

DELEGATED DECISION REPORT

HPK/2024/0264
Valid 01/08/2024

10-12 BRIDGEMONT
WHALEY BRIDGE

**DEMOLITION OF EXISTING
BUILDINGS,
REDEVELOPMENT OF SITE
FOR 8 DWELLINGS AND
ASSOCIATED WORKS**

**(FULL PLANNING - MINOR
APPS)**

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Trees
- Ecology and BNG

DESCRIPTION OF SITE

The application relates to a parcel of rectangular land located west of the A5004 Buxton Road, on the northern fringes of Whaley Bridge, in an area known as Bridgemont.

The site has been subject to planning history which firstly granted permission for a single four bedroom property to replace one of the existing bungalows (No.12 Bridgemont) under HPK/2010/0646. This bungalow has been demolished and as confirmed by the Council has resulted in this permission being implemented.

A second application was then granted for the demolition of both bungalows (Nos. 10 and 12) and the erection of 5no. dwellings under HPK/2015/0634, whereby the description of development was amended from the original reference to 10no. dwellings owing to issues relating to safe and suitable access and visibility.

Due to the fact that one of the two bungalows (No.12) that was originally contained within the site boundary has been demolished, the site as it stands today now contains one large bungalow (No.10 Bridgemont), which like its neighbours to the south, have a broadly consistent building line orientated to face the public highway.

The site as it stands today benefits from a vehicular access, which feeds in to a large area of hard standing, currently screened from the public highway by a tall timber fence that stands atop a stone wall that defines the eastern boundary.

Development has commenced on site in the form of a breeze block wall on its western side, again in relation to a previous planning permission granted for residential development on site.

The western edge of the site is characterised by a steep grass bank, beyond which stands the Buxton-Manchester railway line. The western and northern perimeters of the site are defined by a number of trees and natural vegetation.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary, within the Settled Valley Pasture Landscape Character Area (LCA) and is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks full planning permission for the demolition of the existing bungalow No.10 Bridgemont, and the erection of 8no. dwellings with associated works which include retaining walls, hard and soft landscaping.

The application has been subject to multiple revisions further to positive and proactive discussions with Officers to resolve identified outstanding issues, primarily with regards to the design, character and appearance of the scheme.

A full list of plans that are subject to assessment within this report are listed as follows:

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|---|----------------------|
| - Existing Site Plan and Location Plan | (Ref: 411174-40-P2) |
| - Proposed Site Plan | (Ref: 411174-41-P12) |
| - Proposed Plans and Elevations Plots 1-4 | (Ref: 411174-42-P7) |
| - Proposed Plans and Elevations Plots 5-6 | (Ref: 411174-43-P5) |
| - Proposed Plans and Elevations Plots 7-8 | (Ref: 411174-44-P5) |
| - Proposed Site Sections | (Ref: 411174-45-P5) |
| - Proposed Street Scene Elevations | (Ref: 41117-46-P3) |

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 Whaley Bridge Neighbourhood Plan (2024) and 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.

Whaley Bridge Neighbourhood Plan 2024

WB-G3	Residential Development
WB-E1	Sustainable Design
WB-E3	Natural Environment
WB-E4	Rural and Landscape Character

WB-T1 Transport and Movement

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Strategic Housing Development
EQ2 Landscape Character
EQ5 Biodiversity
EQ6 Design and Place Making
EQ9 Trees, Woodland and Hedgerows
EQ10 Pollution and Unstable Land
H1 Location of New Housing
H3 New Housing Development
CF6 Accessibility and Transport

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2009/0355	Demolition Of Bungalow And Outbuildings And Erection Of Two Dormer Bungalows (Refused 06/08/2009)
HPK/2009/0574	Replacement Of Existing Bungalow And Outbuildings With One New Detached Dwelling (Refused 25/11/2009)
HPK/2009/0753	Replace Existing Bungalow And Garage With New House And Garage (Approved 15/02/2010)
HPK/2010/0646	Four-bed Detached Dwelling To Replace Existing Bungalow (Approved 11/02/2011)
HPK/2015/0634	Proposed demolition of two dwellings and erection of 5 dwellings with associated works (Approved 21/12/2016)

