

DELEGATED DECISION REPORT

HPK/2024/0279
Valid 19/07/2024

LAND ADJACENT BANK
LANE
TINTWISTLE

PROPOSED TWO STOREY 3
BEDROOM DWELLING

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Ecology and BNG
- Parking Provision and Highway

DESCRIPTION OF SITE

The application relates to a small parcel of land with a broadly rectangular form, situated north of a single carriageway, surfaced with stone sets known as Bank Lane, located within the settlement of Tintwistle.

The site currently functions as a residential garden associated with the adjacent semi-detached residential two storey property known as 'Pine Trees' to the south-west. The neighbouring bungalow to the north-east (Hazeldene) is situated on elevated ground and therefore overlooks the site. The northern boundary is shared with the garden area associated with No.67 New Road, Tintwistle.

Bank Lane extends eastwards from its junction with New Road and serves a small linear row of properties, all of which are found to be constructed in a traditional lightly coloured stone with slate tiled roofs.

Based on a site visit, and a comparison with aerial photography and photos contained within the supporting Planning Statement, it is clear that the mature hedgerow that previously characterised the boundary of the site with Bank Lane has been removed.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary and is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks full planning permission for the erection of a detached dwellinghouse. The application has been the subject to minor revisions and alterations to take account of comments from statutory consultees. As such, the plans listed below represent those that are the subject of assessment within this report:

- Location Plan
- Proposed Layout (01D)
- Proposed Dwelling with Topo (02C)
- Existing and Proposed Street Scene (03C)

The proposed detached dwellinghouse would span two storeys with a simple rectangular form with dual pitched roof with a principal elevation fronting a front driveway and boundary wall with a grassed garden to the side and rear.

The proposed dwelling shows an unusual layout with two bedrooms located at ground floor level and master bedroom located at first floor level together with the kitchen, dining and living areas. A first floor terrace would be situated to the front of the property.

The dwelling is shown to be constructed in reconstituted stone with slate tiled roof, and fenestration finished in UPVC, with the terrace bounded by a glass balustrade.

The dwellinghouse would have a total ridge height of some 7.7m and be sited relatively centrally within the plot with a broadly consistent building line with its immediate neighbour Pine Trees.

In the interests of the applicant seeking to avoid pre-commencement conditions, additional information has been received in relating to facing materials, landscaping, boundary treatment, and bin storage and waste collection facilities.

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
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- H1 Location of Housing Development
- H3 New Housing Development
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ10 Pollution and Unstable Land
- 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/0000/8926	Proposed Extension (Approved)
HPK/0001/2841	Proposed Erection of Dwelling (Refused)
HPK/0003/4736	Erection of Double Garage (Approved 18/10/1995)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th September 2024
Neighbour consultation period ends: 9th August 2024
Press Advert: N/A

Public Comments

1no. neutral comment has been received in connection with this application, which can be summarised as follows:

- Existing stone wall has already been demolished
- Request for existing sets/cobbles to remain in place in the interests of design
- Previous property built by applicant causes issues during construction, including dirt left on lane. We request that Bank Lane is kept clear from works traffic and kept clean during construction phase

Town / Parish Comments

N/A

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.

United Utilities

No objection subject to informative regarding drainage

Environmental Health

Initial Comments

No objections subject to conditions

Further Comments

The Phase 1 Contaminated Land Assessment (Ref: 85171R1) dated February 2025 and the Phase 2 Proposals (Ref: 4431P1) dated 24 February 2025 are accepted.

Derbyshire Wildlife Trust

Initial Comments

We have reviewed the Small Sites Metric and BNG Report (Tunley Environmental). Metric needs to be uploaded in Excel format for review.

The BNG Report states that no Priority Habitats are present on site and that no designated sites are located in proximity. However, it does not clarify how this has been determined. We have checked our biological records database and can confirm that these details are correct and that the site appears to be of low ecological value.

The BNG Report and SMM predict a nett gain of +0.06 habitat units (31.01%) and +0.02 hedgerow units (26.02%). We have two main comments regarding the post development habitats:

- The porous paving has been classed as a SUDS scheme. We have not seen this before and are unsure how acceptable this approach is, given that the paving will not provide any onsite habitat value. However, we have checked the SUDS definition in UKHabs and consider that it may be a 'grey area'. Given that the site is small and that impacts are minor, we do not request changes in this instance
- Four trees have been added separately to the metric. Whilst existing trees can be recorded at baseline, and therefore retained trees can be reflected, new trees located within vegetated gardens cannot be counted separately post development.

