

DELEGATED DECISION REPORT

HPK/2022/0504
Valid 04/11/2022

BANKWOOD MILL
BANKWOOD
CHARLESWORTH

APPLICATION TO VARY
CONDITION 2 ATTACHED TO
PLANNING APPLICATION
REF. HPK/2021/0676

(FULL - MINOR)

MAIN ISSUES

- Principle of Development & Impact on Green Belt
- Design, Character and Appearance
- Other Technical Matters

DESCRIPTION OF SITE

The application site is the site of a collection of former 'chicken sheds' and other buildings; 3 No. of the chicken sheds have, over recent years, been used for other commercial purposes (e.g. HPK/2016/0693, HPK/2013/0023, HPK/2006/0290 and 1 No. has been used as stables with associated manege (HPK/2005/0786). There are 6 No. buildings in total (4 No. former chicken sheds, a large metal industrial unit and a small services unit). With the exception of the services unit all the commercial units have extant planning permission for change of use to other non-commercial uses (e.g. B1, B8, stables and manege); hence, the loss of the business units has therefore been previously accepted by the Council. The site also consists of associated hard-standing and vehicular tracks.

The site is accessed from a private track off Long Lane to the west, running west-east towards the site and beyond to an additional dwelling and is located north-east of the site of Bankwood Mill, a former cotton mill, dating back to the late 18th century. Planning permission has been granted recently (HPK/2017/0691, HPK/2018/0316, HPK/2018/0594) for redevelopment of the mill site for residential use and stables; the development is currently being implemented. It is also noted that a replacement dwelling was granted permission (HPK/2015/0385) to the east of the site and this permission has been implemented.

The river Etherow runs past the north-western boundary of the site. A small number of other residential properties are located within the vicinity of the site (as one approached from the south-west), including the replacement dwelling referred to above. There is a Public Right Of Way (HP7/60/1) which follows the access track off Long Lane, running west-east towards the site, veering off in a south-easterly direction close to the site of the old mill.

The site lies within the Green Belt, Countryside, 'Riverside Meadow' Landscape Character Area, Flood Zone 2, High Risk Flood Zone Area, an area at risk of flooding from a river and a Low Risk Coal Development Area, as defined in the Local Plan.

Following the granting of full planning permission for the demolition of the existing buildings and hard standing on site and the erection of 7no. dwellings with associated ancillary development under HPK/2018/0290, further applications have been received to vary conditions relating to this permission.

HPK/2019/0580 sought to modify the visual appearance of the dwelling on Plot 3 and vary the wording of Condition 27 which was subsequently approved on 5th March 2020.

Subsequently, HPK/2021/0361 sought to vary conditions 19, 20, 21 and 26 relating to HPK/2018/0290 by virtue of modified wording that allows the permission to be implemented and protected prior to detailed schemes relating to drainage and land remediation are agreed.

HPK/2021/0362 has sought to vary conditions 19, 20, 21 and 26 relating to HPK/2019/0580 which are identical to the same conditions under HPK/2018/0290.

HPK/2021/0313 sought full planning permission for similar development to that approved under HPK/2018/0290 which was approved on 14th September 2021. This development has been partially implemented, in line with the amended wording of conditions in connection with drainage and land contamination.

The site has also been the subject of a number of Discharge of Conditions applications relating to conditions attached to HPK/2018/0290 and HPK/2018/0290.

Most recently, the Council have granted full planning permission for the Variation of Condition 2 relating to HPK/2021/0313 that included minor changes to the layout and house types, and, further to further technical assessments and surveys being submitted and reviewed by relevant consultees, allowed conditions to be attached that could be re-worded departing from pre-commencement conditions in order to facilitate commencement of development. This application, approved under HPK/2021/0676, was approved on 21st April 2022.

PROPOSAL

This application seeks the variation of Condition relating to HPK/2021/0676. Condition 2 requires the development to be carried out in accordance with the specific plans referenced within that condition.

The proposed variation amounts to minor changes to the design and appearance of house types, and the siting and design of ancillary structures that were approved under HPK/2021/0676, which predominantly relate to new linkages being formed between houses and ancillary garages.

