

DELEGATED DECISION REPORT

HPK/2021/0060
Valid 10/02/2021

2 - 6 LEEK ROAD
BUXTON

APPROVAL OF RESERVED
MATTERS FOLLIWNG
OUTLINE APPROVAL
HPK/2017/0146

(RESERVED MATTERS -
MINOR APPS)

MAIN ISSUES

- Design (matters of Scale, Layout, Appearance and Landscaping)
- Impact on Residential Amenity)
- Parking Provision and Highway Safety (including matter of Access)

DESCRIPTION OF SITE

The application site relates to a triangular parcel of land that is understood to have been previously accommodated a car showroom building that has been demolished. The site is situated at the junction of the A53 Leek Road and Macclesfield Old Road. The former runs in a south-west to north-east direction to the south of the site, with the latter running west-east to the north of the site meeting at a traffic light junction immediately to the north-east.

Leek Road is set in an elevated above the ground floor level of the site by some 2.7m with Macclesfield Old Road having a consistent ground floor level. The site is surrounded on all sides by residential development. Macclesfield Old Road is characterised predominantly by two storey semi-detached properties with hipped roofs with variations in external appearance, which includes a mixture of stone, white and peddle-dash render and brick.

Leek Road is characterised on its southern side by two and a half storey properties which denote many of the traditional architectural characteristics of properties in the High Peak, constructed predominantly of a natural gritstone. The northern side of Leek Road (west of the site) presents properties of a type similar to Macclesfield Old Road; semi-detached properties with hipped roofs set below the level of the public highway.

The site benefits from the approval of Outline Planning Permission with all matters reserved for the erection of 4no. terraced houses, under HPK/2017/0146. The application expired on 18th August 2020. However, due to the coronavirus pandemic, legislation was passed to allow existing planning applications which had a time limit for implementation between 23rd March and 31st December 2020 were automatically extended until 1st May 2021. The Outline Application, due to expire on 18th August 2020, was automatically extended until 18th August 2021.

Condition 3 relating to the Outline application requires the application for the approval of reserved matters to be made before the expiration of the date of three years from the date of this permission. As such, from a procedural point of view, the application is valid and can be determined outside of the usual time parameters associated with outline planning applications.

PROPOSAL

The application seeks approval of Reserved Matters (Access, Scale, Layout, Landscaping and Appearance) for 4no. dwellings including amenity space and parking provision.

A number of revised plans have been submitted during the consultation period in light of comments made by Officers. The final set of plans subject to assessment within this report are as follows:

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| - Location Plan | (Ref: 4043) |
| - Site Plan as Proposed | (Ref: 4043-00-11E) |
| - Block Plan as Proposed | (Ref: 4043-00-12E) |
| - Ground and First Floor Plans as Proposed | (Ref: 4043-00-13G) |
| - Second Floor and Roof Plans as Proposed | (Ref: 4043-00-14F) |
| - Proposed Elevations | (Ref: 4043-00-15F) |
| - Street Scene Views | (Ref: 4043-00-16F) |
| - Amenity Impact | (Ref: 4043-00-17) |
| - Landscape and Boundary Treatment | (Ref: 4043-00-18A) |

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 this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S7 Buxton Sub-area Strategy
- EQ6 Design and Place Making
- H3 New Housing Development
- CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2004/0725	Partial demolition conversion of chapel and erection of 2/3 storey extension to form 10 apartments (Approved 26/10/2004)
HPK/2006/0322	Part demolition and conversion to create 11 apartments (Refused 18/07/2006)
HPK/2007/0516	Resubmission of HPK/2006/0322 (New build to create 12no. 2 bed flats (Refused 28/09/2007)
HPK/2014/0348	Outline planning permission with all matters reserved for proposed erection of up to 4no. 2.5 storey terraced dwellings (Approved 15/09/2014)
HPK/2017/0146	Outline permission with all matters reserved for 4no. terraced houses (Approved 18/08/2017)

CONSULTATIONS

Publicity

Site Notice expiry date: 19th April 2021
 Neighbour consultation period ends: 10th March 2021
 Re-Neighbour consultation period ends: 22nd September 2021
 Press Advert: N/A

Public Comments

The original consultation and re-consultation have together attracted a total of 14 x representations (a proportion of which have been submitted by the same objector), which raise the following concerns in connection with the development:

- Over-development of the site
- Site represents a prominent entrance to Buxton
- Timber cladding not appropriate
- Overall design out of keeping with existing properties in street
- Overbearing and Overshadowing
- Potential impact on setting of Grade II Listed War Memorial
- Impact on safety of general public during construction
- Houses not set back in accordance with indicative plans at outline
- Impact on privacy due to a failure to accord with required 21m distance between habitable windows as required by the Residential Design Guide SPD

Town / Parish Comments

N/A

Environmental Health

Refer to comments made in connection with HPK/2017/0146

AES Waste

No issues regarding waste collections

Derbyshire County Council Highways

Initial Response:

The principle of residential development has previously been accepted by means of the granting of outline planning permission. The consent did, however, stipulate certain requirements.

Access should only be from Old Mansfield Road with no vehicular or pedestrian access from Leek Road. It would appear that this has been taken into account in the layout proposed.

Two off-street parking spaces should be provided per three bedroom dwelling of measurements 2.4m x 5.5m. From information available, the length would seem to be somewhat short. In addition, where spaces are bounded by a solid structure e.g. wall, fence, hedge, line of trees or similar an additional width of 0.5m for each side where this is the case should be provided to ease access/egress from vehicles. It is suggested that the proposal requires some amendment in this respect or at least clarification that such dimensions are provided/achievable on the layout submitted.

It is assumed that the access gradient in respect of accesses/driveways will be adhered to.

Measures should be provided to prevent the flow of surface water from site onto the highway. Whilst there does not appear to be any specific information in relation to this, it is acknowledged that this could be suitably conditioned.

The applicant should also be aware that any redundant areas of dropped kerbs on the site frontage will require reinstatement.

In view of the above, the Highway Authority recommends that further clarification is sought regarding the dimensions of the off-street parking spaces or that a revised plan is submitted taking the above into account.

Should you be minded to determine the application on an as submitted basis the Highway Authority would be grateful if you could revert back to them for further comments.

Updated Response:

The principle of residential development has previously been accepted by means of the granting of outline planning permission. The consent did, however, stipulate certain requirements.

Access should only be from Old Mansfield Road with no vehicular or pedestrian access from Leek Road. It would appear that this has been taken into account in the layout proposed.

It is noted from the revised design and access statement that two off-street parking spaces are to be provided for each dwelling and these spaces will be located underneath. Dimensions are indicated at 2.4m x 5.5m which is acceptable subject to no widening being required and construction not interfering with visibility from the parking spaces from a distance 2.4m back from the carriageway edge.

It is assumed that the access gradient in respect of accesses/driveways will be adhered to.

Subject to the above, there are no objections to the proposal subject to appropriate conditions

OFFICER COMMENTS

Principle of Development

The application relates to a previously developed site that lies within the built-up area boundary of Buxton; one of the larger Market Towns that sit at the top of the settlement hierarchy under Local Plan (LP) Policy S2; Market Towns being the focus for housing and economic growth. The site is not constrained by any sensitive statutory designations.

Given the fact that the site benefits from an extant outline planning permission (by virtue of changes to legislation in the wake of coronavirus), together with the policy context above, the principle of development (i.e. housing development on this site) has been established.

The material considerations relevant to this application are thus restricted to all aspects of design, residential amenity, and highway safety including matters relating to access and parking provision.

Design (matters of Scale, Layout, Appearance and Landscaping)

LP Policy S1 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.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, in terms of scale, height, density, and layout.

The Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) provide further useful guidance on the traditional architectural features of the high peak and designing new developments in a sensitive manner appropriate to their context.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Original Plans and 1st Revised Proposals (30th April 2021)

The original plans submitted with the application and supported by a Design and Access Statement was updated following informal introductory comments from Officers which raised concerns regarding the design and contemporary appearance of the scheme. This first set of revised plans was subject to a detailed officer assessment that was forwarded to the agent by email on 5th May 2021, which stated the following:

Access

The site benefits from existing access to Macclesfield Old Road. Revised Site Plans demonstrate that suitable access can be achieved and appropriate off-street parking provided in accordance with minimum dimensions of 2.4m x 5.5m as required by the Highways Authority. Notwithstanding my comments with regards to other matters (below) I don't foresee any issues with regards to access.

Layout

The Outline application was supported by a set of Indicative plans to demonstrate that 4 properties could be appropriately sited within the plot. Importantly, the description of development set out on the Decision Notice of HPK/2017/0146 specifically refers to 4 "terraced" properties. The latest set of revised plans shows Units 1 and 2 to be a detached dwelling with Units 3 and 4 reading as a semi detached block. This layout does not currently align with the approved description of development.