CONSULTATIONS

Publicity

Site Notice expiry date: 31/10/2024
Neighbour consultation period ends: 28/08/2024
Press Advert: N/A

Public Comments

1no. objection has been received from a resident (not an immediate neighbour) in connection with this application, grounds of which are summarised as follows:

- No dedicated cycle storage facilities
- No pavement on this side of the road, potential pedestrian safety issues

A separate point is made with regards to how Section 106 funds should be used to invest in improved local foot cycle links.

Town / Parish Comments

Shares Network Rail's concerns that work next to the railway embankment needs to be properly surveyed and carried out safely, but otherwise are supportive of the application.

Network Rail

No objections subject to conditions relating to the following:

- Risk Assessment and Method Statement (RAMS) for all works within 10m of the railway boundary
- Fencing
- Plant and Machinery, Construction Equipment
- Encroachment
- Lighting
- Drainage
- Excavation/Earthworks
- Noise
- Trees

Advisory that developer is required to engage with Asset Protection Team in order to ensure that any works will not impact on any Network Rail asset.

AES 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 will be unable to access the new road/unadopted highway area to the new properties and therefore they will have to present their bins at a point next to the nearest adopted highway (Buxton Road).

United Utilities

No objections subject to drainage conditions

Lead Local Flooding Authority

No comments to make

Environmental Health

No objections subject to conditions.

Derbyshire Wildlife Trust

Initial Response

- Recent bat surveys are required, prior to determination
- Clarification of impacts to trees should be provided and the assessment updated
- A baseline UKHabs Plan should be submitted as part of BNG Assessment
- Consideration should be given to how much of the western wooded corridor can be retained, in line with both the mitigation hierarchy and BNG hierarchy
- The metric should be updated in line with comments above
- It should be decided if offsite land will be used vs Habitat Bank units, to determine if a legal agreement is required

Further Response

No objection subject to conditions:

- Biodiversity Net Gain Plan
- Construction Environment Management Plan (CEMP)
- Species Enhancement Plan
- Lighting

Tree Officer

Initial Comments

The tree report shows tree removals but it is clearly retaining the Willow (T4) but the landscaping plans show this as being removed.
This needs to be confirmed.

The retaining walls need to be shown on the tree protection plan. The northern end appear to be running through the root protection area of those trees.

Further Comments

No objections subject to conditions:

- Compliance with submitted and approved Arboricultural Method Statement
- A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved
 - Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
 - Locations of all proposed species.
 - Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - Staking/tying method(s).
 - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Derbyshire County Council Highways

Although the dwelling numbers have increased to eight, the access to the site has been previously agreed and in this case, also widened as shown on submitted plan Drwg No: 411174/41/P9 and in most cases the following would apply:

“It is the policy of the County Council that any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense, but the internal road layout would have no benefit for the general highway user (cul-de-sac) so adoption would not be pursued in this instance.

Therefore from a highways perspective, the drawings are considered acceptable in principle, although it should be noted that in order to implement the scheme a separate construction approval process with the Highway Authority will need to be progressed which scrutinises construction details and will be necessary in order for the Highway Authority to enter in to a Section 278 Agreement for any works and any remaining issues may be addressed by appropriate conditions appended to the

consent issued for this development. With the principle of development already being accepted from a highway aspect, and as highlighted above, notwithstanding the information already submitted further minor modifications could well be required as part of the subsequent construction approval processes with the Highways Authority.

