

DELEGATED DECISION REPORT

HPK/2022/0555
VALID 15/12/2022

BANKWOOD MILL,
BANKWOOD,
CHARLESWORTH,
DERBYSHIRE, SK13 5ER

VARIATION OF CONDITION 1
RELATING TO HPK/2020/0111
(FULL - MINOR)

MAIN ISSUES

- Principle of Development (Green Belt)
- Design Considerations
- Impact upon Residential Amenity
- Impact on Highway Safety

DESCRIPTION OF SITE

The application site comprised the site of a former cotton mill, dating back to the late 18th Century. From the late 19th Century the site was used as a print works. The works closed around 1940 and the site, with additional buildings to the east, was used as chicken sheds. When a Heritage Assessment was carried out in July 2013 (submitted with applications HPK/2013/0298 & HPK/2015/0689) there were 5 No. buildings located within the application site (the footprint of which virtually covered the site); in addition, there were 4 No. chicken sheds located to the east of these buildings and 4 No. concrete pads.

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. The river Etherow runs past the northern boundary of the site; a couple of the buildings used as chicken sheds to the east of the site now have different uses; there are a small number of other residential properties within the vicinity of the site (2 No. properties to the west and 1 No. dwelling to the east/south-east). There is a Public Right Of Way (HP7/60/1) which follows the access track off Long Lane, running west-east towards the site and then veering off in a south-easterly direction.

The site lies within the Green Belt, countryside, 'riverside meadow' landscape character area and the site of a Historic Environment Record.

PROPOSAL

The application seeks to vary condition 1 (plans) on approved application HPK/2020/0111. Condition 1 states that development shall be carried out in accordance with the approved plans (and the relevant plan numbers are referred to).

The application seeks to amend HPK/2020/011 with the following amendments:

- Proposed new projection to the rear of the proposed dwelling. The projection would measure 5m in depth, 3.1m in width, 2.8m to eaves and 4.3m to ridge and would have a hipped roof design. The extension would provide a boot/plant room.
- Alterations to windows and doors of the proposed dwelling.
- Removal of chimneys on the proposed dwelling.
- Creation of first floor in proposed outbuilding and fenestration alterations. The eaves height would be raised by 0.97m and the ridge height by 1.04m. The alteration would provide a first floor storage area, access via external steps.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
 S1a Presumption in Favour of Sustainable Development
 S2 Settlement Hierarchy
 S3 Strategic Housing Development
 S6 Central Sub-area Strategy
 EQ1 Climate Change
 EQ2 Landscape Character
 EQ3 Rural Development
 EQ4 Green Belt Development
 EQ5 Biodiversity
 EQ6 Design and Place Making
 EQ7 Built and Historic Environment
 EQ9 Trees, Woodlands and Hedgerows
 EQ10 Pollution Control and Unstable Land
 EQ11 Flood Risk Management
 H1 Location of Housing Development
 H3 New Housing Development
 CF3 Local Infrastructure Provision
 CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

Residential Design (2005)
 High Peak Design Guide (2018)
 Landscape Character

National Planning Policy Framework

Section 11: Making Effective Use of Land
 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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Conversion Scheme

HPK/2010/0396 - Removal of large elements of former print works including adjacent fenced pen area, leaving original structures for conversion to one house & one bungalow including ancillary buildings for mixed use & formation of new internal garden parking & paddocks. Approved - 18/10/2010

NB: The council has accepted this permission is extant as a lawful start has been undertaken.

HPK/2013/0298 - Removal of large elements of former print works including adjacent fenced pen area, leaving original structures for conversion to one house & one bungalow including ancillary buildings for mixed use & formation of new internal garden parking & paddocks. (Renewal of HPK/2010/0396) Approved - 01/08/2013

NMA/2016/0054 - Non-material amendments to HPK/2010/0396 to attach a condition that lists the approved plans so that a s73 application can be subsequently made. Approved - 17/01/2017

HPK/2017/0026 - Variation of Condition 23 of HPK/2010/0396 and NMA/2016/0054. Approved - 19/05/2017

HPK/2017/0392 - Variation of Condition 23 of HPK/2010/0396 and NMA/2016/0054. This was identical to HPK/2017/0026 but sought to rectify a mistake in the earlier permission as notice hadn't been served on a landowner. Approved - 06/09/2017

Redevelopment Scheme

HPK/2015/0689 - Proposed Redevelopment of the Former Bankwood Mill for 2 Dwellings (re-design of scheme approved under application HPK/2010/0396 & HPK/2013/0298) - Approved - 01/07/2016

HPK/2017/0691 - Erection of 2 dwellings, associated garages, stables and small office and ancillary works (variation of planning permission HPK/2015/0689) - Approved - 10/05/2018

HPK/2018/0316 - Variation of Conditions 2, 13 and 16 of HPK/2017/0691 (Application subsequently only for variation of Conditions 2 – plans and 13 – bat survey) - Approved - 12/09/2018

HPK/2018/0594 - Variation of Condition 2 (plans) of HPK/2018/0594 - Approved - 31/01/2019

HPK/2020/0111 - Variation of condition 1 relating to HPK/2018/0594 – Approved – 07/07/2020

HPK/2021/0221 - Removal of condition 10 relating to HPK/2020/0111 – Refused – 08/07/2021

CONSULTATIONS

Publicity

Site Notice expiry date: 20/02/23

Neighbour consultation period ends: 10/01/23

Press Advert: N/A

Public Comments

None

Town / Parish Comments

None received

OFFICER COMMENTS

Principle of Development (Green Belt)

The principle of the development for the construction of two dwellings, with associated outbuildings, has been accepted through numerous previously approved schemes to redevelop the site. These permissions remain extant.

