

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 15th July 2019

Application No:	HPK/2019/0213		
Location	Land adjacent to 105 Horse Fair Avenue, Chapel-En-Le-Frith		
Proposal	Outline Permission with details of access and layout (all other matters reserved) for a detached dwelling		
Applicant	Mr Antony Williamson		
Agent	John F Lomas		
Ward/parish	Blackbrook Ward and Chapel West		Date registered 10 th May 2019
If you have a question about this report please contact: Mark Ollerenshaw Mark.Ollerenshaw@highpeak.gov.uk 01538 395400 ext. 4921			

1. REFERRAL

The application is referred to Development Control Committee by Cllr Stewart Young to consider the impact on the neighbours.

SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site comprises an area of garden to the rear (east) of an existing dwelling, No. 56 Crossings Road and to the south of Horse Fair Avenue. The site is relatively level and is bounded by the existing dwelling to the west, by No. 54 Crossings Road to the south, by No. 105 Horse Fair Avenue to the east and by No. 58 to the north. The site itself is within a residential area and the built up area boundary of Chapel-en-le-Frith.

3. DESCRIPTION OF THE PROPOSAL

3.1 This application seeks outline planning permission for the erection of a detached dwelling with details of access and layout to be considered and all matters reserved.

3.2 The proposed dwelling would be situated within the existing rear garden of No. 56 Crossings Road with a new vehicular access formed to the site from the turning head at the end of Horse Fair Avenue to the north. The dwelling would take the form of a single storey two bedroom bungalow and be constructed in artificial stone and grey concrete tiles to the roof. The footprint of the proposed dwelling plus surrounding path would be excavated to form a ground level at 400mm below existing level so that the proposal will sit at a similar level to Nos. 54 and 56 Crossings Road. Two parking spaces would be formed to the front of the new

dwelling and gardens provided to the front and rear. The existing dilapidated outbuilding towards the rear (south) of the site would be demolished and removed. New fencing is to be provided to the east, west and south boundaries and this will be 1.8 metres high.

3.3 The application follows on from a previous application for full planning permission for the erection of a bungalow on this site, which was refused under delegated powers on 6th September 2018 (ref. HPK/2018/0331).

3.4 The application, the details attached to it, including the plans, supporting documents, comments made by residents and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=232456>

4. RELEVANT PLANNING HISTORY

HPK/2018/0331 – One new dwelling – Refused 06/09/2018.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=225250>

5. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

Policy S1 Sustainable Development Principles
Policy S1a Presumption in Favour of Sustainable Development
Policy S2 Settlement Hierarchy
Policy S6 Central Sub-area Strategy
Policy EQ1 Climate Change
Policy EQ6 Design and Place Making
Policy EQ9 Trees, Woodland and Hedgerows
Policy EQ10 Pollution Control and Unstable Land
Policy EQ11 Flood Risk Management
Policy H1 Location of Housing Development
Policy H3 New Housing Development
Policy H4 Affordable Housing
Policy CF6 Accessibility and Transport

Chapel-en-le-Frith Neighbourhood Development Plan

H1 – Housing Allocations
H2 – Smaller Sites
H3 – Design Criteria
CNP1 – Provision of Infrastructure and Facilities and Developer Contributions
C2 – Biodiversity
TR1 – Information Required to Support Planning Applications

National Planning Policy Framework

Paragraph 11 The presumption in favour of sustainable development

Chapter 5 Delivering a sufficient supply of homes

Chapter 6 Building a strong, competitive economy

Chapter 8 Promoting healthy and safe communities

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well-designed places

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents

High Peak Design Guide 2018

Residential Design SPD 2 Adopted December 2005

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 30/06/2019
Neighbours	Expiry date for comments: 08/06/2019
Press notice	Expiry date for comments: N/A

Neighbours

1 no. email has been received from a neighbouring resident, who raises concerns regarding drainage and queries whether the mature tree adjacent to the fence between the site and No. 54 Crossings Road is to be felled.

