

DELEGATED DECISION REPORT

HPK/2023/0548
VALID 02/01/2024

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

ERECTION OF 2 ADDITIONAL
DWELLINGS AS PART OF
REDEVELOPMENT OF
FORMER CHICKEN SHEDS
AND ASSOCIATED WORKS
(FULL - MINOR)

MAIN ISSUES

- Principle of Development (Location and Green Belt)
- Design Considerations
- Impact upon Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Other Matters

DESCRIPTION OF SITE

The application site relates to a number of chicken sheds, and other buildings and land, which have previously been used for commercial purposes. The site lies within the open countryside, and within the Green Belt, as defined by the Local Plan Policies Map.

The wider site comprises four chicken sheds on site occupy a large footprint with gable roof design, with low eaves and shallow pitch. The site also includes a further commercial building, which has a smaller footprint and gable roof design with taller eaves. The site also includes other ancillary buildings and areas of hardstanding and tracks. The surrounding land is open and grassed.

The site is accessed from a private track off Long Lane to the west, running west east towards the site.

The site lies to the west of the River Etherow. The Environment Agency's Flood Map for planning indicates that the majority of the site lies within Flood Zone 2, with part of the site within Flood Zone 3. However, subsequent planning permissions, through evidence within a Flood Risk Assessment, have modelled the site and confirmed the site would be acceptable for residential development.

Planning permission has been granted for the redevelopment of the site to include 7 detached dwellings.

PROPOSAL

As noted above, the wider application site has an extant planning permission which includes the demolition of the existing buildings and construction of 7 detached dwellings, a stables, manege and associated infrastructure.

This application seeks permission for the construction of a further two detached dwellings and garages on the site (Plots 8 and 9).

The dwellings would be two storey. The scale, design and appearance of the properties would be similar to those on the adjacent development site. Each plot would have dedicated off street parking, accessed through the approved development site, along with private amenity space.

Plot 8 would be a 5 bedroom unit, and Plot 9 a 4 bedroom unit. Each dwelling would have a detached garage that would provide additional accommodation within its roof space.

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

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 29th April 2019)

HPK/2019/0580 - Variation of conditions 2, 27 relating to HPK/2018/0290 (Approved 6th March 2020)

HPK/2021/0361 - Application for variation of conditions 19, 20, 21 and 26 in relation to HPK/2018/0290 (Approved 7th September 2021)

HPK/2021/0362 - Application for variation of conditions 19, 20, 21 and 26 in relation to HPK/2019/0580 (Approved 7th 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 14th September 2021)

HPK/2021/0676 - Variation of Condition 2 following grant of HPK/2021/0313 (Approved 21st April 2022)

HPK/2022/0504 - Application to vary condition 2 attached to planning application ref. HPK/2021/0676 (Approved 19th January 2023)

CONSULTATIONS

Publicity

Site Notice expiry date: 12/02/24

Neighbour consultation period ends: 13/03/24

Press Advert: N/A

Public Comments

None

Town / Parish Comments

None received

Waste

Properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240l wheeled bin. Collection vehicles are unable to access unadopted highway unless an indemnity form has been completed by the developer. In instances where there is no indemnity for proper es will have to present their bins at a point next to the nearest adopted highway. All roads that are intended to be used for the purposes of waste collection must be suitable for a full size 32 tonne waste collection vehicle with a turning circle of 22.5m. It is advisable to design out the need for collection vehicles to reverse where possible. If reversing is unavoidable the following must be applied: - waste collection vehicles should not reverse more than 12 meters - the reverse should be straight and free from obstacles and visual obstructions. Please provide a tracked plan to show waste collection vehicle access and turning and indicate waste collection points for each property on the plan. Please provide as part of the planning application a tracked plan to show waste collection vehicle access and turning.

DCC Highways

Due to the site's distance from the public highway and the scale of the additional dwellings, it is not considered that the proposal will have a significant impact on the highway. For this reason, there are no highway safety objections to the above-mentioned planning application.

United Utilities

Recommend drainage condition

Environment Agency

No objection subject to floor levels condition.

Environmental Health

No objection subject to conditions

Canal and River Trust

This application falls outside the notified area for its application scale and location.

LLFA

No comments to make

OFFICER COMMENTS

Principle of Development

Location of Development

Policy EQ3 allows for residential development in rural areas only where it meets certain exceptions. These include the redevelopment of previously developed sites where there development would not have an adverse impact on the character and appearance of the countryside and where isolated it should lead to an enhancement of the immediate setting.

The redevelopment of the site for residential development has been previously accepted and there remain extant planning permissions for housing on the site. The principle of housing development, subject to impact on the countryside, is deemed to be acceptable.

The development, cumulatively with the approved seven dwellings, remains below the threshold for the delivery of affordable housing.

