

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 18th January 2021

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| Application No: | HPK/2020/0064 | |
| Location | Land off Trenchard Drive, Buxton | |
| Proposal | Application to vary planning condition 2 attached to Full Application Ref: HPK/2018/0315 | |
| Applicant | Persimmon Homes | |
| Agent | Persimmon Homes | |
| Parish/ward | Buxton | Date registered 28/02/2020 |
| If you have a question about this report please contact: Ben Haywood; email: ben.haywood@highpeak.gov.uk Tel: 01298 38400 Ext: 4924 | | |

REFERRAL

The application is referred to committee as it is a major development.

1. SUMMARY OF RECOMMENDATION

APPROVE, subject to S106 & conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site extends to approximately 5.24 hectares (12.94 acres) and comprises a large previously developed site formerly the University of Derbyshire Harpur Hill Campus, which closed in 2009. All university buildings within the application site have since been demolished and the site is currently under redevelopment for residential purposes pursuant to planning permission HPK/2018/0315 which was granted in 2019.

2.2 The application site lies north of Burlow Road and north of Trenchard Drive in Harpur Hill, approximately 3km south east of the centre of Buxton. The surrounding area is predominantly residential with established residential development being located on three sides.

2.3 The main former campus site is generally flat with some slight north to south undulation towards Burlow Road, and comprises a mixture of modified neutral grassland, mixed woodland, scattered trees, hardstanding and small buildings associated with its previous use. The site bounds Burlow Road to the south, its boundary being defined by established dry stone walls with grassed verges and mature trees. The northern boundary of the application site is bound by Trenchard Drive; the site boundary being demarcated by semi natural woodland comprising hawthorn hedgerows; a University of Derbyshire sports facility and associated car

parking forms the remainder of the site's northern boundary with existing housing being located to the north west.

2.4 The site bounds the existing residential streets of Trenchard Drive and Kirkstone Road to the west. The eastern and south eastern site boundaries comprises mature mixed woodland of predominantly horse chestnut, silver birch, elder and hazel with dense scrub to the southernmost corner of the site.

2.5 Land beyond the site's eastern boundary is being developed for 275 dwellings (Ref: HPK/2017/0613). Once this scheme is built, the application site will be bound on all sides by residential development.

2.6 The land to the north of Trenchard Drive slopes southwards towards Trenchard Drive and is bound by existing homes to the east and west. The southern boundary is defined by Trenchard Drive. The northern boundary comprises agricultural style fencing with open fields beyond. A number of trees are located along its southern and eastern boundary.

3. DESCRIPTION OF THE PROPOSAL

3.1 Full planning permission was granted in 2019 for the erection of 153 dwellings with associated access, public open space and landscaping. (HPK/2018/0315 refers) The 153 dwellings proposed will consist of a combination of 2 and 2.5 storey mews, semi-detached and detached properties; the mix is as follows:

- 81 no. 2 bed houses;
- 65 no. 3 bed houses;
- 7 no. 4 bed houses

16% of the total homes provided on site (24 homes) will be affordable. These affordable homes will be provided as Starter Homes.

3.2 This application seeks to vary the approved plans condition. It is made to reflect minor material amendments to approved planning layout (HH.BUXT-SDA.01 Rev P) and approved landscape masterplan (3069 101 Rev D) to ensure suitable replacement of trees to be removed and to increase the extent of additional replacement tree planting. These proposed minor amendments are made to reflect a meeting in November 2019 and subsequent discussions with the Council's arboricultural officer, Monica Gillespie.

3.2 Furthermore, the original full planning permission, granted consent for the various house types and their siting, but subject to a condition which required details of site levels, including, finished floor levels, road levels, and other land / garden levels to be submitted and agreed in writing. These were submitted under a discharge of conditions application (ref: DOC/2019/0074 refers). Officers were generally satisfied with the levels across the site, with the exception of two locations where local residents had expressed concerns about the raising of land levels and the elevated finished floor levels / access road levels relative to their properties which were already below the natural ground level of the site.