Consultations

Consultee	Comment	Officer response
DCC Highways	No highway objections in principle subject to conditions covering provision of new vehicular access; space within the site for storage of plant and materials and parking and manoeuvring of vehicles; provision of 2 parking spaces within the site; and provision of bin storage and bin dwell area for use on refuse collection days.	Paras 7.27 - 7.30
Chapel Parish Council	There was no objection in principle but given the geography of the site and the plot size, it was suggested that a site visit takes place to assess the possible impact on neighbours.	
Arboricultural Officer	<u>Original comments 20/05/2019</u> There is a mature tree at the rear of the dilapidated building. There area no details	Paras 7.31 – 7.33

	<p>in support of the application about this tree.</p> <p>I note that this is outline at this stage.</p> <p>The proposed location of the dwelling is slightly forward of the tree compared to the existing structure, however the ultimate location of the property should take into account the impact on the tree and allow for adequate protection in line with BS5837:2012 and a suitable relation ship with the house and garden.</p> <p>Therefore I don't have an over riding objection but I cannot support the proposals until I have details of the tree and its required root protection area shown in relation to the proposed location of the new dwelling.</p> <p><u>Revised comments 24/05/2019</u></p> <p>Based on the information provided there is no objection subject to a condition requiring a tree protection scheme with the reserved matters application.</p>	
Waste Collection Service	No issue with this planning application.	
United Utilities	Recommend conditions relating to a surface water drainage scheme and foul water.	Para 7.26

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan comprises the High Peak Local Plan 2016 and the Chapel Neighbourhood Development Plan.

7.2 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

7.3 Local Plan Policy S6 Central Sub-area Strategy seeks to promote sustainable growth of the Central Area. It aims to meet the housing needs of the local community by allocating a range of suitable, deliverable housing sites including the delivery of affordable housing. It supports the development of new housing on sustainable sites within the built up area boundary of Chapel.

7.4 Local Plan Policy H1 seeks to deliver a wider choice of high quality housing in appropriate locations to meet the needs of all residents in the Borough. The Council will ensure provision is made for housing taking account of all other policies in the Local Plan. This would be achieved by promoting effective reuse of land; supporting housing on unallocated sites within the defined built up area boundaries; encouraging the inclusion of housing in mixed use schemes; community right to build schemes and self builds.

7.5 Local Plan Policy H3 requires all new residential development to meet the requirements of affordable housing within the overall provision of new residential development as set out in policy H4 and to provide a range of market and affordable housing types and sizes, whilst the mix should contribute positively to the promotion of a sustainable and inclusive community taking account the characteristics of the existing housing stock in the surrounding locality.

7.6 The application site lies within Chapel-en-le-Frith Neighbourhood Development Plan Area (CNP) which was “made” on the 5th and 7th August 2015 by High Peak Borough Council and the Peak District National Park respectively. The CNP reflects the shared vision of the community and seeks to shape and direct sustainable development in the area. Within the CNP there are two policies concerning new housing development; H1 – Housing Allocations and H2 – Smaller Sites.

7.7 Policy H2 (Smaller Sites) of the adopted Chapel-en-le-Frith Neighbourhood Plan states that permission will be granted for small residential developments of fewer than 6 units on infill and redevelopment sites within the Parish that lie outside the Peak District National Park. Proposals should be within the built-up area, be of a high quality and should not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours.

Housing Provision

7.8 Although the site is not allocated for housing, it lies within the built up area boundary of Chapel. The site is situated between existing dwellings and could therefore be considered an infill plot. Policy H1 is supportive of housing development on

unallocated sites within the defined built up area boundaries of the towns and larger villages. CNP Policy H2 is supportive of small residential developments of fewer than 6 units on infill sites that lie within the built-up area.

7.9 The site is in a sustainable location with good links to local services and shops by walking/cycling and nearby public transport. The site is in a residential area and is adjacent to residential properties. In respect of the three dimensions to sustainable development contained in the Framework, it is considered that the delivery of housing is a contributor to economic growth. The proposal will make a small contribution to the social and economic health of the Borough by contributing to the housing supply within the Local Plan. The proposal will potentially provide a contribution towards the New Homes Bonus which will enable the Council to invest in further community benefits. These factors weigh in favour of the development.

