

DELEGATED DECISION REPORT

HPK/2025/0101
Valid 20/03/2025

57 NEW MILLS ROAD
BIRCH VALE

APPLICATION FOR A
VARIATION OF CONDITION 2
IN RELATION TO
HPK/2020/0558 TO
REPRESENT THE
CONSTRUCTION METHODS,
UPDATE INTERIOR LAYOUTS
AND ELEVATIONAL CHANGES
AND PROVIDE HIGHER
QUALITY ELEVATION
DESIGNS.

(FULL - MINOR)

MAIN ISSUES

- Design, Character and Appearance
- Amenity

DESCRIPTION OF SITE

This application relates to the site of the former Grouse Inn, to the rear of No.57 New Mills Road, accessed from Morland Road, in Birch Vale.

The site benefits from a Reserved Matters permission granted under HPK/2020/0558 granted on 15th December 2022 for 6no residential units. A lawful material start has been made on site with all pre-commencement conditions relating to that consent and its associated Outline Planning Permission (HPK/2021/0113) formally discharged.

PROPOSAL

This application seeks to secure a variation to Condition 2 of the Reserved Matters consent, which contains a list of the approved plans that the development should be carried out in accordance with, as set out below:

- Location Plan (Ref: 3265-01D)
- Proposed Block Plan (Ref: 3265-12W)
- Proposed Site Sections (Ref: 3265-15O)
- Proposed House Types H1 & H2 (Ref: 3265-50E)
- Proposed House Type H3 (Ref: 3265-52B)
- Proposed House Type H4 (Ref: 3265-53F)
- Proposed House Types H5 & H6 (Ref: 3265-51B)
- Swept Path Analysis Drawing (Ref: 2919-001)

- Drainage Layout (Ref: RCD-C90127-DR-01-C1)

At the request of Officers, a Design and Access Statement has been submitted which clearly sets out the proposed external changes to the approved plans, which is presented as follows:

House Types H1 & H2

Windows

- Increase of window sizes (moving from two to three panels) to - living rooms and front bedrooms

Roof windows

- Addition of 2no roof lights to the front and one to the rear

House Type H3

Windows

- Bay window added to principal elevation
- Upper corresponding window width to match width below
- Proportion of first floor windows amended to match other dwellings
- Window to rear added in place of folding doorset
- Small window added to side elevation serving ground floor living room

Doors

- Folding doorset to rear replaced by window in kitchen
- Doors repositioned on side elevation

Roof

- Addition of 2no windows in front roof slope
- Repositioning of 1no roof window to rear to align with en-suite

House Type H4

Windows

- Front window changed from 4 to 3 panels to be consistent with other dwellings
- Sliding doorset replaced with window in side elevation

Doors

- Rear double doorset replaced by folding doorset
- Sliding doorset replaced with window in side elevation

Roof

- Roof windows to rear to be aligned with en-suite to create even spacing
- 2no roof windows added to front elevation

House Types H5 & H6

Windows

- Living Room and Bedroom windows change from 4 to 3 panels to be consistent with other dwellings
- Position of rear window and folding doorset reversed

Doors

- Folding doorset to rear reduced from 4 to 3 panels
- Position of doorset and windows reversed

Roof

- Addition of 2no windows to the front roof slope
- Repositioning of 1no roof window in the rear to align with en-suite location

Internal changes are proposed to each house type however these changes do not constitute a material change in planning terms. Moreover, no changes are sought to the approved Proposed Block Plan (Ref: Ref: 3265-12W).

The application seeks to substitute the following approved plans:

- | | |
|--------------------------------|-----------------|
| - Proposed House Types H1 & H2 | (Ref: 3265-50E) |
| - Proposed House Type H3 | (Ref: 3265-52B) |
| - Proposed House Type H4 | (Ref: 3265-53F) |
| - Proposed House Types H5 & H6 | (Ref: 3265-51B) |

With these amended plans:

- | | |
|-----------------------------------|-------------------|
| - House Plots H1 & H2 Floor Plans | (Ref: 10101-PL03) |
| - House Plot H3 Floor Plan | (Ref: 10301-PL03) |
| - House Plot H4 Floor Plan | (Ref: 10401-PL03) |
| - House Plots H5 & H6 Floor Plan | (Ref: 10501-PL03) |
| - House Plots H1 & H2 Elevations | (Ref: 20101-PL03) |
| - House Plot H3 Elevations | (Ref: 20301-PL03) |
| - House Plot H4 Elevations | (Ref: 20401-PL03) |
| - House Plots H5 & H6 Elevations | (Ref: 20501-PL03) |

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
EQ6 Design and Place Making

Supplementary Planning Documents

Residential Design Guide SPD (2005)

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2019/0111	Outline Planning Permission for construction of 8 (6 approved) new 3no bedroom semidetached houses on the car park behind the Grouse Inn (Approved 25/11/2019)
HPK/2021/0113	Variation of Condition 16 in relation to HPK/2019/0111 (Approved 26/04/2021)
HPK/2020/0558	Approval of Reserved Matters in relation to HPK/2019/0111 (Approved 15/12/2022)
DOC/2024/0037	Discharge of Condition 7 relating to HPK/2020/0558 (Discharged 17/04/2024)
DOC/2024/0131	Discharge of Condition 13 relating to HPK/2021/0113 (Discharged 10/03/2025)
DOC/2025/0047	Discharge of Condition 6 in relation to HPK/2020/0558 (Pending)

CONSULTATIONS

Publicity

Site Notice expiry date: 30th April 2025
Neighbour consultation period ends: 16th April 2025
Press Advert: N/A

Public Comments

1no neutral comment has been received which identifies that an incorrect Proposed Block Plan (Rev J) has been submitted with the application and has asked for this to be corrected.

Town / Parish Comments

No comments received

Derbyshire County Council Highways

Initial Response

It is noted that the original consent required visibility splays of 2.4m x 25m to be provided in both directions from the access on to Morland Road. It is considered that the same visibility splays are required at the revised access location. The applicant should be made aware that visibility splays are to remain clear of any obstruction above 1m in height relative to the adjacent road level, or 600mm in the case of vegetation i.e. a hedge.

The revised access has a reduced width compared to the previously consented layout; the proposed access width is now 4.5m wide with an adjacent 1.2m wide footway. Whilst this is not ideal to fully allow two way vehicle movements, Morland Road has relatively low users with vehicle flows also being low and as such it is considered that a vehicle having to wait on Morland Road to allow another to exit would not have an unacceptable impact on highway safety.

However, a 4.5m wide internal access road would make it difficult for parked vehicles to manoeuvre out of the parking spaces without having to make numerous movements or use the footway. The standard space required to allow unhindered access to parking spaces is 6m to the rear of the parking space. As the entire internal access road is proposed to have a width of 4.5m, it is recommended that the entire 'road space' is of a shared surface which would increase the useable road width to 5.7m. Whilst still below the recommended width, a 5.7m width would be significantly better than 4.5m.

The proposed turning area does not appear large enough to allow a refuse vehicle to turn and it is assumed that refuse collection vehicles will not enter the site. However, there is no bin collection point identified near to the highway boundary to allow refuse to be collected. If the applicant intends for refuse vehicles to enter the site, swept path analysis will be required of an 11.6m refuse vehicle.

It appears that the site has a steep gradient. It is recommended that the whole site has a gradient no steeper than 1 in 20 to allow access for all users.

It is recommended that the above issues are addressed prior to the application being determined. If the applicant can submit a revised layout including the relevant information on visibility splays and access width, the LHA will review the revised layout and provide further comments.

Further Response

Understand that Rev W is remaining as the access and internal layout and Rev J was incorrectly submitted and should be ignored.

If that is the case, then there appears to be no proposed highway related revisions to the approved plans (condition 2) of HPK/2020/0558 and as such no LHA objections to application HPK/2025/0101.

OFFICER COMMENTS

Principle of Development

The principle of development is established by virtue of Outline planning permission and subsequent Reserved Matters permission being granted and subsequently implemented following the discharge of all pre-commencement conditions.

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.

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.