Further to Officer comments, revised plans have been submitted. As a consequence, the plans that the applicant seeks to be substituted within the varied Condition 2, together with all other approved plans and technical documents are listed below:

- Plot 1 Floor Plans	(Ref: 01/003A Rev B 1 of 18)
- Plot 1 Elevations	(Ref: 01/003A Rev B 2 of 18)
- Plot 2 Floor Plans	(Ref: 1/004A 3 of 18)
- Plot 2 Elevations	(Ref: PL/02/19/22 4 of 18)
- Plot 3 Floor Plans	(Ref: 1/005A 5 of 18)
- Plot 3 Elevations	(Ref: 1/005B 6 of 18)
- Plot 4 Floor Plans	(Ref: 1/006A 7 of 18)
- Plot 4 Elevations	(Ref: 1/006B 8 of 18)
- Plot 5 Floor Plans	(Ref: 1/007A 9 of 18)
- Plot 5 Elevations	(Ref: 1/007B 10 of 18)
- Plot 6 Floor Plans	(Ref: 1/008A 11 of 18)
- Plot 6 Elevations	(Ref: 1/008B 12 of 18)
- Plot 7 Floor Plans	(Ref: 1/009A 13 of 18)
- Plot 7 Elevations	(Ref: 1/009B 14 of 18)
- Stables and Menage Plans and Elevations	(Ref: 01/002A 15 of 18)
- Proposed Site Plans	(Ref: 01/100A Rev B 17 of 18)
- Location Plan	(Ref: PL/02/19/022/2 Rev B 18 of 18)

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
EQ2 Landscape Character
EQ3 Rural Development
EQ4 Green Belt Development
EQ5 Biodiversity
EQ6 Design and Place Making
EQ9 Trees, Woodlands and Hedgerows
EQ10 Pollution Control and Unstable Land
EQ11 Flood Risk Management
CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Building a Strong and Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9

Achieving Well Designed Places	Chapter 12
Protecting Green Belt Development	Chapter 13
Meeting the Challenge of Climate Change and Flooding	Chapter 15
Conserving and Enhancing the Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The application site has been subject to an extensive planning history. The applications most pertinent to this application are set out as follows:

HPK/2018/0290	Full application for the demolition of existing buildings, removal of existing vehicular track and hardstanding and the construction of 7no. dwellings with access, garaging, car parking, replacement stables and other associated works (Approved 29 th April 2019)
HPK/2019/0580	Variation of conditions 2, 27 relating to HPK/2018/0290 (Approved 6 th March 2020)
HPK/2021/0361	Application for variation of conditions 19,20, 21 and 26 in relation to HPK/2018/0290 (Approved 7 th September 2021)
HPK/2021/0362	Application for variation of conditions 19, 20, 21 and 26 in relation to HPK/2019/0580 (Approved 7 th September 2021)
HPK/2021/0313	Full application for demolition of existing buildings, removal of existing vehicular access track and hardstanding and the construction of 7no. dwellings with access, garaging, car parking, replacement stables and other associated works (renewal of HPK/2019/0580) (Approved 14 th September 2021)
HPK/2021/0676	Variation of Condition 2 following grant of HPK/2021/0313 (Approved 21 st April 2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd December 2022
 Neighbour consultation period ends: 7th December 2022
 Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Canals and Rivers Trust

No comments to make

Environmental Health

No comments to make

Lead Local Flooding Authority

No comments to make

United Utilities

No comments received at time of writing

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS**Principle of Development**

The principle of development has been assessed in detail under previous applications, and reiterated within the delegated report under HPK/2021/0313.

The sole issue that requires consideration in connection with this application is whether the revised layout and revised house types continue to preserve the openness of the Green Belt, in accordance with Local Plan Policy EQ4 and relevant restrictive policies under Chapter 13 of the NPPF.