3.3 Officers requested that the finished floor levels of the dwellings and roadways in this part of the site be reduced back to the existing ground levels of the site but unfortunately were advised by the applicant that for technical reasons related to drainage and highway adoption requirements this was not possible

3.4 Following lengthy discussions with officers, local residents and ward councillors the developer has made minor amendments to the following plots:

- Plot 39 changed to a Warwick house type and removal of detached garage and turning head associated with the private drive.
- Plot 143 has been changed to a Thirlmere house type, bringing this plot away from the boundary to provide for more opportunities for landscaping

3.5 These changes are intended to reduce the impact of the raised ground levels on neighbouring dwellings by introducing smaller housetypes and moving the built development further away from the boundaries with the affected properties. This also provides the opportunity for improved boundary treatment and screen planting / landscaping. All associated landscaping and external works drawings have been updated to reflect these changes. These include up-to-date proposed levels information which has also been submitted with this application.

4. RELEVANT PLANNING HISTORY

4.1 The site's planning history largely relates to its previous use as a College Campus. A planning application was submitted by Barratt Homes (Manchester) in January 2007 seeking consent for 232 new houses and apartments with associated roads and open space. (HPK/2007/0058 refers) However the application was withdrawn in July 2010.

4.2 Full planning permission for the erection of 153 dwellings with associated access, public open space and landscaping was granted on 3rd July 2019. (HPK/2018/0315 refers)

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

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| Policy S1 | Sustainable Development Principles |
| Policy S1a | Presumption in Favour of Sustainable Development |
| Policy S2 | Settlement Hierarchy |
| Policy S3 | Strategic Housing Development |
| Policy S5 | Glossopdale Sub-area Strategy |
| Policy EQ1 | Climate Change |
| Policy EQ2 | Landscape Character |
| Policy EQ5 | Biodiversity |
| Policy EQ6 | Design and Place Making |
| Policy EQ7 | Built and Historic Environment |
| Policy EQ9 | Trees, Woodlands and hedgerows |
| Policy EQ10 | Pollution Control and Unstable Land |

- Policy EQ11 Flood Risk Management
- Policy H1 Location of Housing Development
- Policy H3 New Housing Allocations
- Policy H4 Affordable Housing
- Policy CF3 Local Infrastructure Provision
- Policy CF4 Open Space, Sports and Recreation Facilities
- Policy CF5 Provision and Retention of Local Community Facilities
- Policy CF6 Accessibility and Transport
- Policy CF7 Planning Obligations and Community Infrastructure Levy

Supplementary Planning Guidance

- Residential Design
- Landscape Character
- Housing Needs Survey
- Planning Obligations

National Planning Policy Framework (NPPF) 2012

Achieving Sustainable Development

- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conservation and enhancing the Natural environment
- Section 12 Conserving and enhancing the Historic Environment

6. CONSULTATIONS CARRIED OUT

End of Consultation Period 24th December 2020

| <u>Consultee</u> | <u>Comment</u> | <u>Officer response</u> |
|--|----------------|-------------------------|
| Arboricultural Officer | No objection | |
| <p>1. Landscaping scheme</p> <p>1. Background</p> <p>1.1 Application to vary condition 2 of HPK/2018/0315 to amend the approved planning layout.</p> <p>1.2 The proposed changes include the removal of some additional trees and amendments to the planting and landscaping scheme.</p> | | |

2. Changes to original proposal

- 2.1 6 Trees in Plots 41 to 48 along Trenchard Drive which cannot be retained as shown on the previously approved planning layout were to be retained are now to be removed.
- 2.2 One hawthorn tree is not covered by the TPO and 2 ash trees have dieback disease and are now not considered appropriate for retention. The other trees which are maples would be desirable to retain but we have explored options for this with the Arboricultural consultants and no feasible solution has been found.
- 2.3 Replacement planting for these trees is included in the landscaping.
- 2.4 It has also proved unfeasible to retain the cherries at rear of plots 45/66/65, part of G19 and T15 in Plot 52
- 2.5 There is a minor revision of the turning head away from plots 118 and 119 to reduce impact on retained tree. This is a positive improvement.
- 2.6 There is a discrepancy between the master plan layout and the Arboricultural Method Statement (AMS) with regards to the retention of trees at the rear of plots 147, 152-153. The AMS shows the retention of these trees and a method for constructing the retaining wall but the master layout shows 2 of the trees to be removed. There needs to be consistency between these documents given that the AMS shows the trees can be retained. I consider that it should be conditioned that all tree works including tree removal is in accordance with the AMS
- 2.7 Removal of the small turning head outside plot 143 which is no longer required and will reduce encroachment onto retained trees. Again, this is an improvement.
- 2.8 There are some changes to the landscaping to accommodate replacement planting for the additional tree removal. These changes are acceptable.