Taking each House Type in turn and the proposed changes, House Types H1 & H2 now shows the provision of roof lights to the front and rear, which, in addition to the proposed minor increase in the size of windows, are both not considered to be material and in any event does not result in any adverse harm to the character and appearance of the house type, the site more widely or indeed the wider street scene.

Turning to House Type H3, the introduction of the bay window to the front elevation, whilst materially different to what was approved, is not considered to be harmful in design terms, certainly not to the degree that would warrant a reason for refusal.

Changes to the layout and design of fenestration to the side and rear, together with the introduction of velux rooflights to the front and minor changes to the layout of velux roof lights on the rear are not considered to be material.

House Type 4 is a bungalow. The introduction of additional roof lights to the front elevation, and modification of other fenestration is not considered to be material and

does not therefore result in any harm to the character and appearance of the street scene.

Similarly, the introduction of rooflights and minor changes to the fenestration in House Types 5 & 6 are likewise not considered to be material and bear no adverse impacts upon the overall character and appearance of the site or wider street scene.

In light of the above, it is clear that that vast majority of minor alteration to elevational treatments on all house types are non-material. Where material changes do occur, they are not considered to digress from the approved scheme in such a way that gives rise to any adverse harm to the character and appearance of the site or wider street scene.

As such, the application is considered to be compliant with LP Policies S1 and EQ6 and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

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.

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.

The proposed variations do not involve any new physical development beyond the existing footprint of the approved dwellinghouses. Likewise, the layout and relationship with neighbouring properties and the street scene does not change.

There are no changes to House Types 1 & 2 that would impact on residential amenity.

Rooflights do not impact on residential amenity due to the fact that it is not possible to look out of these windows due to their angle and height – their sole purpose being to provide natural light to habitable rooms in the loft space.

The introduction of a new window and set of bi-fold doors on the side elevation of House Type 3 would face south-eastwards on to the patio and associated garden, with no properties situated beyond. As such, these alterations would not adversely impact residential amenity with regards to overlooking or privacy.

The replacement of bi-fold doors with a window on the side elevation on the side elevation of House Type 4 would face the rear elevations of two storey properties located south of Hayfield Road at a distance of 17.8m. Given that the existing bi-fold doors are transparent glazing, serving a lounge and kitchen area, it is not considered that the replacement of these doors with a window of a similar height would materially alter this relationship, and in any event is considered to preserve the amenity of both future occupiers and neighbouring properties, with regards to overlooking and loss of privacy.

The rear elevations on House Types 5 & 6 do not front any neighbouring residential properties, there would be no material impact to residential amenity as a consequence of proposed minor amendments to the layout of fenestration, which in any case is non-material.

In light of the above analysis, the proposed variations would not adversely impact the residential amenity for any future occupier or existing neighbour, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs contained under Chapter 12 of the NPPF.

Other Matters

The representation from a neighbouring resident correctly identified that the Proposed Block Plan (Rev J) submitted with the application differed from that approved under HPK/2020/0558.

Further to seeking clarification, the applicant has confirmed that this was an error on their part and has submitted the Proposed Block Plan (Rev W) that is consistent with that approved under HPK/2020/0558, which shows no changes to the layout of the scheme or indeed the proposed access from the public highway.

The initial comments from the Highways Authority raised a number of queries however these were made in relation to a previous version of the Block Plan (Rev J) that was mistakenly submitted with the application. Upon seeking clarification, the Highways Authority have confirmed that as there are no changes to the access or layout beyond that approved under HPK/2020/0558 (Rev W) there are no objections on highway safety grounds.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - 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 the variation of Condition 2 applied to HPK/2020/0558 which specifies the plans for which the approved development must conform to.

The applicant seeks to substitute approved plans for all House Types with amended plans that show changes to elevational treatment comprising the introduction of additional rooflights and modification of fenestration. No changes are proposed to the layout of properties or the scale, height, and massing of each house type.

An assessment of all changes proposed have concluded that they are acceptable in full with regards the overall character and appearance of the development and its relationship with neighbouring properties and the wider street scene.

The application is thus compliant with the Local Development Plan, relevant Supplementary Planning Guidance, and therefore constitutes a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval.

All other relevant conditions relating to HPK/2020/0558 will continue to apply.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 15th July 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council