7.10 The principle of a new dwelling in this location is in general accord with Local Plan Policy H1 and CNP Policy H2. However, it is necessary to consider whether or not the proposal complies with other relevant policies, including the national policy framework and other material considerations in order to benefit from the presumption under Paragraph 11 of the Framework.

Character of the Area / Design / Layout

7.11 The NPPF highlights that development should add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate landscaping and be sympathetic to local character. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

7.12 Local Plan policies S1 and EQ6 expect new development to contribute to a sense of place by taking account of the distinct character, townscape and setting of the area and securing high quality and locally distinctive design and amenity. The adopted Supplementary Planning Document on Residential Design 2005, also provides guidance on the approach to new residential development, and the factors which contribute toward local distinctiveness.

7.13 Policy H3 of the Neighbourhood Plan states that new housing should be of a high quality, with the design and density reflect the attractive qualities of the Chapel-en-le-Frith. In particular development should integrate into its surroundings by reinforcing existing connections and creating new ones, whilst also respecting existing buildings and land uses. Buildings should be designed and positioned with landscaping to define and enhance streets and spaces.

7.14 The previous application for a detached bungalow on the site was refused full planning permission in September 2018 for two reasons the first of which was as follows:

The application constitutes a form of backland development, which by virtue of its siting and layout, would have a cramped appearance which fails to reflect the

spatial characteristics and pattern of development in the surrounding area. The proposed development would cause unacceptable harm to the character of the area and is thereby contrary to Policies S1 and EQ6 of the High Peak Local Plan, Policies H2, H3 of the Chapel-en-le-Frith Neighbourhood Development Plan, the High Peak Design Guide 2018 and Section 12 of the National Planning Policy Framework.

7.15 The current application is in outline form with approval sought for layout and access with scale, appearance and landscaping reserved for future consideration. The proposal is effectively an infill development which would be situated in a relatively small space between the existing dwelling and the boundary with No. 105 Horse Fair Avenue and No. 54 Crossings Road to the south. The Planning Statement states that the dwelling would be a single storey two bedroom bungalow with a footprint of 10m x 8m. The proposed siting of the dwelling is relatively central on the site and set slightly further north than the previous scheme which was set closer to the boundary with No. 54 Crossings Road. The agent argues that the current siting enables the new dwelling to be part of the street scene of Horse Fair Avenue as it would front onto and have access to this road and it would not be a backland form of development.

7.16 Notwithstanding that the proposed dwelling has been moved further forward towards Horse Fair Avenue, it remains the case that the proposal would have a cramped appearance in this narrow space with only small gaps retained to the side boundaries of the site. Whilst the proposal will not be prominent from Crossings Road due to the presence of the existing two storey dwelling, the proposal will be visible from Horse Fair Avenue and will appear out of keeping with the general pattern of development. Properties on Crossings Road are set within large plots and there is a general feeling of spaciousness in the area. The proposed siting of the dwelling therefore continues to be out of keeping with the pattern of development in the area and would not reflect the spatial characteristics of the area. The High Peak Design Guide states that “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”. The proposal would be a backland form of development which does not respect the grain of this part of the settlement.

7.17 Accordingly it is considered that the siting and layout of the proposed development would be detrimental to the character of the area, contrary to Policy EQ6 of the Local Plan, Policy H3 of the Neighbourhood Plan, Section 12 of the NPPF and the High Peak Design Guide 2018.

Impact on nearby residential amenity

7.18 Local Plan Policy EQ6 requires that new development achieves a satisfactory relationship to adjacent development and does 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. Careful consideration of any new development needs to be given to the design, orientation and siting of the new dwelling to ensure that the occupiers have a satisfactory level of amenity and do not result in a loss of amenity to occupiers of adjacent properties, including overlooking, privacy and any overbearing impacts of development. In general there should be at least 21m between habitable room windows of adjacent properties.

Policy H3 of the Neighbourhood Plan states that there should be suitable private outdoor amenity space for new dwellings.