Consideration of Objections

The council has received a number of comments /objections to the planting scheme.

Some of these are quite detailed I have addressed the key concerns below:

1. General concern about additional tree loss. Whilst this is regrettable some additional removal of trees due to constraints on the site and other overriding issues mean this is unavoidable.

2. The proposed scheme includes the planting of 192 standard trees and 773 native trees and shrubs planted as whips or hedgerow a total of 965 trees ; this is adequate to comply with the council's Local plan policy EQ9 for 2:1 replacement planting.

3. There is concern that the species are not suitable for the area as they are not hardy enough and they are not appropriate species to replace those that have been removed.

a) Hardiness - Most the tree species have a hardiness rating of at least H6 - Hardy throughout the UK and Northern Europe, therefore suitable for Buxton.

The exception is the Judas tree - *Cercis. siliquastrum* this has a hardiness rating of H5 described as Hardy through most of the UK but may not with stand open and exposed sites in central or northerly locations. So this tree can survive but not thrive on the site, it has the potential to succumb to harsher winters so only has a limited long term potential. Several of these trees are selected for planting. I suggest that whilst it is good to provide some diversity in species in this case given the exposed nature of the site it would be prudent to replace this with an alternative species to ensure that the scheme is sustainable.

b) Hedging – the objector requested for more diverse hedging. The hedging type varies across the site with hornbeam, privet and laurel in different areas and some native hedge planting in selected areas. I am satisfied this provides some diversity but the addition of alternate hedging types would be welcome, particularly the replacement of some of the laurel hedging with beech. Laurel has the advantage of being quick to grow but can quickly become unmanageable.

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| DCC Flood Risk Management | | |
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22 Dec 2020:

The LLFA has concerns about the proposed planting plan shown on drawing Detailed Planing Plan – Overall Plan, D7961.002E: it appears that tree planting is proposed over potential locations of underground surface water attenuation tanks, according to drawing Drainage Layout, ELL-W-18054-PNW-5000 Revision E, which

would be used if infiltration is shown not to be feasible. Long term the tree roots could damage the attenuation tanks. The applicant should demonstrate how such damage would be avoided.

2 April 2020:

I have reviewed this application and due to it being an alteration in site layout that does not impact flood risk or drainage the LLFA does not have any comment to make.

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| Derbyshire Wildlife Trust | No objection | |
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We have reviewed the details for the above application and do not consider it significantly changes any of the wider ecological considerations for the site. We do note the proposed increase in replacement trees and consider that this is likely to be beneficial for biodiversity in the longer term.

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| Environmental Health | No comment | |
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I can confirm that High Peak Borough Council, Environmental Health have no observations to make concerning this application.

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| Severn Trent Water | Condition recommended | |
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Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Due to the size of this development a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason

To ensure that the development is provided with a satisfactory means of drainage

as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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| AES Waste | No objection | |
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We have looked at the planning proposal and there are no waste issues.

Third Party Representations

Neither (3)

- Long-term maintenance plan needed
- Mature trees loss cannot be easily compensated for
- Turning area and footpath positioned poorly, will be detrimental to existing resident amenity
- Better boundary needed
- Will there be funding attached to this for buses?