Only the detail of the condition(s) applied to be varied (or removed) can be considered, and it is not a complete re-consideration of the application. The original planning permission continues to exist whatever the outcome of the variation of condition application. Decision Notices should repeat relevant conditions from the original permission, or as amended in this instance, unless they are no longer relevant or have already been discharged. New conditions can also be imposed, provided they a) do not materially alter the development as originally approved and b) are conditions that could have been imposed on the original permission.

The main considerations in this instance are the proposed development remains to be appropriate development within the Green Belt, and whether the alterations to the design of the proposals are acceptable.

Policy EQ4 states that planning permission will not be granted for development in the Green Belt unless it is in accordance with national planning policy. Paragraphs 147 and 148 of the NPPF (2021) state *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'* and *'when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*.

Paragraph 149 of the NPPF (2021) states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt, unless the proposal comprises one of a list of exceptions. One such exception is:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The redevelopment of the site has previously been considered not to have a greater impact on the openness of the Green Belt than the former mill buildings and associated farm buildings and areas of hardstanding, which remains the starting point for any assessment. Permission is also extant for the redevelopment of the site.

The extent of floorspace proposed within this application would amount to 595sqm. The previously approved development under HPK/2020/0111 amounted to 571sqm in floorspace, while the earlier application HPK/2018/0316 totalled 610sqm in floorspace. Therefore, while the floorspace now proposed is greater than that most recent approval, it would be less than an earlier permission for the same development. Furthermore, earlier permissions confirm that the amount of floorspace within the demolished development amounted to 942sqm. In terms of floorspace the development would not have a greater impact on the openness of the Green Belt.

Notwithstanding this, volume is an important consideration when assessing openness in spatial terms. The development proposed would amount to a total volume of 2968m³. Planning permission HPK/2020/0111 had a resultant volume of 2745m³, while the earlier application HPK/2018/0316 totalled 3165m³ in development volume. The LPA's earlier assessment indicated that the site had a volume of 3164m³, while the applicants advanced an original volume of 3284m³. Nonetheless, the development would result in less built development when compared to the original built form on the site.

In terms of heights, the main dwelling would remain as previously approved, which would remain the tallest structure on the site and has been deemed to be acceptable in this regard. The proposed increase in height of the outbuilding, by circa 1m to eaves and ridge, would result in a building which is still subservient to the main dwelling and not result in a development which would be harmful to openness, particularly taking into consideration the floorspace and volume calculations above.

It is therefore concluded that the proposed development remains appropriate development within the Green Belt in accordance with Policy EQ4 and criterion 149g) of the NPPF.

Design Considerations

Policy S 1a states that all new development should contribute to sustaining communities and protected and/or enhance the environment. Policy EQ 6 states that

all development should be well designed, of a high quality and respond to the areas character, history and scale.

The proposed elevational changes to the main dwelling, including changes to window design and positioning, removal of dormers and chimneys, would be low key alterations to the dwelling, with the dwelling retaining its overall character and design approach. A small single storey projection is proposed to the rear elevation. This is considered to be a modest alteration in the context of the scale of the development previously approved and, again, is not considered to undermine the design ethos of the building and its design and form deemed to be appropriate.

The scheme also includes alterations to the main garage outbuilding. This involves the raising of the eaves and ridge heights of the building by 0.97m and 1.04m respectively. While this would clearly increase the mass of the building, it would remain subservient to the proposed dwelling in overall height, mass and proportions and would retain the visual hierarchy of building within the courtyard of development. Its overall height would be comparative to the stable building which would be sited opposite, with both buildings would flank the main dwelling. Any further increase in scale, mass and height to that proposed is likely to result in an unbalanced built form.

The overall layout of the development is largely unaltered, with buildings sited as previously approved. It is considered that the proposed alterations are acceptable in design and landscape terms and, in the context of the original development on site, are considered to be acceptable.

Amenity

Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The proposed alterations, given their nature and/or location in proximity to nearby dwellings, is such that no additional material harm would arise compared to the extant consents.

Highway Safety

Policies EQ6 and CF6 seek to ensure that all new development is served by a safe and satisfactory access, incorporating well-integrated car parking.

No changes to the site access or level of, and/or demand for, off street parking are proposed. No highway safety issues are therefore considered to arise.

Other matters

The conditions attached to HPK/2020/0111 should be replicated, subject to amendment of the approved plans condition to reflect the development proposed.

CONCLUSION / PLANNING BALANCE

It is considered that the proposals would comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Declan Cleary

Recommendation Date: 28/03/2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council