The metric should be revised in light of second point above and additional measures may be required to achieve the required gain.

Given the low impact of this site and the minor habitat creation/enhancement, a full Habitat Management and Maintenance (HMMP) is considered disproportionate. However, the agreed habitat measures should be secured via compliance with a detailed Landscaping Plan.

A nesting bird condition should be attached along with a species enhancement condition to secure a bat box, bird box and hedgehog gaps.

Further Comments

A revised Metric and BNG Report has been submitted and reviewed. No objections subject to conditions.

Derbyshire County Council Highways

Initial Comments

A plan titled 'Existing and Proposed Section and Streetscene' indicates 2m high columns immediately adjacent to the neighbouring boundary and a new stone wall with shrubbery above for the remainder of the boundary treatment. A 2m high column on any boundary treatment above 1m in height, or 600mm in the case of vegetation will restrict emerging visibility from the access on to Bank Lane to virtually nil. Considering that Bank Lane is publicly maintainable highway, an access with nil visibility is not considered to be acceptable. The applicant is required to address this issue and provide a plan to indicate the emerging visibility splays in both directions on to Bank Lane; as a guide, the visibility splays will be required to be within controlled land and, considering the character of Bank Lane, be in the region of 2.4m x 15m in each direction. To achieve these visibility splays, a more centrally located access may be appropriate.

Regarding the proposed internal layout, it is considered that the proposed parking provision of 2no. vehicles is appropriate for the scale of the development and there is some space available for vehicles to turn within the site.

It is not clear how delivery vehicles will access the site without blocking Bank Lane. It is recognised that vehicle movements on Bank Lane are likely to be low when taking in to account the character of the road; however, as publicly maintainable highway, Bank Lane is open to all traffic, including cyclists and pedestrians. It is noted that there are hard surfaced areas on the southern side of Bank Lane adjacent to other dwellings which are assumed to provide additional parking facilities and potentially an area of visiting vehicles/delivery vehicles to turn. Whilst the blue line plan submitted with the application does not include control of any land on the southern side of Bank Lane, the applicant is requested to explore the provision of a similar surfaced area opposite the application site to provide an area for visiting or delivery vehicles an area to wait off the highway and also turn.

Further Comments

No objections subject to appropriate conditions.

OFFICER COMMENTS

Principle of Development

The application relates to a parcel of land that lies within the built up area boundary of Tintwistle, which is identified as a Larger Village within the settlement hierarchy under Local Plan (LP) Policy S2, which confirms that such settlements have capacity to accommodate development of a modest scale.

LP Policy H1 relates specifically to the location of new housing development and makes clear that new housing proposals on unallocated sites within the built-up area boundary of the towns and larger villages will be supported.

Chapter 5 of the NPPF contains relevant national policies aimed at delivering a sufficient supply of homes and stresses the importance of small and medium sized sites in helping to achieve local housing targets.

In the absence of the site being constrained by any sensitive statutory designation, and the planning policy context above, it is considered that the principle of housing development on this site is fully supported by local and national policies.

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 Design Guide SPD (2018) provides further guidance for introducing new development in a manner that respects its existing surroundings and character. Relevant guidance pertinent to the assessment of this application is set out as follows:

- 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 are 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 vistas.
- 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.

- 3.10 Where possible new buildings should pick up on the proportions of neighbouring buildings in some way. This need not necessarily mean replicating the disposition of openings, but could be a more subtle interpretation.

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.

The site lies within the built-up area boundary of Tintwistle adjacent to a single track adopted road that serves a small number of properties which amounts to a semi-detached two storey block of properties to the south-west and a bungalow to the north-east. The public highway starts to climb in the vicinity of the site, which means that the neighbouring bungalow is situated on elevated land.

The proposed dwellinghouse is shown to have a simple rectangular form with two gable ends orientated in a manner consistent with neighbouring properties on either side, with a building line set back slightly behind that of its immediate neighbour. This siting is considered to be appropriate with regards to the pattern of development, and spatial relationship with neighbouring properties.