7.19 The second reason for refusal of the previous application for a single detached bungalow on the site was as follows:

The garden serving the proposed dwelling would result in severe overlooking between the garden and the windows in the rear elevation of the existing dwelling. The existing dwelling would be left with no private outdoor amenity space and the likely provision of a fence to the front of that dwelling to provide adequate privacy would not be in keeping with the character of Crossings Road. Consequently the proposals would not provide a high standard of amenity for existing and proposed occupiers and is therefore contrary to Policy EQ6 of the High Peak Local Plan, Policy H2 of the Chapel-en-le-Frith Neighbourhood Development Plan and Section 12 of the National Planning Policy Framework.

7.20 As can be seen the previous scheme raised concerns that the existing property, No. 56 Crossings Road, would be left with no private rear garden as a result of the development (other than a narrow passageway to the rear) and this in turn raised the possibility that the garden to the front of the existing property would need to be enclosed with a high timber fence in order to provide occupants with sufficient levels of privacy. Such a high fence would not be in keeping with the character of Crossings Road. In order to address this concern the applicant is now proposing that an area of the existing rear garden roughly triangular in shape would be retained by No. 56 and a 1.8m high fence would be erected along the new boundary between the existing dwelling and new dwelling in order to provide each property with sufficient privacy. The retention of a small rear garden to the rear of No. 56 and the 1.8m high timber fence enables a sufficient separation between both properties to be maintained and the existing property would retain a private albeit relatively small rear garden. Thus it is considered that the applicant has overcome this reason for refusal.

7.21 In terms of the amenity of future occupants of the new dwelling, it is considered that the proposed dwelling has the potential to provide sufficient internal floor space to meet the requirements of the nationally described space standards document (March 2015) though this would need to be demonstrated as part of any future reserved matters application. The outdoor amenity areas serving the new dwelling would be of sufficient size.

7.22 The proposed dwelling is to be a single storey structure which would be sited in close proximity to the rear (eastern) elevation of the existing dwelling, No. 56. However, it would be nearest to the rear of the existing attached garage and the main part of the rear elevation of the existing property including the rear habitable room windows are orientated away from the proposed dwelling. The proposed western elevation of the dwelling would not contain any windows. Those windows to the front elevation would not directly face towards the rear of the existing property. Furthermore, it is proposed to reduce the ground level of the new dwelling footprint and surrounding path by approx. 400mm to the same ground level as Nos. 54 and 56, which will reduce the impact on these neighbours.

7.23 The proposed dwelling is shown to be further from the boundary with No. 54 Crossings Road than proposed as part of the previous scheme, with a gap of approx. 9 metres from the boundary. Thus any windows in the rear elevation of the new dwelling would not result in severe overlooking of this neighbouring property. In addition, a 1.8m high timber fence is proposed on the southern site boundary which would further mitigate overlooking to this neighbouring property. The modest scale and height of the proposed dwelling, and its position to the north of this neighbouring property, will mitigate the impact on this neighbour in terms of loss of light and overbearing effect.

7.24 No. 105 Horse Fair Avenue is located to the east of the proposed dwelling. The orientation and distance between this neighbour and the proposed dwelling is such that there is unlikely to be any significant impact in terms of overlooking or loss of lights to this neighbouring occupier. The planning statement states that there would be no windows in the east elevation of the new dwelling. The position of the proposed vehicular access and new driveway off Horse Fair Avenue would be adjacent to the boundary with the residential curtilage of No. 105 Horse Fair Avenue and No. 58 Crossings Road but the access would be situated a sufficient distance away from the neighbouring dwellings so that the occupiers of these are unlikely to be significantly affected by noise and disruption from use of the new access.

7.25 In summary, it is considered that the proposed development is capable of achieving a satisfactory relationship with neighbouring properties in terms of amenity though as noted any future reserved matters submission will need to meet the Council's detailed amenity standards. As such the proposed development complies with Policy EQ6 of the Local Plan and H2 of the Chapel Neighbourhood Plan.

