

DELEGATED DECISION REPORT

**HPK/2023/0491
VALID 14/11/2023**

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

**VARIATION OF CONDITION 1
RELATING TO HPK/2022/0555
(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. Originally, at the time of the earlier applications, 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/2022/0555. 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/2022/0555 with the following amendments:

- Main house - proposed with two floors rather than three and a reduction in height (circa 1m to the ridge and eaves)

- Main house - Dormers to the front elevation have been removed
- Main house - Dormers to the rear elevation have been removed and replaced with skylights
- Main house - Additional doors have been added to the rear projection
- Main house - A first floor has been added to the rear projection
- Main house - Amended conservatory design to include roof lanterns
- Office outbuilding – addition of a first floor and revised design to match the house / stables e.g. stone detailing and matching window encasements
- Garage – removal of the external staircase
- Stable – unchanged
- Introduction of a garden room in the north corner of the site

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
 Section 16: Conserving and enhancing the historic 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

HPK/2022/0555 - Variation of condition 1 relating to HPK/2020/0111 – Approved – 28/03/2023

CONSULTATIONS

Publicity

Site Notice expiry date: 21/12/23
Neighbour consultation period ends: 07/12/23
Press Advert: N/A

Public Comments

None

Town / Parish Comments

None received

DCC Highways

No objection

DCC Archaeology

No objection subject to conditions

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. Various permissions also remain extant for the redevelopment of the site.

The extent of floorspace proposed within this application would amount to 594sqm. The most recent approval under HPK/2022/0555 had an approved floorspace of 595sqm. While previously approved development under HPK/2020/0111 amounted to 571sqm in floorspace. An earlier application HPK/2018/0316 totalled 610sqm in floorspace. Therefore, the floorspace now proposed is marginally smaller than the most recent approval, and also 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/2022/0555 would have the same resultant volume as now proposed. The earlier permission HPK/2020/0111 had a volume of 2745m³, while the permission 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 be reduced by circa 1m, compared to that previously approved. Furthermore, the two storey rear projection would also be reduced in height. The dwelling would remain the tallest structure on site, and its reduction in overall height would also be acceptable. The proposed increase in height of the office building, would result in a building which is comparative in height to the adjacent approved outbuilding, and would still remain subservient to the main dwelling and, cumulatively, would not result in a development which would be harmful to openness, particularly taking into consideration the floorspace and volume calculations above, and the overall reduction in scale of the main dwellinghouse.

In terms of site coverage, there would be some amendments to the footprint of the main dwellinghouse and the office building, however this would be minimal and contained to existing approved areas of development. The proposed garden room would be a new addition to the site and positioned along the north eastern boundary. While the garden room projects beyond the existing confines of approved development it would, nonetheless, be of modest height and footprint and would not result in any unacceptable incursion into the Green Belt to demonstrably reduce openness or the purposes of including the land in the Green Belt.

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, include a reduction in height, removal of dormer windows, an increase in scale and design of the rear projection, and changes to the design of the conservatory wing. The scheme also includes a pergola positioned against the rear elevation. The proposed alterations to the approved design are considered to be minimal with some alterations, including the design of the rear projection and conservatory wing representing more appropriate design which harmonise more sensitively with the overall design approach.

The scheme includes alterations to the main garage outbuilding through the removal of external stairs. The removal of these stairs is an improvement to the overall design approach.

The office outbuilding would be increased in height and includes changes to the elevations. The increase in eaves and ridge height are small albeit resulting in a building which previously appeared as a genuine single storey structure to one which is more bulky with accommodation in the roofspace clearly noticeable. Nonetheless, while the mass of the building would be increase, it would remain subservient to the proposed dwelling in overall height and be of similar height to the adjacent garage/gym building. The development would retain the visual hierarchy of buildings

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. It is likely that further increases in scale, mass and height of the outbuildings is likely to result in an unbalanced built form particularly given the reduction in overall height of the main dwellinghouse.

The overall layout of the development is largely unaltered, with buildings sited as previously approved. A proposed garden room is sited outside the approved built envelope within the garden, along the north eastern boundary. The scale and design of the building is such that it would clearly remain subservient to the dwelling and is indicative of any garden building of this nature. The outbuilding, in the context of the scale of the site is not considered to be harmful to the overall landscape or design quality of the development proposed.

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/2022/0555 should be replicated, subject to amendment of the approved plans condition to reflect the development proposed. DCC Archaeology have recommended pre-commencement conditions. However, as confirmed earlier in this report, it is only the subject of the variation of condition application which can be considered rather than whole re-evaluation of the development. The existing conditions attached to HPK/2022/0555 include specific archaeological conditions and the proposed amendments would not materially affect the effectiveness of the conditions.

The scheme initially proposed the garden room to be sited within 8m of the top of the river bank which would have encroached into the Environment Agency's required

easement. It was also unclear whether the building fell outside of Flood Zone 1. The building has subsequently been resited so that it falls away from the river and wholly within FZ1.

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: 11/01/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council