In order for me to support the application, I will be requiring the layout of the site to reflect the indicative layout that accompanied the Outline application (see attached), which shows a simple modern interpretation of the 'Mill Workers Terrace' house type; one of 4 main house types identified within the Residential Design Guide SPD (2005), with a simple rectangular form that sits adjacent to Macclesfield Old Road, that respects the existing building line of neighbouring properties.

Scale

The immediate surroundings of the site have a varied character with regards to appearance, but relatively uniform with regards to its scale and height, with the majority of surrounding properties being two storey. The notable exception being Trafalgar House, which is three storey and stands at a prominent corner plot at the

junction of Leek Road and Green Lane. In order to respect the 'grain' of development (i.e. the relationship the group of buildings have to the street and to each other) as referred to by paragraph 3.5 of the Design Guide SPD, and also in the interests of preserving residential amenity, I would advise that the revised scheme should show a terraced row of properties that are two storey.

As a consequence the current height of 9.6m from ground floor level adjacent to Macclesfield Old Road is considered to be out of scale with the immediate context, and it therefore advised that the scale of properties should be reduced to a height that is more compatible with properties on Macclesfield Old Road.

Appearance

As a consequence of the above comments, a revised scheme will be necessary in order for me to move towards a positive recommendation. We have previously spoken informally about the need to respond to the existing context of an area, and that a scheme will be expected to incorporate traditional architectural features and influences, with contemporary elements supplementing this as opposed to leading the design. The revised plans are positive regards to the use of materials and design of elevations and fenestration on the elevations facing south-eastwards and north-westwards. This design should be retained as part of any revised scheme.

I appreciate the desire for architectural 'flair' and the desire to introduce a contemporary modern design. However, in my view, having regard to its location and existing character, it is my professional opinion that the design option presented will introduce an alien design to the street scene with regards to the choice of materials (which isn't specified but appears to be timber cladding flanked by render or brick) and layout and design of fenestration which fails to incorporate any of the more traditional architectural features that exist on Macclesfield Old Road.

I would ask that the revised scheme incorporates more of an influence from the 'Mill Workers Terrace' house type set out within the Residential Design Guide SPD, although I am open to subtle contemporary elements being included where it can be justified and sensitively incorporated without resulting in significant harm to the character and appearance of the street scene.

Landscaping

The current Block Plans shows each property to have no boundary treatment fronting Macclesfield Old Road with a retaining wall flanking both the corner of the junction and Leek Road with black railings added to the eastern boundary. Subject to a revised plan that aligns with my comments above, I do not have any immediate concerns with the proposed landscaping, although additional soft landscaping would potentially be beneficial in the interests of preserving residential amenity to the southern boundary. No details of boundary treatment with each property appears to be included in the plans and details of this need to be clarified.

2nd Revised Proposals (9th June 2021)

Further to the above comments, the applicant submitted revised plans to the Council in June 2021 that showed minor amendments to the building layout and elevational

treatment. In re-assessing these plans, Officers considered that whilst improvements were visible in these revised plans, a small number of issues remained outstanding, which were forwarded to the agent in an email dated 28th July 2021, as follows:

- *Whilst the Authority can support some unit being 2.5 storey, it is our view that units 3 and 4 as shown on the latest revised plans need to be reduced to 2 storey in order to be more cohesive with the neighbouring two storey cottage and respect the 'grain of development' as well as other properties on Macclesfield Old Road in accordance with the Design Guide SPD.*
- *In addition to being reduced to two storey, units 3 and 4 should be reduced in depth as there currently appears to be a significant impact upon the amenity of the neighbouring property to the south, not only by being overbearing in terms of its height, but also appearing to significantly impede on the 45 degree angle of habitable windows due to its depth. I would suggest that the depth of units 3 and 4 need to be reduced so that the roof pitch aligns with that shown on the roof plan for unit 2.*
- *At present, the link between units 1 and 2 appears rather lost and contrived. To address this issue, I would suggest that the ridge height of unit 1 is raised so that it is consistent with unit 2. This will then allow a pitched dormer to be incorporated into the revised Macclesfield Old Road elevation of unit 1 thereby reading more in conjunction with the rest of the row.*

3rd Revised Proposals (11th August 2021)

In light of the above, the applicant submitted a further set of revised proposals that presented the following amendments to the previous revisions:

- Unit 4 being reduced in height to read as two storey
- The upper levels of Unit 4 being reduced in depth
- Living space of Unit 4 now situated at ground floor level
- Unit 1 increased in height to be consistent with Unit 2
- Introduction of eaves dormer in to Unit 2

An extended version of the street view elevations which include more surrounding properties was submitted with this suite of revised plans to provide a greater understanding of context.

