

DELEGATED DECISION REPORT

**HPK/2023/0549
VALID 02/01/2024**

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

**VARIATION OF CONDITION 2
ATTACHED TO PLANNING
APPLICATION REF.
HPK/2022/0504 (FULL -
MINOR)**

MAIN ISSUES

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

PROPOSAL

The application site has a long planning history which has approved the demolition of the buildings on site and the construction of 7 dwelling. This application seeks to vary the most recent iteration of the redevelopment of the site through the variation of condition 2 (plans) on approved application HPK/2022/0504. Condition 2 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/2022/0504 with the following summary of amendments:

Plot 1 – Reduction from 3 storey to 2 storey, removal of single storey projections and reduction to garage. Some changes to elevations.

Plot 2 – Removal of link to garage. Reduction in size of garage. Some changes to elevations.

Plot 3 – Removal of single storey projection and reduction in size of detached garage. Some changes to elevational treatment.

Plot 4 – Removal of link to garage. Reduction in size of garage. Some changes to elevations.

Plot 5 – Removal of link to garage and reduction in size of garage. Some changes to elevational treatment.

Plot 6 – Removal of link to garage and reduction in size of garage. Some changes to elevational treatment.

Plot 7 – Removal of link to garage and reduction in size of garage. Some changes to elevational treatment.

Stables – reduction in size, design and siting of the stable building. Building repositioned further away from River Ethelow. Reduction in size of associated hardstanding.

Other amendments to layout – proposed manege relocated further north.
Hardstanding to front of stables

A further planning application is proposed for the construction of further 2 dwellings within the complex. This is subject to a separate planning application ref HPK/2023/0548.

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

DCC Highways

There are no highway safety objections to the above mentioned planning application

Canal & River Trust

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Environment Agency

Objection due to lack of FRA

Environmental Health

No observations to make

OFFICER COMMENTS

Principle of Development (Green Belt)

The principle of the development for the construction of seven 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 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.

The existing buildings across the site have a volume of 7,985 m³, with a floor area amounting to 2,536 m². The proposed development of seven dwellings and associated detached garages would have a combined volume of 4,964m³ and footprints amount to 910m². The scheme, in isolation, therefore results in a significant reduction of overall built form across the site. In addition to this there would be a significant reduction of hardstanding across the site. The proposed 2 additional dwellings are considered under a separate application and the cumulative effects in terms of impact on the Green Belt are considered separately under that proposal, as required.

In terms of heights, overall heights are similar to the extant permissions, although unit 1 has been reduced from a taller three storey unit, to two storey, more consistent with the height of the other dwellings proposed. The proposed increase in height of the garages, would remain subservient to the main dwellings and, cumulatively, would not result in a development which would be harmful to openness, particularly taking into consideration the footprint 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 buildings and hardstandings, however this would be minimal and contained to existing approved areas of development 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 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.

The latest extant iteration for Plot 1 has an L-shaped footprint and included a 3 storey dwelling, with single storey projection to the side and two storey garage to rear, with single storey link. The proposal seeks to reduce the height of the dwelling to two storey, while removing the side projection and linked garage to rear. The design approach retains that previously proposed in terms of materials and window design. Overall, the amendments result in a more well-balanced property.

Plots 2 and 4, as approved as a two-storey dwelling with single storey front projection linking to a large garage. The building would have an appearance similar to a converted barn. As proposed the front link would be removed front link while the scale of the garage would be reduced. As amended the plot would retain a generally agrarian character with design elements, such as varied window size and proportions. The reduction in the scale of the garage provides improves proportions.

The approved plot 3 is a two storey property, with similar design approach to plot 1 in terms of elevational treatment. The building includes a single storey projection to the side and detached garage. The proposal removes the single storey projection to the side, while the size of the garage is reduced. The overall design approach is similar to that approved. These changes are considered to be acceptable.

Plots 5 and 6 are handed, and as approved is similar to Plots 2 and 4, with an agrarian character with bulky garage that is linked to the main dwelling by a single storey link. The proposal removes the link and reduces the scale of the garages to these dwellings, which creates a better proportionality. An agrarian character is maintained.

Plot 7, as approved, is a two storey property, with similar design approach to plot 1 and 3, in terms of elevational treatment. The building includes a single storey projection to the rear which would link to a garage. The proposal removes the single storey projection to the rear, while the size of the garage is reduced. The overall design approach is similar to that approved. These changes are considered to be acceptable.

The approved stables are large and have a courtyard arrangement. The proposal seeks to amend the design by creating a much more modest stable and storage building. The design approach for the building is appropriate for its intended use and, as such is appropriate.

The scheme also includes some changes to the layout, plot sizes and routes. However, these alterations are generally modest and would not alter the overall character of the site and its relationship with the receiving landscape.

The submitted site layout includes new plots 8 and 9. The plots are the subject of a separate planning application.

Concern was initially raised that the scheme would result in the loss of some legibility of the development, and the original design ethos. However, on the receipt of CGI imagery it is clear that the design quality of the scheme would be maintained and that the agrarian character of the development would not be unduly lost. Further, the reduction in scale of plot 1 to a two-storey dwelling, and the much more subservient scale and coverage of the stable building, has its own benefits in terms of Green Belt openness.

Overall, the changes would be 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. The relationship between dwellings would remain acceptable.

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 Environment Agency have raised objection to the scheme on the basis that the application does not include a Flood Risk Assessment (FRA). An FRA was submitted with the original application. This application seeks to amend the design of the buildings under s.73 and, therefore, the original FRA would endure. The findings of the FRA would remain valid for the consideration of this application.

The conditions attached to HPK/2022/0504 should be replicated, subject to amendment of the approved plans condition to reflect the development proposed. The commencement condition (No.1) is also not necessary as works have commenced.

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 *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council