country also have very high affordable housing needs, and also plan to meet only a proportion through the delivery of their general housing requirement, subject to viability assessment. The Government would have been well aware of this when considering the revised Framework and its stipulations with regard to affordable housing thresholds...In short, LP policy H4 is inconsistent with national planning policy, yet removing the disputed condition would result in a conflict with the adopted development plan. On balance, I consider that national planning policy in relation to the thresholds for the provision of affordable housing is a material consideration of such significant weight that, in this instance, it justifies a decision being made other than in accordance with the development plan.'* Similar conclusions were reached by the Inspector in respect of the 39 Buxton Road appeal.

In view of the Inspectors conclusions as referenced above, Officers consider that Local Plan policy H4 requiring affordable housing provision on small sites of less than 10 dwellings within non-designated rural areas is inconsistent with the NPPF and therefore carries limited weight in these circumstances. Officers consider that the NPPF sets out the most up to date policy provision on this matter and such guidance should be accepted to avoid the risk of an adverse award of costs against the Council for unreasonable behaviour in applying policy H4 on small sites.

## **Design**

All new 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. In accordance with policy EQ6, development should be designed to respect the character, identity and context of the High Peak. New development should contribute positively to an area's character and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

Manchester Road has a varied streetscene character which predominantly comprises of detached dwellings set within reasonably spacious plots. The application site is positioned to the west of Orchid Drive which provides a greater variation in the type and character of dwellings found within the locality.

The scale and linear pattern of development responds positively to the Manchester Road streetscene character. Fenestration proportions and architectural detailing also reflects the vernacular of the High Peak. The applicant has responded positively to the pre-application advice provided and also to addressing points raised during the course of this assessment. Proposed gables to the rear elevation have been omitted from the scheme; first floor windows have been increased in height in order to sit below the eaves level, chimneys have been introduced and windows have been incorporated within the side elevation of plot 1.

In response to comments received from DCC Highways a shared vehicular access point is proposed off Manchester Road that is to serve designated parking for up to 12no vehicles (2 per dwelling) located to the front of the dwellinghouses. Soft landscaping is to be incorporated in order to soften the impact of hardstanding to the site frontage and landscaped gardens are proposed to the rear.

Manchester Road has a varied material palette. Materials in accordance with those used in the development at Orchid Drive are proposed and are considered to be acceptable, subject to samples being provided and agreed.

The proposed development is considered to accord with Local Plan policy EQ6 and the Council's Design SPD.

## **Amenity**

Local Plan policy EQ6 requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, overbearing impact or other adverse impacts on local

character and amenity. NPPF paragraph 127 f) seeks to secure a high standard of amenity for existing and future users.

Consideration has been given to the concerns raised by representation in respect of privacy and scale.

The Council considers a distance of 21m between habitable room windows of adjacent dwellings to provide an acceptable level of amenity. In cases where existing windows would face a blank gable wall within the new development the Council generally considers a distance of 12m to be appropriate. The submitted site plan demonstrates that the spacing distances specified will be achieved and I am therefore satisfied that the proposed development would achieve an acceptable standard of amenity for existing and future occupants.

## **Highways**

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

Policy CF6 of the adopted Local Plan seeks to ensure that new development can be accessed in a sustainable manner; ensuring development does not lead to an increase in on street parking.

The proposed development comprises the construction of 3 pairs of semi-detached dwellings. Accommodation is to consist of kitchen/dining room, lounge and wc to the ground floor, 2no. bedrooms and a family bathroom to the first floor and 1 no. bathroom and shower room to the second floor. Each dwelling is to be provided with dedicated off street parking for 2 no. vehicles.

Amended plans have been received in response to concerns initially raised by DCC Highways owing to poor visibility and insufficient parking. DCC Highways have been re-consulted on the revised access and parking arrangement, and have stated that their concerns have been sufficiently satisfied and that no further objection is raised.

This application site is located within a sustainable location, within walking distances of local services and amenities. This application is considered to accord with the sustainability objectives of the NPPF and Local Plan policy CS6.

## **Other Matters**

Reference has been in representation to the trees located within the site and adjacent to it. Trees within and adjacent to the application site are not protected by a Tree Preservation Order, as such their removal cannot be controlled by the LPA. However, plans do show that, with the exception of one tree that is positioned on the east boundary of Plot 1, all trees are to remain.

Concern has been raised regarding the statement on the submitted plans in reference to the retention of the existing boundary treatment. The existing boundary

treatment is austere and not representative of a residential development. Boundary treatment can be controlled by condition and it is therefore not considered to warrant the refusal of this application.

## **CONCLUSION / PLANNING BALANCE**

This application seeks approval for the demolition of the former police station buildings and for the construction of 3 pairs of semi-detached dwellings with associated off street parking and private amenity space. The site is located within a sustainable location that is predominantly residential in character. The development has been appropriately designed to respect the scale, layout and vernacular of Manchester Road and of the wider High Peak. The applicant has worked positively with the Local Authority to address concerns as they have arisen. This application is considered to accord with the policies contained in the National Planning Policy Framework and High Peak Local Plan. As such a recommendation of approval is provided.

**OFFICER RECOMMENDATION :     Approve**

**Case Officer: Lisa Howard**

**Recommendation Date: 25.01.2019**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**