In light of further neighbour objections, a plan showing the impacts on residential amenity (Ref: Ref: 4043-00-17) has been submitted.

It was identified by Officers that no details of landscaping had been submitted with the application. The applicant has subsequently submitted a Landscape and Boundary Treatment Plan (Ref: 4043-00-18A).

These revised plans are assessed as follows:

Access

The site benefits from direct access on to Macclesfield Old Road. This matter is discussed in further detail under the 'Parking Provision and Highway Safety' section of the report.

Layout

Objections have been received in connection with the siting and layout of the terraced block with comments suggesting that the layout should be set back further into the plot away from the public highway in the interests of preserving residential amenity. The impacts of the scheme on residential amenity are discussed and assessed within its own section in this report.

From a design perspective, the layout of the block of residential properties is considered to be appropriate having regard to the existing spatial relationship residential properties within the area have with the public highway.

The layout allows for an appropriate high standard of residential amenity within the properties themselves, in accordance with Nationally Described Space Standards, as required by LP Policy H3, and allows for each unit to benefit from a rear garden.

The neighbouring objections have repeatedly made the claim that the block of dwellings should be re-sited further back within the plot in the interests of preserving neighbouring residential amenity, particularly with regards to overlooking, loss of privacy and loss of sunlight. The issues regarding amenity are discussed further on within the report.

However, from a design perspective, the revised layout is considered to respond well to the existing pattern of development, provide sufficient levels of off-street parking and thus comprises a high quality design, in accordance with LP Policies S1 EQ6, and CF6, Supplementary Planning Design Guidance, Council Parking Standards and relevant paragraphs under Chapters 9 and 12 of the NPPF.

Scale

The site is bounded by Macclesfield Old Road, which is characterised predominantly by two storey semi-detached properties, and Leek Road, which contains a mixture of two and two and a half storey properties. To the north of the site stands Trafalgar House which is three storey.

The planning history of the site shows that the Council have previously accepted the erection of 4no. two and a half storey properties (in 2014). The proposals as submitted showed each property to be two and a half storey properties. Whilst acknowledging the previous consent, it is the case that the local and national planning policy context has moved on, with a much greater emphasis on design and the importance of respecting the grain of development.

The latest Proposed Elevation Plans show Units 1-3 to be two and a half storey with Unit 4 at the western edge of the site being two storey. This is considered to be appropriate as it results in a legible and smooth progression between the proposed development and the neighbouring two storey cottages west of the site.

As such, the revised scale is considered to amount to a high quality design that responds well to the existing context and is appropriate and in keeping with existing surrounding development, in accordance with LP Policies S1 and EQ6, Supplementary Planning Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Appearance

The site lies in a prominent position at the junction of Macclesfield Old Road and Leek Road and as such it is important that the visual appearance of the proposed development is carefully considered and sensitively designed.

Leek Road is characterised by two and a half storey 'grand villa' town houses; one of four traditional house types that are identified within the Residential Design Guide SPD, constructed from a traditional dark gritstone with tiled roofs and small pitched dormer windows. Properties on Macclesfield Old Road are slightly younger, being characterised predominantly by semi-detached properties with hipped roofs with a varied palette of materials which includes brick, stone and render.

The plans as submitted put forward a very contemporary design that raised significant concerns from Officers. The architectural design and choice of materials were found to be totally at odds with the existing context and due to its prominent location in the street scene and relationship with traditional house types on Leek Road, a more conservative and traditional design was sought.

Following an ongoing dialogue with the applicant, various revisions have been submitted for assessment which have culminated in a scheme which shows a continuous row of terraced properties, with Unit 1 which faces the junction, having a prominent traditional appearance that to some extent mirrors the traditional appearance of Trafalgar House with regards to symmetrical bay windows, small pitched dormer windows, and architectural detailing.

The principal elevation that fronts Macclesfield Old Road now conveys a degree of consistency with the introduction of small pitched dormers at eaves level and symmetrical fenestration.