No objections subject to conditions:

1. Development not occupied until means of access for vehicles, pedestrians and cyclists have been constructed in line with Drawing 411174/41/P9
2. No dwelling to be occupied until sheltered secure cycle parking has been provided in accordance with details to be submitted and approved
3. Construction Management Plan to be submitted and approved prior to commencement of development
4. Access not to be brought into use until any existing vehicular access has been permanently closed, in accordance with details to be submitted and approved

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policies S1, S2, S3 and H1 together set out the strategy for housing delivery within the Borough and aim to focus housing and economic growth towards the Market Towns which includes Whaley Bridge which contain the vast majority of services, facilities, educational institutions, employment opportunities, and public transport connections. Policy H1 supports new housing development on unallocated land that lies within the built-up area boundary of the towns and larger villages.

Chapter 5 of the NPPF contains relevant national planning policies that aims to deliver a sufficient supply of homes. Paragraph 73 emphasises that small and medium sites can make an important contribution to meeting the housing requirement of an area, and that local planning authorities should (amongst other things) support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes.

The application seeks full planning permission on a site that lies within the built-up area boundary of a Market Town that benefits from previous planning permissions under the same Local Plan, on a site that is not constrained by any statutory designation. As such, the application complies in principle with Policy S2 and H1 of the LP and relevant paragraphs contained under Chapter 5 of the NPPF, notwithstanding a detailed assessment of all other material planning issues.

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.

The Landscape Character Assessment SPD (2006) identifies that the site lies within the Settled Valley Pastures LCA. Design principles for built development in this LCA are summarised as follows:

Building Form

- Plain elevations with doors and windows recessed
- Broad front elevation with narrow sides and steep roof pitch
- Simple robust building form with minimal detailing
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Building Detail

- Roofs to be flush to the walls
- Downpipes and guttering should be discreet, black and located close to eaves
- Windows should be set below roofline and not break continuity of the eaves
- Dormer windows are not appropriate
- Materials, colour and textures to reflect local traditional buildings
- Chimneys should be low and robust

The Design Guide SPD (2018) provides further useful guidance for new developments including housing schemes which ensures that developments are well integrated and respect their surroundings. Relevant guidance is set out as follows:

- 3.1 The setting of any building should be carefully considered. Attention should be paid to its impact on views into, over and out of the site.
- 3.3 When sites are in villages or towns, the pattern of new development will depend on the nature of that settlement...
- 3.5 New development, be it a single building or a group, must respect the 'grain' of the settlement. By this is meant the relationship buildings have to the street and to each other...
- 3.7 The architectural style of new development should be guided through an assessment and understanding of the character and context of the area. Sites may be capable of accommodating both contemporary and traditional forms of development that area high quality and functional. Design solutions should respond to the local tradition but without slavishly copying it.
- 3.8 A new building should respect the scale of those surrounding it. Jumps in scale can sometimes be acceptable and can be justified if the development occurs at key locations such as on corners or at the end of vista.
- 3.9 New buildings should use facing materials that either match or complement those of the surroundings. Under certain circumstances, new materials can

sometimes be used as a foil to more traditional materials to highlight and bring out their qualities.

Paragraph 135 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.

Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The application lies within the built-up area boundary of Whaley Bridge, but nevertheless stands at the urban-rural fringe in a prominent and elevated location above the public highway and nearby Whaley Bridge arm of the Peak Forest Canal, and associated public footpath. As such, it is critical that the design, character and appearance of this residential development is handled in a sensitive manner.

With regards to the increased number of dwellings proposed on site, Officers have from an initial assessment considered that the site is capable of accommodating eight dwellings in a manner that would not amount to overdevelopment.

