

DELEGATED DECISION REPORT

HPK/2024/0422
Valid 09/10/2024

THE NURSERY GLOSSOP
ROAD
CHARLESWORTH

APPLICATION FOR A
VARIATION OF A CONDITION
2
IN RELATION TO
APPLICATION HPK/2021/0717
AND APP/H1033/W/23/3317979

AMENDMENT TO PLANNING
LAYOUT DRAWING 21-118-P02
TO BE REPLACED BY 21-118-
P02A

(FULL - MINOR)

MAIN ISSUES

- Principle and Green Belt
- Design, Character and Appearance
- Highway Safety

DESCRIPTION OF SITE

The application relates to a site associated with the former Charlesworth Nursery, that lies adjacent to Glossop Road at the northern fringes of Charlesworth.

The southern part of the former Nursery was the subject of Outline and subsequent Reserved Matters approval to construct 3no. bungalows with associated gardens, which have now been completed. The northern part of the site subject of this application was the subject of a full planning application to construct a further 2no. dwellinghouses with associated gardens and parking areas, which was refused under HPK/2021/0717 but subsequently allowed by appeal (APP/H1033/W/23/3317979).

Following the discharge of pre-commencement conditions under DOC/2023/0064 and DOC/2023/0065, the applicant has confirmed in writing that a material start has been made on site.

PROPOSAL

The application submitted under S73 of the Act seeks permission for a material amendment to the approved plans by way of varying the wording of the relevant condition (Condition 2) applied to the Appeal Decision that stipulates what plans the development should align with.

The proposed variation as originally submitted seeks to replace the approved Site Layout Plan (21-118-P02), with an amended Site Layout (21-118-P02A) with all Floor and Elevation Plans associated with both properties remaining unaltered.

The nature of the proposed amendment is a change to the layout and design of the hard standing area to the front of the houses to be utilised for off-street parking. The approved plan shows a consistent material to be used for the hard standing associated with the shared access and private driveway, as ratified by the discharge of a Landscaping Plan (Ref: TT22(PL)02D) submitted to discharge Condition 4 associated with the Appeal Decision under DOC/2023/065.

This approved Landscaping Plan showed the retention of the narrow 4x4 track which extends from Glossop Road to the neighbouring farm to the south-east.

The proposed amendment seeks to alter the layout of the access by widening the 4x4 track, thereby removing the separation of it from the internal access associated with both properties, and making minor changes to the appearance of the private driveways so that they are finished in what appears to be a lighter material than the shared access, thereby clearly defining each private driveway from each other's and the access.

At the request of Officers, a revised Plan has been submitted which clarifies the materials to be used on all external surfaces and associated soft landscaping (Rev E). The plan shows that the shared and private driveways will both be finished in a bitmac, with paths and patios associated with both properties finished in indian stone. Hedges of 0.6-0.8m in height would be introduced either side of the shared access, beyond which is a grassed front garden.

A justification has also been forthcoming via email with regards the introduction of a slight bend in the internal access road and the incorporation of the existing track as opposed to being separate, which states the following:

"The shared access has been incorporated into the 4x4 track because the Building Regs Inspector requires us to provide a wide enough access to allow a fire tender to access the new dwellings, have a sufficient turning to carry out a 3 point turn, and leave site in forward gear.

The regulation that covers this requirement is Approved Document B (Fire) and the regulation is B5. The initial phase was okay because it complied with the 20M rule as indicated in the diagram below. Phase 2 doesn't.

Also providing an access road alongside a 2nd private access doesn't make sense because we had 2 roads in tandem.

By combining into 1 access, we solved the fire engine access issue and provide more soft landscaping to the front of the dwellings, which we consider a betterment."

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
EQ3 Rural Development
EQ4 Green Belt Development
EQ6 Design and Place Making
CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Protecting Green Belt Land	Chapter 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0717	Erection of 2no. Dormer Bungalows with associated access, infrastructure and landscaping works following demolition of garden centre buildings (Refused 22/09/2022) Appeal Allowed (APP/H1033/W/23/3317979)
DOC/2023/0064	Discharge of Condition 3 relating to HPK/2021/0717 (APP/H1033/W/23/3317979) – Discharged 23/10/2023
DOC/2023/0065	Discharge of Conditions 4, 5 and 6 relating to HPK/2021/0717 (APP/H1033/W/23/3317979) – Discharged 17/01/2024

CONSULTATIONS

Publicity

Site Notice expiry date: 4th December 2024
Neighbour consultation period ends: 31st October 2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Derbyshire County Council Highways

No Objections

OFFICER COMMENTS

Principle of Development & Green Belt

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Paragraph 155 of the NPPF sets out other forms of development other than new buildings which do not amount to “inappropriate development” in the Green Belt provided they preserve the openness of the Green Belt and purposes of including land within it. This includes “*engineering operations*.”

The principle of development has been established by virtue of the extant permission which is in place in light of the appeal being allowed for the 2no. dwellings and associated access, infrastructure and landscaping works.

The Council must however consider whether the changes to the Site Layout give rise to additional engineering operations and whether these preserve the openness of the Green Belt.

In comparing the Landscaping Layout (TT22(PL)02D) that was approved in connection with the discharge of conditions application (DOC/2023/0065) and the latest Landscape Layout (Rev E) it can be seen that there would be no overall increase in the amount of hard standing serving both properties.

Whilst the latest plan shows additional hard standing by virtue of incorporating part of the existing 4x4 track, which would see this track marginally widened, this engineering operation is very modest in nature and is not considered to result in any material harm to either the spatial or visual openness of the Green Belt.

There would be no encroachment into the open countryside resulting from this minor engineering operation, would not result in unrestrictive sprawl or a large built-up area, would not result in towns merging into one another, or affect any historic town or affect urban land. As such, the proposed revised layout is judged to meet the relevant exception to inappropriate development set out under Paragraph 155 of the NPPF and thus amounts to an acceptable form of development in the Green Belt.

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 EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

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.

A comparison between the approved Landscaping Layout secured in relation to the discharge of condition application, and the current revised layout (Rev E) shows that the shared access and private driveways would be finished in the same material. The location and extent of hedgerows will also be broadly consistent with what was previously approved.

As such, it is considered that the proposed amendment would not give rise to any harm with regards to landscape character by virtue of the amended layout, in accordance with LP Policies S1, EQ2 and EQ6 and relevant paragraphs under Chapter 12 of the NPPF.

Highway Safety

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 114 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The revised layout results in a marginal change to the layout of the shared access track. Highways have confirmed that this amendment does not give rise to any highway safety impacts and therefore in the absence of any objection from the Highways Authority, Officers are satisfied that the proposed amendment is acceptable with regards to highway safety impacts in accordance with LP Policy CF6 and paragraphs under Chapter 9 of the NPPF.

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 a material amendment to an extant permission for 2no. dwellinghouses and associated landscaping and access on land associated with the former Charlesworth Nursery, allowed on appeal following a refusal under HPK/2021/01717.

Further to an updated plan being submitted which confirms the external materials and landscaping which are to supersede previously agreed landscaping details reserved by condition under DOC/2023/0065, it has been found that these revised details are acceptable with regards to its design and appearance and would not give rise to any adverse impacts to highway safety.

As such, the application constitutes a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to all conditions that are attached to the appeal decision that remain relevant continuing to apply.

Where necessary, other conditions that continue to apply that are sought for variation have been updated to reflect and incorporate the plans approved under this application.

OFFICER RECOMMENDATION : Approve

Case Officer: James Stannard

Recommendation Date: 10th December 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council