Unit 4, which in the final scheme is shown to be two storey, is shown to have a ridgeline which aligns with the roof angles in the main block (Units 2-3) with a shorter depth at first floor level. Previous revisions showed Unit 4 to have a single storey rear extension with a flat roof which was considered to represent an unsympathetic addition, given that the rear would be visible from Leek Road which stands in an elevated position compared to the site.

The final set of revised plans shows this rear addition to have a more sympathetic lean-to roof which reads as a proportionate and subservient addition to the main body of the house, aligning with the design principles that apply to domestic extensions.

The materials shown to be used in the final revised plans have significantly changed from that originally proposed, shown to be constructed in a natural stone, with slate

roofs. Conditions are recommended that require specific details of all external materials to be submitted and approved.

Subject to these conditions, it is considered that the appearance of the revised scheme is appropriate for its context and results in a high quality design that aligns with the design principles set out under LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

Landscaping

The original application and subsequent revisions was accompanied by a Proposed Site Layout that showed basic hard and soft landscaping proposals that includes a stone retaining wall and timber fencing between gardens.

The applicant was advised that in light of Landscaping being a reserved matter, more detailed plans would be required prior to determination in order for Officers to fully assess the potential impacts of the proposed landscaping details. Landscape and Boundary Treatment Details (Ref: 4043-00-18A) have been submitted that includes a planting schedule, elevation drawings of the retaining walls and timber fences which define garden areas, and details of the metal railings to the front of Unit 1.

The rear of the site is defined by a stone retaining wall that stands at a height of 3.5m (1.2m above the ground level of the pavement adjacent to Leek Road) and a hedgerow which stands at a height of 750mm. Timber fencing is a typical boundary treatment between properties and is of a typical height. The western boundary is shown to be defined by a stone retaining wall which stands at a height of 1.7m with a timber fence at 1.8m above.

The metal black railings to the front of Unit 1 are shown to have a height of 900mm with a cluster of shrubs defining the appearance of the scheme when viewed from the east.

Conditions are required to secure the details of the stone, the material and colour of the timber boarding, and the materials and colour of the metal railings. Subject to such conditions, it is considered that the hard and soft landscaping is appropriate for the site and its surrounding context, and aligns with the design principles set out under LP Policies S1 and EQ6, relevant Supplementary Design Guidance and relevant paragraphs under Chapter 12 of the NPPF.

Impact on Residential Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The High Peak Residential Design Guide SPD requires developments to preserve the residential amenity of neighbouring properties, having regard amongst other

things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels. A minimum of 21m should be achieved between existing and proposed habitable windows with an additional 0.5m added for every 1m increase in height between the smaller and taller building.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Objections have been received from neighbouring residents in relation to potential impacts on their amenity, having regard to overbearing impacts, overlooking, loss of privacy and a loss of natural sunlight to habitable windows.

The site is bounded to the north by Macclesfield Old Road beyond which stands the semi-detached two storey hipped properties of Nos.6 and 8 Macclesfield Old Road. To the west is No.7 Macclesfield Old Road whilst to the south are properties that stand on the opposite side of Leek Road.

Turning firstly to potential impacts to properties on Leek Road, the distance between habitable windows in the existing and proposed development stands at approximately 22m, and when considering the changes in land levels and proposed boundary treatment, properties adjacent to Leek Road would not be adversely affected as a result of the proposed scheme in its revised form.

No.7 Macclesfield Road is a two storey semidetached cottage that has a building line that is slightly closer to the public highway compared to the proposed scheme, with the rear building line of the main body of Unit 4 extending some 3.7m beyond. The single storey annex/extension to Unit 4 extends a further 3m. As shown on the landscaping details the boundary is shown to be comprised of a retaining wall with timber fence rising 1.8m above the ground floor level of the rear amenity space associated with No.7, which as shown by section D-D rises in the direction of Leek Road.

It is acknowledged that the presence of Unit 4 does technically breach the 45 angle from the centre point of the rear habitable windows present at No.4, although the side elevation at two storey level standing some 4m distant from the main form of No.7 Old Macclesfield Road. However, this relationship would not be materially different to that between Nos.6 and 7 Macclesfield Old Road, with No.6 extending some 5m beyond the main body of No.7. The proposed boundary treatment will preserve any overlooking or loss of privacy, and thus the proposed scheme is considered to be acceptable with regards its relationship with No.7 Macclesfield Old Road and its potential impact on living conditions.