However, the application as originally submitted raised significant concerns with regards to its design and consequential impact on the character of the wider street scene. A summary of these concerns, as presented to the agent, is set out as follows:

- *Introduction of side outrigger to the side of Plots 2, 5, 6, 7 and 8 detract from the design of the scheme, as they read as a disproportionately narrow addition, that neither amount to being neither a single or two storey aspect, and in the absence of such additions on Plots 1, 3 and 4 do not maintain a consistent, proportionate and symmetrical design that appears throughout the 2015 development, thereby disrupting the rhythm of the current development. It is therefore considered that in the interests of good design, this aspect should be omitted*
- *Plots 1-2 show a contrived somewhat ad-hoc roof form with a dual pitched gable at one end and a hip at the other, which together read as an awkward roof form. This is not considered to be acceptable in design terms and should be amended so that it reads as a dual pitch to coincide with the rest of the development, notwithstanding other design issues.*
- *Whilst the scale and height of proposed units may be acceptable in its own right, comparable with the 2015 permission, the introduction of three floors of living accommodation, with its corresponding excessive fenestration (see 'Appearance' below), results in an overcomplicated and poor design which needs to be revised.*

- *the quantity of windows/glazing of varying styles is wholly excessive and unsympathetic, caused primarily by the creation of three floors of living accommodation, served by four windows in the principal elevation. The quantum and design of fenestration creates a wholly inappropriate solid to void ratio, and is a major design issue that given its prominence in the street scene, will result in adverse harm to the character and appearance of its immediate surroundings. The most appropriate design solution to address this issue will be to revert back to two floors of living accommodation with minimal but proportionate, symmetrical and consistent fenestration detailing throughout.*
- *introduction of a side outrigger and the roof form of Plots 1 and 2 that are problematic with regards to their appearance as well as their layout and form. The gable design does not present as a feature, it is simply a flat elevation, which is poor in design terms. The fact that the remaining plots are consistent with regards to their form and appearance, results in a somewhat top-heavy street scene with Plots 1 and 2 bearing little or no relation to the remainder of the development.*

Further to ongoing discussions, the latest set of revised plans represent a significant improvement in design terms. The three storey aspect when read from the public highway is now shown to read as a traditional two storey element, with a roof that overhangs the eaves slightly to amplify the sense that the first floor window are close to the eaves, in accordance with supplementary design guidance.

The choice of materials, which includes external walls finished in a reconstituted stone with slate tiled roof and further architectural stone detailing in the form of headers and sills, and inclusion of a stone chimney stack, aligns with the design principles set out within the Landscape Character Assessment SPD and Design Guide SPD.

Fenestration is now shown to have a much more traditional and symmetrical feel, having a vertical emphasis and consistent design. It is acknowledged that the rear roof slope on all plots contains two flat roof dormer windows, which amount to conflict with supplementary design guidance. However, in assessing the scheme, consideration must be given to the specific context and potential impacts of this architectural feature and whether any identified harm as a result of introducing the dormer window is of the degree to which would justify or warrant a reason for refusal in its own right, having regard to the fact that the tilted balance is engaged.

Given that the dormer windows would be sited to the rear of each property, that these would not be readily visible from any public vantage point, and that the introduction of this architectural feature allows the remaining elements of the scheme to be acceptable in design terms, it is considered that in this particular case, the conflict with supplementary design guidance is not sufficient to warrant a reason for refusal on design grounds. It does not amount to significant and demonstrable harm with regards to the overall planning balance.

Externally, the original side outriggers have now been removed and replaced with a single garage on Plots 5-8, with a terraced area above bounded by railings. These

garages are considered to read as subordinate and proportionate ancillary outriggers that having regard to their scale, height, massing and choice of matching materials, compliment the main dwellinghouse without amounting to overdevelopment.

Lastly, the latest Section Drawings show the provision of an acoustic fence at the far western boundary of the site. This measure has been included in accordance with the previous 2015 scheme as a consequence of comments received from Network Rail. Subject to appropriate conditions that secure the appearance of this fence, including material and colour, it is considered that this fence would have a limited impact on the street scene when observed from the public highway and footpath adjacent to the canal.