The applicant has within their supporting Cover Letter, submitted an assessment of the change in overall floor area and volume between the existing buildings and proposed buildings, as well as an assessment of this change on each individual residential plot. The analysis concludes that the proposals subject of the proposed variation amount to no overall change in floor area, and a 2% decrease in overall volume, when compared to the plans approved under HPK/2021/0676.

The figures quoted in the submitted documentation have been reviewed and verified. It is considered that the minor increase in floor area and volume would not result in any harm to the openness of the Green Belt, particularly given the significant reduction in floor area and volume comparable to the existing development on site.

The principle of development is thus not affected by the proposed variations to the proposed layout and house types.

Design Character and Appearance

Local Plan Policies S1, EQ2, EQ3 and EQ6 together require new development proposals in the rural areas to be of a high quality design that preserve or enhances the immediate and wider rural landscape character, supported by Supplementary Planning Guidance and in line with relevant paragraphs under Chapter 12 of the NPPF.

The material changes to the proposed layout comparable to the latest variation approved under HPK/2021/0676 can be characterised as follows:

Plot 1	Creation of solid ground floor single storey link between the rear elevation and the ancillary garage
Plot 2	No change
Plot 3	No change
Plot 4	removal of proposed conservatory/sun room and creation of lightweight ground floor single storey link between the main house and the ancillary garage
Plot 5	removal of proposed conservatory/sun room and creation of lightweight ground floor single storey link between the main house and the ancillary garage
Plot 6	removal of proposed conservatory/sun room and creation of lightweight ground floor single storey link between the main house and the ancillary garage
Plot 7	minor relocation and remodelling of extension that amounts to a lightweight ground floor single storey link between the main house and the ancillary garage

The approved layout of the residential units would remain consistent with that approved under HPK/2021/0676, as would the overall scale, height, massing and appearance of the house types.

The majority of the proposed linkages between dwellings and garages were considered initially to be acceptable with regards to their scale, height, character and appearance. The exception to this was the proposed link at Plot 1. Observations were forwarded to the agent within an email dated 11th January 2023:

I have now had chance to review the proposed changes and can confirm that the only issue I have is the proposed 'solid' link between the house and garage at Plot 1. This should be replaced with a more lightweight link as proposed in other plots that incorporates a small set back behind the principal elevation of the garage.

Further to these comments, revised plans have been submitted that show the solid link but importantly with a slight set back behind the principal elevation of the garage

and a much lower ridge height. This allows the link to appear as a subservient and subordinate feature, both to the garage and the main dwelling. In its revised form, this link to Plot 1 is considered to have addressed the minor concerns raised by Officers.

As such, in its final revised form, the revised Site Layout and minor changes to the approved house types are considered to be of an acceptable quality design that continues to preserve the immediate and wider character of the rural landscape, in accordance with LP Policies S1, EQ2, EQ3 and EQ6, relevant Supplementary Design Guidance and relevant paragraphs under Chapter 12 of the NPPF.

Other Technical Matters

Matters relating to Ecology, Trees, Drainage and Land Contamination were fully considered under the original application and within the latest most recent S73 application under HPK/2021/0676, where a full suite of assessments and surveys were commented on by relevant consultees, and conditions updated to take account of these comments.

Given the nature of the proposed changes within this S73 application which relates solely to the approved plans condition (Condition 2), there are no technical matters that are required to be re-assessed as part of this proposed variation.

CONCLUSION / PLANNING BALANCE

The this application seeks consent to vary Condition 2 relating to HPK/2021/0676 which states that the approved scheme shall be carried out in accordance with plans and documentation listed under this condition.

The principle of development has been assessed in detail and accepted under previously approved schemes, reiterated within the delegated report that accompanied the latest approval under HPK/2021/0313 and HPK/2021/0676.

An assessment of the proposed variations to the overall site layout and proposed house types have concluded that the proposals in their revised form would continue to preserve the openness of the Green Belt and comprises a high quality design that is in keeping with the character and appearance of the residential development, and is considered to continue to preserve the rural character of the immediate and wider rural landscape.

In conclusion, the application continues to constitute a sustainable form of development and in line with Local Plan Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval, subject to all other conditions associated with HPK/2021/0676.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 19th January 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council