Lastly, Officers are required to assess the potential impacts upon the residential amenity of neighbouring properties Nos.6 and 8 Macclesfield Old Road which sit on the opposite side of the public highway to the side elevation of Unit 1, and the principal elevations of Units 2 and 3.

In response to the latest design of the principal eastern elevations with regards to siting, scale and appearance that have not been altered since their submission on 27th August, an objection has been received from one of these properties states the following:

- *The building oversails the car parking such that it only has a minimal set back from the rear edge of the pavement adjacent to Old Macclesfield Road*
- *None of the amendments made improve the impact on the residential amenity to properties on Macclesfield Old Road.*
- *The development would have a substantially harmful impact on amenity as a result of overshadowing, overlooking and being overbearing.*
- *The main issue is the position of the dwellings on the site. The separation distance between them and our property would be only 16m, whereas the Council's adopted SPD recommends 21m, which is a significant discrepancy*
- *The impact is exacerbated further the fact that the eaves of the new houses would be 2m higher than those on our house and the new houses would face directly towards our primary habitable room windows.*
- *The is not in the spirit of the outline permission which saw the dwellings set away from our property by some 22m, and is directly contrary to Local Plan Policy EQ6*
- *The issue could be resolved by simply reducing the number of bedrooms in Units 3 and 4 from three to two and in Unit 2 from two to one, which would allow Units 2, 3 and 4 to be set back further into the site by rearranging the internal layout and reducing the overall footprint of the buildings without compromising garden space to the rear*
- *Other simple amendments to address our concerns include the reduction of the massing on the Macc Old Road side, for example by removing the dormer windows and relying on roof lights at second floor level, and reducing the size of the bedrooms*
- *There are no overriding planning considerations that would offset and outweigh this substantial harm to amenity. As there is no third party right of appeal and I understand that the application is likely to be delegated, I would request that my concerns are seriously considered before any decision is made*

In light of the latest Amenity Plan (Rev A), this objector has requested that an updated plan be prepared that models the impacts during the morning (e.g. 10am) so that the impacts can be fully understood.

In response to the most recent reconsultation on this revised information, the occupier of the neighbouring property has stated:

I am writing to confirm that I maintain my strong objection to the above application. I was reconsulted by letter and the deadline for the response is today (4th November). I am a bit disappointed to see therefore that the application status is down on the website as "recommendation entered". I am guessing this

means you have already come to a view before the consultation period has ended?

I am afraid I wholly disagree with the response by the agent on the impacts of overshadowing on our property. To say that there would be no overshadowing is frankly untrue. As I am sure you will appreciate the submitted "impact on amenities" plan shows the maximum overshadowing at 12pm at winter solstice. The shadow at the time appears to just skim our front elevation. However what it fails to show is that for all of the daylight hours before 12pm (when the sun is lower) our house will be wholly in shadow. I must emphasise again that these are rooms that provide PRINCIPLE LIVING ACCOMMODATION. There are no other windows serving the rooms in question and in the winter the only time they receive sunlight is in the morning. The result will be that the development would block light and be overbearing to an unacceptable degree. This is directly contrary to adopted policies and design guidance.

The agent emphasises that the shortfall between the proposed separation distances and the local plan recommended distance is relatively small. If the building were to be the same height as ours I might accept this argument. But it is substantially higher than our house which significantly increases its impact.

I am yet to see any good planning reason why the Council would not give substantial weight to our concerns and ask for the scheme to be amended. The issue could be simply resolved by setting the building back and lowering its height. No information has been provided to suggest that this would result in an unviable development.

The agent says that the dormers were included to enhance the traditional appearance. I would say that it is dubious whether they do add value and in any case the amenity concerns should outweigh this point. This is such a simple amendment that would go some way to reducing impact. Separation distances between nearby properties may be less but these are historic properties, built long before planning regulation was in place and their presence should not preclude a good standard of amenity in new developments today.

I trust that these comments will be considered carefully.

Having granted outline planning permission on this heavily constrained site for 4no. dwellings, the authority have a sensitive and challenging balance to strike between securing a scheme that is appropriately designed for its context, whilst at the same time preserving the residential amenity of neighbouring properties.