There is a slight jump in scale in comparison to the neighbouring semi-detached block owing to the change in topography but is considered to be acceptable given the jump thereafter to the adjacent bungalow.

The proposed dwellinghouse is shown to be constructed in a reconstituted stone and tiled roof thereby respecting the character and appearance of the existing street scene, and according with supplementary design guidance.

It is common for the introduction of balconies to be problematic both regards to design and its relationship with the street scene, and potential impacts to neighbouring residential amenity. In this case, the balcony would be read in conjunction with an ancillary garage and would sit below the eaves height of the main house, thereby reading as a subordinate and secondary aspect. In addition, a similar balcony exists at the adjacent property and thus this aspect respects the existing character and appearance of the street scene.

The submitted plans shows the development to benefits from a side and rear garden, a parking and turning area to the front of the property, with the front boundary treatment defined by a stone wall. This considered to be appropriate, however a condition is recommended which secures a hard and soft landscaping scheme, which includes specific details of planting and materials.

Further conditions are recommended with regards to securing finished floor levels, and a schedule of materials, in the interests of achieving a high-quality design.

The introduction of solar panels to the front roof slope is considered to be acceptable with regards to design and would also align with LP Policy EQ1 which encourages measures to increase renewable energy contributions on residential development.

Subject to appropriate conditions, it is considered that the proposed development is of a high-quality design that respects the character and appearance of the street scene and adjacent development and aligns with design principles set out under LP Policies S1 and EQ6, the Residential Design Guide SPD, and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy H3 relates to all new housing development and requires all applications for residential development to provide a high standard of amenity by conforming to or exceeding Nationally Described Space Standards (NDSS) published by DCLG (2015, which set out minimum overall floor area for dwellings based on scale, number of bedrooms and occupancy, and 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.

Paragraph 196 of the NPPF states that policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 198 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, and in doing so should (amongst other things) mitigate and reduce to a minimum potential impacts relating to noise.

The proposed dwellinghouse is a two-storey structure, containing 3no. bedrooms. All three bedrooms are shown to exceed the minimum width of 2.15m and minimum internal floor area of 11.5sqm required to serve double bedrooms. The total floor area of the property far exceeds the minimum floor area of 102sqm required to serve a two storey, 3no. bedroom, 6no. person property, as set out under NDSS. As such, in addition to a generous area of outdoor amenity space, it is considered that the proposed dwellinghouse would provide a high quality standard of amenity for future occupiers in accordance LP Policy H3.

Turning to potential impacts to neighbouring properties, the dwellinghouse is set back slightly behind the building line of the adjacent semidetached block and due to its scale and layout would not result in any conflict with the 45 degree angle from the nearest habitable window and thus would not result in any harm to the neighbour with regards to loss of sunlight. There are no principal windows in the gable end of the neighbour which would be adversely affected. Whilst a small jump in scale does occur due to a change in ground levels, it is not considered that the two storey property would be overbearing to occupiers of the neighbouring property, particularly when considering the distance between existing and proposed development.

With regards to matters of privacy, it is acknowledged that there would be a large window in the south-western elevation. However, due to the fact that this would serve a hallway and stairwell (not a habitable room) and that the Layout Plan is shown to provide planting on the boundary with the neighbouring property, it is considered that the introduction of this window would not be harmful to privacy, subject to securing appropriate boundary treatment by way of a condition.

The rear boundary is shared with the rear garden of No.67. Whilst habitable windows overlook this garden, it is the case that the closest window to this neighbouring property serves a first floor en-suite bathroom, which would be obscure glazed in the interests of preserving privacy, to be secured by way of planning condition. Given the sizeable distance between the Master Bedroom and rear elevation of No.67, together with the angle between them, there would not be any harm to the amenity of this distant neighbour.

Due to the difference in ground levels, it is not considered that there would be any overlooking of the property to the north east from the proposed windows in the gable elevation and no overbearing or overlooking impacts are anticipated in respect of this dwelling.

Subject to conditions relating to landscaping and boundary treatment, and obscure glazing for bathroom windows, it is considered that the proposed dwellinghouse would provide a high standard of amenity for both existing and future occupiers in accordance with LP Policy EQ6, the Residential Design Guide SPD and relevant paragraphs under Chapter 12 of the NPPF.

