

DELEGATED DECISION REPORT

HPK/2023/0430
Valid 05/10/2023

2-6 LEEK ROAD
BUXTON

VARIATION OF A CONDITION
2 IN RELATION TO
HPK/2021/0060.

(FULL - MINOR)

MAIN ISSUES

- Design, Character and Appearance
- Amenity

DESCRIPTION OF SITE

The application site relates to a triangular parcel of land 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.

The site benefits from Outline planning permission for residential development approved under HPK/2017/0146, and subsequent Reserved Matters permission approved under HPK/2021/0060. All pre-commencement conditions relating to both permissions have been formally discharged and the permission has been implemented with construction underway at the time of this application.

PROPOSAL

The application seeks the Variation of Condition 2 relating to HPK/2021/0060. This condition sets out the list of approved plans that the development must be in accordance with.

As submitted, the varied plans show an additional single storey rear outrigger to Unit 4, and minor alterations to fenestration on the rear elevation. However, in light of concerns raised by Officers, amended plans have been received that show the omission of the proposed outrigger. The plans that are subject to assessment within this report are set out as follows:

- 4043_00_11H Site Plan as Proposed
- 4043_00_12H Block Plan as Proposed

- 4043_00_13K Plans as Proposed
- 4043_00_14J Plans as Proposed
- 4043_00_15H Elevations as Proposed
- 4043_00_16H Street Views as Proposed
- 4043_00_17C Amenity Impact
- 4043_00_18C Landscape & Boundary Details

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
- EQ6 Design and Place Making

National Planning Policy Framework 2023

- | | |
|-----------------------------------|------------|
| Achieving Sustainable Development | Chapter 2 |
| Achieving Well Designed Places | Chapter 12 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- | | |
|---------------|--|
| HPK/2017/0146 | Outline Planning Permission with all matters reserved for the erection of 4no. terraced houses on existing vacant site (Approved 18 th August 2017) |
| HPK/2021/0060 | Approval of Reserved Matters following Outline Approval HPK/2017/0146 (Approved 5 th November 2021) |

CONSULTATIONS

Publicity

Site Notice expiry date: 9th October 2023
 Neighbour consultation period ends: 27th October 2023
 Press Advert: N/A

Public Comments

1no. neutral comment has been received which makes the following observation:

The changes alter the appearance of the development from Leek Road. The previous proposals and the designs the bay windows would have ensured the new homes were more in keeping with the buildings opposite. The changes, that have already been made, do not appear to even follow the new application.

Town / Parish Comments

N/A

Environmental Health

No comments to make

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The principle of development has been established by virtue of the granting of Outline planning permission under HPK/2017/0146, Reserved Matters permission under HPK/2021/0060, and the fact that development has commenced and thus all permissions are extant.

Design Character and Appearance

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, having regard to matters of scale, height, density, layout, appearance and materials.

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.

The variations as shown on the latest Elevation (Ref: 15H) and Street Scene (Ref: 16H) Plans show the approved ground floor bay windows and doors on Units 2 and 3 being replaced with a simple set of Bi-fold doors. Due to the changes in levels from Leek Road to the finished floor level of the approved residential units, there would be minimal changes to the character and appearance of the dwellings when experienced from public vantage points and thus little material impact on the street scene.

In its originally submitted form, the proposed variations proposed a larger single storey outrigger to Unit 4 with a flat roof, in order to provide additional living space for this property. However, Officers pointed out that this aspect had been previously ruled out during the Reserved Matters application and as such would not be supported, due to the introduction of an unsympathetic flat roof, and proposed impact on the amenity of Unit 3 (see below).

However, as the latest plans show the omission of this aspect, the proposed variations are now considered to be acceptable with regards to its design and potential impact on the street scene, in accordance with LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

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 extensions 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.

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

The row of terraced properties is set a considerable distance below the finished floor level of Leek Road. The change from bay window to Bi-fold door is not considered to result in any harm to the amenity of future occupiers of any neighbouring property.

The extended outrigger initially proposed in relation to Unit 4 was considered to adversely affect the amenity of its neighbour Unit No.3, due to a clear and obvious breach of the 45 degree angle to the immediate neighbouring habitable window, and as such Officers requested that this aspect be omitted.

In its final revised form, the package of plans shows the omission of the extended outrigger at Unit 4 which addresses the above concerns and ensures that the proposed variations would not adversely affect the amenity of any property being constructed or indeed any other neighbouring property.

The revised plans thus do not conflict with LP Policy EQ6, the Residential Design Guide SPD or relevant paragraphs under Chapter 12 of the NPPF in this regard.

Other Matters

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal does not involve any additional overnight stays compared to the approved scheme. The proposal will involve additional hard surfacing and roof area and will therefore increase surface water run-off. However, given the fact that the area is already hard surfaced and that the development has now been implemented following the determination of applications and discharge of conditions, it is concluded that this development is not subject to an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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 to vary the plans previously approved under HPK/2021/0060 which granted Reserved Matters for a housing development of 4no. dwellings.

An assessment has concluded that in light of revised plans being submitted that show the omission of an unacceptable extended flat roof single storey outrigger at

Unit 4, the proposed variations are acceptable with regards to their design and impact on the street scene and potential impact on neighbouring residential amenity.

As such, the application is considered to comply with all relevant Local Development Plan policies and other material considerations and constitutes a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF the proposed variation to Condition 2 relating to HPK/2021/0060 is recommended for approval with all other conditions continuing to apply.

OFFICER RECOMMENDATION : Approve

Case Officer: James Stannard

Recommendation Date: 27th November 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council