Therefore subject to suitably worded planning conditions required to secure the detailed specification of facing materials associated with each dwellinghouse, hard and soft landscaping, and boundary treatment (including the acoustic fence), it is considered that the residential development in its final revised form amounts to a high quality design that will contribute positively to its surroundings and on balance, aligns with design principles set out under LP Policies S1 and EQ6, the Landscape Character Assessment SPD (2006), Design Guide SPD (2018) and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

LP Policy H3 requires all new housing developments to provide a high standard of amenity for all future occupiers by virtue of conforming to or exceeding Nationally Described Space Standards (NDSS) published by DCLG (2015), which sets out minimum floor areas for each dwellinghouse based on scale, number of bedrooms and occupancy, as well as minimum dimensions for bedrooms based on occupancy.

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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

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

With regards to the standard of amenity provided for future occupiers of each dwellinghouse, each dwellinghouse benefits from a rear garden that, as discussed above, will be sloped to varying degrees with small intermittent retaining wall structures as a result of some 'cut and fill' engineering works.

It is considered that having regard to the latest Site Sections drawing, the extent of the slope and supporting retaining structures align with those approved in similar residential developments where the site is constrained to its topography. As such, it is considered that the amount of external amenity space provided in connection with each dwelling is acceptable.

Turning to the internal floor area of each dwellinghouse, each property is split across 2.5 storeys which includes living accommodation in the roof space, served by rear dormer windows and velux roof lights, which are considered to provide adequate sources of light to these areas. Each property is shown to contain 3no. double bedrooms, all of which as shown on the Proposed Floor Plans comply or exceed the minimum NDSS requirement of having a minimum internal floor of 11.5sqm and minimum width of 2.15m.

Plots 1-4 are shown to have a total internal floor area of 117.7m², with Plots 5-8 having a larger floor area of 157m². Based on full occupancy, NDSS requires a 3no. bedroom three storey property to have a minimum floor area of 108m², and as such, it is clear that each property exceeds NDSS with regards to the scale and occupancy of each dwellinghouse.

Turning to potential impacts on neighbouring amenity, the plans as submitted did raise concerns with regards to the relationship between Plot 1 and the neighbouring property No.8 Bridgemont. The previously approved detached dwellinghouse at Plot 1 as shown on the 2015 application was located some 4.5m from the side elevation of this property, whilst Plot 1 under this application was (as originally submitted) located just 3m distant, whereby Officers considered that this would likely result in overbearing impacts, to the detriment of neighbouring residential amenity. The latest revised plans show that Plots 1-2 now stand approximately 4.2m from the side elevation of the neighbouring property thereby resolving initial concerns.

With regards to other aspects of amenity, each block would be distanced an equal distance apart totalling approximately 7m, and therefore no overbearing impacts between properties would occur. Similarly, no property would result in any breach of the 45 degree angle taken from the centre point of any existing or proposed dwellinghouse thereby not impacting on natural light. A condition removing Permitted Development rights under Schedule 2, Part 1, Class A is recommended to ensure that these relationships are preserved for the lifetime of the development.

Each dwellinghouse would not contain any habitable windows within any side elevation and as such no overlooking would occur from habitable windows. The latest plans show the provision of a terraced area bounded by railings above the garage on Plots 5-8. Whilst this would result in a degree of overlooking between Plots 6 and 7 (being situated adjacent to each other) it is considered that such a relationship would not be materially different to adjacent gardens with low boundary treatments that are found throughout the Borough. In any event, even if one were to

identify harm as a consequence of this relationship, it is certainly not sufficient to meet the tests of significant and demonstrable harm, having regard to the titled balance.

Each rear garden would benefit from definitive boundary treatments, details of which will need to be secured by a suitably worded planning condition.

The rear windows would face onto the sloping garden and ridgeline beyond which there are no properties to the east of the site. A condition is required to ensure that any window serving a bathroom is obscure glazed in the interests of preserving privacy.

As such, subject to appropriate conditions it is considered that the proposed development will provide a high standard of amenity for all future occupiers and will preserve the amenity of all neighbouring properties, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF.