In considering the latest revised plans, it is acknowledged that the distance between the principal elevations of the terraced block (16m) falls short of the required 21m separation distance with the proposed dwellings being two and a half storey compared to the existing dwellings which stand at two storey, and that there will be a degree of harm to the residential amenity of Nos. 6 and 8 Macclesfield Old Road,

especially during the winter months, with regards to overshadowing and loss of privacy.

The Floor Plans show that at first floor level, there would be four habitable windows that would front Macclesfield Old Road that given that there is no other source of light serving these rooms, cannot be obscure glazed. Whilst the relationship with the properties on the other side of Macclesfield Old Road do indeed fall short of the recommended distance within the SPD, this amounts to general guidance, and consideration must be given to the existing context.

The typical relationship between properties facing each other on Macclesfield Old Road typically ranges between 15m and 20m. As such, the separation distance between existing and proposed development is typical of the existing street pattern and relationship between habitable windows. A second floor level, there are two small dormer windows that would serve bedrooms in Units 2 and 3 respectively, which again due to being the sole window serving these rooms cannot be obscure glazed in the interest of outlook. It is therefore acknowledged that the application is in conflict with LP Policy EQ6, the Residential Design Guide SPD, and paragraph 130 of the NPPF to some degree.

The changes to the scheme that the objector refers to would indeed address the identified and acknowledged harm to residential amenity. However these changes would likely be at the expense of the overall layout, form and visual appearance of the scheme taken as a whole. When considering the site's prominence at a gateway junction to the town, it is considered that in this particular instance, having considered very carefully the comments of the objector (including the most recent comments relating to the additional information highlighted above), that the provision of 4 no. family sized dwelling (as opposed to one and two bedroom properties), and the importance of respecting the character and appearance of the immediate and wider street scene outweighs the identified harm to residential amenity, albeit by a very small margin.

Parking Provision and Highway Safety (Including matters of access)

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site benefits from direct access on to Macclesfield Old Road. The scheme seeks to provide off-street parking provision for 2 x vehicles per unit, which accords with the Council's Parking Standards. The revised plans have been accepted by the Highways Authority subject to appropriate conditions.

As such, Officers consider that the proposed scheme in its final revised form will provide sufficient off-street parking provision and not result in any harm to highway safety in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

An objection has been received on the grounds of the plans as submitted having an adverse impact on the setting of the nearby Grade II Listed War Memorial that lies a short distance to the north. The revised plans show a more traditional conservation scheme. Due to the limited extent of the setting of the Memorial and in light of the significant improvements architectural form and visual appearance to the proposed development, it is not considered that this or any other heritage asset will be adversely affected.

Concerns have also been raised with regards to the impacts on the general public during construction. The Environmental Health Officer has previously recommended appropriate conditions which have been attached to the Outline approval and includes the requirement for a Construction Method Statement to be submitted to and approved in writing by the LPA. Such conditions are considered sufficient to preserve the amenity of the general public during construction.

CONCLUSION / PLANNING BALANCE

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

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

The application seeks consent for all Reserved Matters (Access, Layout, Scale, Appearance and Landscaping) in connection with an Outline application (HPK/2017/046) that granted consent for 4no. dwellings. In light of changes to planning legislation in light of the Covid-19 pandemic, the Outline permission was extant at the time at which this application was submitted.

The application will bring about modest socio-economic benefits by way of introducing 4no. family sized dwellings within the built-up area boundary of a larger Market Town on a previously developed (brownfield) site at a prominent location. Having regard to Chapters 5 and 11 of the NPPF, significant weight is placed on this benefit.

Further weight is attributed to the positive contribution that the revised scheme will make to the immediate character of the urban area, by virtue of traditional and conservative architectural features, choice of materials, and hard and soft landscaping, in line with relevant paragraphs under Chapter 12 of the NPPF.

Valid concerns and strong objections have been raised by a neighbouring resident with regards to the potential harm to their residential amenity. These concerns are acknowledged and accepted and thus the application does result in a degree of conflict with LP Policy EQ6, the High Peak Residential Design Guide SPD, and paragraph 130 of the NPPF.

However, in this extremely finely balanced case, Officers have concluded that the identified harm to residential amenity is (just) outweighed by the need to provide family sized accommodation in a manner that respects the existing street pattern and overall character of the area.

As such and on balance, the application is considered to constitute a sustainable form of development, and in line with LP Policy S1a and paragraph 11 of the NPPF, is recommended for approval subject to appropriate conditions and having regard to all conditions set out within the Decision Notice associated with HPK/2017/0146.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 5th November 2021

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council