Environmental Health have recommended compliance conditions in the interests of preserving public amenity, which includes restrictions on the hours of construction. In order to avoid pre-commencement conditions relating to land contamination and remediation, the applicant has submitted a Phase 1 Land Contamination Report and Phase 2 Remediation Strategy prepared by Ground First (Feb 2025), which have

subsequently been accepted and approved by Environmental Health, thereby allowing this matter to be dealt with via compliance conditions.

Subject to compliance with these conditions, it is considered that matters of public amenity have been suitably addressed in line with LP Policy EQ10, and relevant paragraphs under Chapter 15 of the NPPF..

Ecology and BNG

The Environment Act (2021) came into force in the spring of 2024 and places a legal requirement on all developments to provide a 10% uplift in Biodiversity Net Gain, which includes replacing any habitat lost to the development, unless otherwise exempt.

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 relating to the conservation and enhancement of the natural environment. Paragraph 187 states that policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

- 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;

The application was supported by a Biodiversity Net Gain Assessment including a metric, and a mitigation strategy. Upon review, it was identified that there were inconsistencies between the baseline of the assessment and what existed on site at the time of a site visit, most notably the fact that the front hedgerow had been removed.

As such, the BNG Assessment was updated which culminated in the required BNG uplift of 10% not being able to be delivered on site and therefore is to be secured off-site.

The applicant has confirmed in writing that off-site BNG provision will be secured via a registered Habitat Bank that benefits from a conservation covenant and as such this requirement can be secured via a pre-commencement planning condition rather than a legal S106 Agreement.

Due to the fact that the Registered Habitat Bank (BOLT02) has an approved Habitat Management Plan in place as part of their legal requirement via a conservation covenant, and are effectively being monitored by a responsible body – a company named RSK – a further condition relating to Habitat Monitoring and Management is not required in this instance.

Subject to compliance with this condition, it is considered that matters relating to Ecology and BNG have been satisfactorily resolved in accordance with LP Policy EQ5, relevant paragraphs under Chapter 15 of the NPPF, and 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 is located adjacent to a single track road that is an adopted highway. Initial comments from the Highways Authority required amendments to the Proposed Layout in the interests of exit visibility splays and access for delivery vehicles. The latest revised Layout was reviewed by Highways and considered to be acceptable with regards to highway safety.

The proposed development provides an appropriate level of off-street parking in line with the Council's Parking Standards. In the interests of securing appropriate bin storage and waste collection facilities a condition is recommended.

Subject to all relevant conditions relating to highway safety and waste collection, it is considered that the proposed development will not result in any harm to highway safety in line with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

A representation has been received from a neighbouring resident that makes reference to the following matters:

- The existing stone wall has already been demolished
- A request is made for the existing sets/cobbles to remain in place in the interests of design
- That the previous property built by the applicant causes issues during construction, including dirt left on lane. We request that Bank Lane is kept clear from works traffic and kept clean during construction phase

These matters are addressed in turn as follows:

The removal of the existing stone wall is not considered to be material to the assessment of this application, particularly given that a landscaping scheme that would see appropriate boundary treatment introduced in this area has been agreed and secured by way of planning conditions.

The reference to stone cobbles on Bank Lane and their desired retention is a valid comment. However, the public highway lies outside of the control of the applicant and does not form part of the application site.

Finally with regards to potential harm to Bank Lane in the form of dirt and dust during the construction phase of development, Environmental legislation that falls outside of the planning system exists that ensures that these issues can be adequately controlled.

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 one new 3no. bedroom two storey dwellinghouse on a site that lies within the built-up area boundary of Tintwistle and not constrained by any sensitive statutory designation. The principle of development is therefore acceptable having regard to LP Policies S1, S2, S3 and H1 and relevant paragraphs under Chapter 5 of the NPPF.

In light of revised plans that address matters raised by the Highways Authority, and a revised BNG Metric and Assessment that takes account of changes in site context, a

detailed assessment of the application has concluded that subject to appropriately worded conditions, the development is of a high quality design that respects the character and appearance of the street scene, preserves the amenity of the general public and neighbouring properties, provides a high standard of amenity for future occupiers, and secures appropriate off-site Biodiversity Nett Gain.

Therefore in conclusion, the application in its latest form constitutes a sustainable form of development and in line with LP Policy S1 and paragraph 11 of the NPPF, the application is recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 19th May 2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council