Trees

LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss. The policy also requires development where appropriate to provide replacement tree planting at a ratio of 2:1 and soft landscaping.

The application site contains a number of trees on its western and northern boundaries. As part of the Council's initial assessment, Officers were unclear as to whether the creation of retaining structures to the rear of each property in the garden area would impact on any trees including their root protection area, and in addition, whether the presence of any tree could potentially impact negatively on the amenity of future occupiers and be under pressure for future pruning or removal.

An updated version of the Tree Report (V2) received in January 2025 was forwarded to the Council's Tree Officer for comment, who subsequently confirmed that there are no objections subject to a condition which requires a suitable scheme of tree planting to be submitted and approved, and for the works to be carried out in line with the approved Arboricultural Method Statement.

In light of these comments it is considered that the application accords with LP Policy EQ9 and is acceptable having regard to potential direct and indirect impact on trees within and just outside the boundary of the site.

Ecology and BNG

The Environment Act (2021) came into force in the spring of 2024 and places a legal requirement on all development proposals to provide a 10% uplift in Biodiversity Net Gain (BNG) in addition to habitat lost to the development, preferably on-site or where

this cannot be achieved off-site; secured via an appropriate condition or legal agreement where necessary.

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Chapter 15 of the NPPF contains the relevant national planning policies for the conservation and enhancement of the natural environment. Paragraph 187 states that policies and decisions should contribute and enhance the natural environment by (amongst other things):

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs

Paragraph 193 sets out a number of principles for determining applications, which includes the following:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The application site is not constrained by any sensitive statutory designation. However, owing to the fact that the western and northern parts of the site contains suitable habitat for protected species, and that the development involves the demolition of an existing building, an assessment of the potential impacts to habitat and protected species together with appropriate mitigation measures, including the required 10% uplift in BNG, is required.

The application as submitted included a Phase 1 Habitat Survey and Bat Survey which was updated in 2023, and contained results from 3no. nocturnal surveys carried out between May and June 2024 (prepared by NLG Ecology). These assessments have been reviewed by Derbyshire Wildlife Trust who are content with the quantum and level of surveys carried out and are satisfied that no harm will arise to protected species subject to appropriate conditions.

The latest consultation response pointed to potential concerns regarding tree loss on the western and northern perimeter however as per the 'Trees' section it has been clarified that the development will not result in the loss of any trees.

Turning to matters of BNG, Derbyshire Wildlife Trust have reviewed the BNG Baseline Assessment and Feasibility Report (Baker Consultants June 2024) which accompanied the application. Clarification has been sought between the Trust and the authors of this report with regards to the classification of some areas of habitat. The latest comments confirms that a nett loss of 0.92 habitat units and 0.01

hedgerow is predicated, and that owing to the limited size of the site, off-site mitigation will be required to deliver the 10% nett gain.

The applicant's agent has confirmed in writing that the off-site contribution will be satisfied by purchasing credits from a registered Habitat Bank and as such this mitigation can be secured by way of a suitably worded pre-commencement planning condition requiring a Biodiversity Nett Gain Plan to be submitted and agreed.

Subject to appropriate conditions as set out within the latest comments provided by Derbyshire Wildlife Trust, in addition to a further condition that secures off-site BNG mitigation, the application is considered to result in the enhancement of biodiversity and would not result in any adverse harm to habitat or protected species, in accordance with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF, underpinned by the Environment Act (2021).

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 115 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 116 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 site benefits from an existing vehicular access from the A5004 Buxton Road. The latest Site Plan shows the eight dwellings to be accessed via an internal road that spans the length of the site, with each property benefiting from 2no. off-street parking spaces, with Plots 5-8 showing one of these spaces to be contained within a single ancillary garage.

Having regard to the Proposed Floor Plans, the scheme provides sufficient off-street parking to serve each property in accordance with the parking guidelines set out under Appendix 1, and in light of comments provided by the Highways Authority will be served by a safe and suitable access that will not adversely affect highway safety, subject to appropriate conditions being applied to any consent.