Green Belt

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 153 of the National Planning Policy Framework 2024 (the Framework) 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 154 of the Framework 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The redevelopment of the site has previously been considered not to have a greater impact on the openness of the Green Belt than the existing buildings on site, which remains the starting point for any assessment. Various permissions also remain extant for the redevelopment of the site which are material considerations. This application therefore needs to be considered cumulatively with the latest application for this site, which is subject to a corresponding s.73 application.

The existing buildings across the site have a volume of 7,985 m³, with a floor area amounting to 2,536 m². Together with the other 7 dwellings proposed (subject to s.73) the development would result in 7,744 m³ volume and 1,478 m² floor area. This would represent reductions of -241 m³ (-3%) and -1,058 m² (-42%) respectively. Spatially, therefore, the proposed developments would see a reduction in built form and an overall improvement to the openness of the Green Belt in this respect.

The proposals would result in a greater spread of dwellings across the site (between the approved buildings and stables), albeit they would remain well contained to the existing and proposed built form and is on land which is previously developed. Furthermore, the development sees a significant reduction of hardstanding across the site which in itself would help to visually improve the openness and visual qualities of the Green Belt.

Notwithstanding the above, cumulatively with the extant permissions, the proposals would result in a development which would have a greater effect on the openness of the Green Belt due to its spread across the site. A further s.73 application has been submitted for the wider site which reduces the overall built form across the wider site associated with the 7 dwellings. This, together with the two new dwellings proposed, would result in a development which therefore not cause substantial harm to openness. However, it would be necessary to ensure that the development is subject to a Unilateral Undertaking to ensure that the further new dwellings are not carried out together with the extant approvals. An appropriate Unilateral Undertaking has now been entered into.

It is therefore concluded that the proposed development would be appropriate development within the Green Belt in accordance with Policy EQ4 and criterion 154g) 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. As noted above, redevelopment of such sites should not have an adverse effect on the landscape/countryside.

The design of the proposed dwellings would reflect the form, scale, character and appearance of dwellings approved (and proposed) for the wider site. These have a rural and agrarian design in part, and their design would therefore assimilate appropriately with the proposed built form. It is therefore appropriate to reflect the existing design approach to ensure consistency.

The positioning of the dwellings are well related to those approved and, as such, the development would appear as a linear cluster of buildings within the countryside which are well contained and related to each other, reflecting the existing pattern, rather than appearing as an illogical spread of development.

The existing site detracts from the character and appearance of the countryside and its redevelopment for housing, in general, would help to visually enhance the countryside and its riverside setting.

Subject to conditions relating to materials, boundary treatments, hard surfacing and soft landscaping, the overall design is considered to be acceptable and would not have a negative effect on the character and appearance of the countryside and the landscape.

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 dwellings would be sited sufficient distance from existing dwellings not to give rise to any adverse effects to existing living conditions. Furthermore, the dwellings are designed and sited so that there would be no adverse effects, through overlooking, privacy, loss of light, overbearing etc on the wider development at the site. The relationship between the two dwellings proposed is also acceptable in this regard.

Each dwelling would be served by an appropriate level of private amenity space for future occupants to enjoy.

The effect on living conditions from disturbance during construction, can be controlled via condition, as recommended by Environmental Health.

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.

The dwellings would be accessed via the existing access. This access serves a number of existing dwellings and those approved at the site. The uplift of two further dwellings utilising this access is not considered to result in adverse effects on highway safety and, as such, no objections have been raised by DCC Highways.

Each dwelling would be served by off street parking which would be sufficient to meet the parking demand for the size of dwellings proposed. Again, no concern has been raised by DCC Highways in this regard.

Flood Risk & Drainage

The site lies within Flood Zone 2 and 3 as confirmed by the EA Flood Map. However, the application has been supported by an FRA as required. The FRA has been reviewed by the Environment Agency who have confirmed that the content is acceptable and therefore the development would not contribute towards flood risk or be vulnerable to flooding, subject to precautionary conditions relating finished floor levels. Housing development has been approved in this location and, with this in mind, it is deemed an appropriate location with regard to this matter.

Evidence indicates that the site is at risk of flooding from reservoirs, however this risk would be very low. The applicant has provided further information this regard, and have identified that The Reservoirs Acts 1975, places obligations on operators and owners for maintenance and safe operation, and in this instance, the relevant reservoirs are operated by United Utilities. Dam failures in Great Britain are few and far between and that there have been no recorded loss of life from dam failure since

1925. Therefore, as a matter of planning judgement the risk from flooding is considered to be extremely unlikely and it is deemed not necessary for the application to be supported by a sequential test (the applicant has provided case law on this point).

The size of the scheme falls outside the remit of LLFA to comment on. However, the wider site includes conditions relating to drainage. It would be necessary for the development to include drainage conditions to ensure that the site is developed in a holistic manner.

Other Matters

To ensure consistency with the wider site, it would be necessary for conditions to be attached for Biodiversity enhancements to be provided.

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: 18/12/2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council