Flood risk/Drainage

7.26 Policy EQ11 relates to Flood Risk Management and supports development proposals that avoid areas of current or future flood risk and do not increase flooding elsewhere. The site lies within Flood Zone 1 (the Zone at lowest risk of flooding). The use of the site for residential development accords with the general advice in section 14 the NPPF in that this is land with the lowest probability of flooding. The concerns of the neighbour regarding drainage are noted. However, United Utilities raise no concerns subject to conditions requiring submission of a surface water drainage scheme and foul and surface water drainage on separate systems. Accordingly, subject to the conditions recommended by United Utilities, it is considered that there are no objections to this development on flood risk or drainage grounds.

Access and Highway matters

7.27 The NPPF promotes sustainable transport and recommends that local planning authorities should seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel.

7.28 Policy CF6 of the Local Plan seeks to ensure development can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes. It aims to ensure that all new development is

located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.

7.29 A new vehicular access would be formed from Horse Fair Avenue with 2 parking spaces and bin storage areas provided within the site. This would be achieved by removing the existing boundary wall to the north of the site and forming a new driveway onto the head of the cul-de-sac. It is considered that this would provide a safe means of access to the site and it is noted that County Highways do not object to this application, subject to conditions.

7.30 Therefore, taking the above into account, and subject to the conditions recommended by the Highway Authority, it is concluded that there would be no adverse, or 'severe', impact on the local road network and the proposals thereby comply with the provisions of section 9 of the NPPF and Local Plan policy CF6.

Trees

7.31 Policy EQ9 seeks to ensure that existing trees, woodlands and hedges will be retained and integrated into development unless the need for and benefits of the development clearly outweigh their loss.

7.32 The Council's Arboricultural Officer raised concerns about the possible impact on the mature tree at the rear of the existing dilapidated building in the south east corner of the site and the lack of details concerning the tree and its required root protection area in relation to the proposed location of the new dwelling. The agent has since confirmed that the tree trunk is approx. 8m from the closest part of the proposed dwelling. On this basis the Arboricultural Officer raises no objection subject to a condition requiring a tree protection scheme with any future reserved matters application.

7.33 Subject to the condition recommended by the Arboricultural Officer the development would meet the requirements of Policy EQ9.

8. PLANNING BALANCE AND CONCLUSION

8.1 The National Planning Policy Framework provides for a presumption in favour of sustainable development. The Framework advises that proposals which comply with the development plan should be approved "without delay". The site is within the built up area boundary of Chapel-en-le-Frith and is in a sustainable location in terms of access to public transport and local services. The scheme would make a very small contribution towards the Borough's housing supply and thereby deliver very modest social and economic benefits, including the creation of new jobs during the construction phase and additional spending in the local economy from future residents of the new dwelling. It should be noted that the Council can demonstrate a 5 year supply of housing land.

8.2 Matters relating to highway safety and trees have been satisfactorily addressed. In principle it is considered that the development would not adversely affect nearby residential amenity though any future reserved matters submission would need to meet the Council's detailed amenity standards. Similarly, the scale, appearance and landscaping of the development would be dealt with at reserved matters stage. This

outline application seeks consent for the layout of the development. Given the siting of the proposed dwelling and its proximity to the existing dwellings, it is considered that the layout of the proposal constitutes an inappropriate form of development which does not reflect the spatial characteristics of the area and would be detrimental to its visual character. It is considered that this harm to the character of the area outweighs the benefits of the scheme.

8.3 As such, the proposed development represents an unsustainable form of development which is contrary to policies of the Local Plan, Chapel Neighbourhood Plan, High Peak Design Guide and the NPPF, and the application is therefore recommended for refusal.

9. RECOMMENDATIONS

A: REFUSE, for the following reason(s):

(1) The application constitutes a form of backland development, which by virtue of its siting and layout, would have a cramped appearance which fails to reflect the spatial characteristics and pattern of development in the surrounding area. The proposed development would cause unacceptable harm to the character of the area and is thereby contrary to Policies S1 and EQ6 of the High Peak Local Plan, Policies H2, H3 of the Chapel-en-le-Frith Neighbourhood Development Plan, the High Peak Design Guide 2018 and Section 12 of the National Planning Policy Framework.

B: In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Site Plan