The comments received from a nearby resident are acknowledged. A condition has been recommended by the Highways Authority that request details of cycle storage to be submitted and agreed, thereby addressing the concerns raised.

As such, the application in its latest form is considered to be acceptable with regards to potential impacts to highway safety in accordance with LP Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

Other Matters

Impacts to Railway (Network Rail Assets)

The application site shares its western boundary with the Buxton-Manchester railway line and associated adjacent land within the ownership of Network Rail.

The previous application approved in 2015 was subject to detailed comments from Network Rail who requested that the development put in place a suitable trespass steel palisade fence of at least 1.8m in height and make provision for its future maintenance. The comments from this previous application went on to note that should the local planning authority determine that an acoustic fence is more appropriate, then this should be set back behind the boundary of Network Rail land by 1m and be subject to review by Network Rail's Asset Protection Team.

As per the analysis contained within the Delegated Report associated with the approved 2015 application, a number of the issues raised by Network Rail can be dealt with by regulations that fall outside of the planning system, and that in the interest of proper planning, the scheme can be made acceptable by integrating the requirement to secure the details of the acoustic fence within the wording of the condition relating to hard and soft landscaping.

However, having regard to the comments received in 2015 and in relation to this application, it is necessary to apply pre-commencement conditions to secure appropriate details that, to the satisfaction of Network Rail, ensure the ongoing safety of the railway and its associated land.

Subject to compliance with said conditions, it is considered that matters relating to adjacent Network Rail Assets have been suitably addressed.

Waste Management

Comments have been received from AES Waste who are responsible for the waste collection have stated that bins would need to be collected from a location near to entrance and that specific provision needs to be made for bin storage at each property. In order to ensure that appropriate bin storage and waste collection arrangements are provided a suitably worded condition is required, and subject to compliance with this issue, matters relating to bin storage and waste collection are suitably addressed.

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-date⁸, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks full planning permission for 8no. dwellinghouses and associated development including landscaping and engineering operations, on a site adjacent to the A5004 Buxton Road in the Bridgemont area, at the northern fringes of Whaley Bridge. The site lies within the built-up area boundary of Whaley Bridge and is not constrained by any sensitive statutory designation.

The site benefits from an extant permission for residential development for 5no. dwellinghouses on an unallocated site within the built-up area boundary of Market Town. As such the development complies in principle with LP Policies S1, S2 and H1 and relevant paragraphs under Chapter 5 of the NPPF.

The application would introduce 8no. detached three bedroom dwellinghouses which would provide a small but nevertheless positive contribution to the housing targets of the Council, on a site that is located in a highly sustainable location within the settlement boundary of Market Town. In line with relevant paragraphs contained under Chapter 5 of the NPPF, significant weight is attributed to this benefit.

The application would result in some modest economic benefits arising from the construction phase of the development and the spending within the local economy by future occupiers. Moderate weight is attributed to this benefit.

Subject to compliance with appropriate conditions, the application would provide a 10% uplift in Biodiversity Nett Gain. Moderate weight is attributed to this benefit, given that this is now a requirement for all applications that do not meet the limited number of exemptions.

Conflict has been identified with regards the introduction of dormer windows to the rear of the proposed dwellinghouses, contrary to supplementary guidance contained under the Landscape Character Assessment SPD. However, given the siting of this

aspect, and lack of views from public vantage points, limited weight is attributed to this harm.

The introduction of terraces above single storey garages on Plots 6 and 7 will result in minor intermittent overlooking between each property, given that they are bounded only by metal railings. However, this relationship is considered to be similar to and not materially different from relationships between gardens where low or no boundary treatments are in place, which are commonplace in the High Peak. Limited weight is therefore attributed to this harm.

When accounting for all relevant planning considerations, it is considered that the application amounts to a sustainable form of development and that subject to appropriate conditions, the application is recommended for approval.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 5th February 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council