Objections (14)

- Turning area built without approval
- Tree removal will worsen drainage problems
- Agreed boundaries are not being respected on new plans
- Agreement that trees will not be removed is not being respected on new plans
- Boundary distances are not those agreed
- Ground levels have been raised without permission
- Raised ground levels will impact privacy
- Damage to wildlife – hedgehogs present in gardens – mature trees removal damages habitat
- Proposed deciduous tree planting will not provide winter privacy screening
- Object to tree replacement with non native species
- The developer would always have been aware of tree locations – why change now?
- Trees help ground stability on steep slope as well as shelter in an exposed location
- Developers should work with the landscape not against it
- Replacement trees/shrubs are species that may not survive

- No care plan for trees
- Discrepancies on numbers of plots across plans
- New trees may absorb less carbon – against climate change policies
- The existing trees are part of the established skyline
- The trees should have TPOs for the duration of works
- The selection of tree species will make the estate feel separate from the rest of Harpur Hill
- We Oppose The Building Of Plot 119 & 143 For The Following Reasons:
 - 1.Overshadowing and Loss of light
 - 2.Loss of privacy
 - 3.Overpowering our property as the pads for both plot 119 & 143 are substantially higher than our own.
 - 4.Combination of close proximity and the overall height.
 - 5.Driveway (Plot 143) higher than our boundary fence - headlights shining straight into lounge and kitchen windows.
 6. Persimmon adding a boundary fence where there is not one detailed on the outline planning (raised with enforcement 27/11/20).

5. POLICY AND MATERIAL CONSIDERATIONS

Planning policies

7.1 The determination of a planning application should 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.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted 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 currently consists of the Adopted High Peak Local Plan April 2016.

7.3 The revised National Planning Policy Framework (NPPF) is considered to be a mandatory material consideration in decision making. The applicable contents of the revised Framework will be referenced within the relevant sections of the officer report as detailed below.

7.4 Once again achieving sustainable development sits at the heart of the Framework as referred to within paragraphs 10 and 11. As before, achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the*

right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well being; and,*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.5 Paragraph 11 of the Framework requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means approving development proposals that accord with an up-to-date development plan without delay.

7.6 Section 5 of the Framework relates to delivering a sufficient supply of homes. Paragraph 59 identifies that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

7.7 Adopted LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within the Framework.

Principle of development / Main issues

7.8 The site already benefits from full planning permission for the erection of 153 dwellings with associated access, public open space and landscaping which is currently being implemented (HPK/2018/0315 refers). As a result, this application does not represent an opportunity to reconsider the suitability in principle of this site for residential development. Furthermore, the previous consent included approval for the siting and design of the dwellings on Plot 143 and Plot 39 and the detached garage and turning head associated with the latter, (subject to subsequent approval of levels). Consequently, this application does not represent an opportunity to reconsider the suitability in principle of dwellings on those plots.

7.9 The main issues for consideration by the committee are firstly whether the proposed amendments to the housetypes on Plots 143 and 39 and the deletion of the turning head and garage are acceptable and/or preferable to the approved position, having regard to existing and proposed site levels and the relationship with neighbouring properties. Secondly, the Committee must consider whether the proposed amendments to the approved landscaping scheme are acceptable. This report will address each matter in turn.

Plot 143

7.10 Plot 143 has been changed to a Thirlmere house type, bringing this plot away from the boundary to provide for more opportunities for landscaping. It stands immediately to the north east of no.75 Burlow Road, the only existing property affected by this part of the development. The rear principal elevation of no.75 faces north towards this plot and its main private amenity space is also located at the rear adjacent to the boundary with Plot 143. No. 75 Burlow Road, is at a significantly lower ground level such that the boundaries to the side and rear are formed by retaining walls such that the natural ground level of the construction site at the boundary is approximately level with the top of the ground floor windows.

7.11 Naturally, the ground slopes upwards away from this point in a northerly direction. The ground levels on this part of the site have also been further raised by over 2m including the provision of a 1350mm retaining wall alongside the driveway to plot 143 such that the finished floor level of plot 143 will be 371.05 compared to 368.35 at the boundary.

7.12 The High Peak Residential Design Guide states;

As a guide a distance of 21 metres between habitable room windows of adjacent properties will provide an acceptable level of amenity. Where changes in levels on site are evident or where taller buildings are present, these distances should increase by 1 metre for every 0.5 metre difference in height between the smaller to the taller building. Strict application of these standards can however restrict a creative response to site layout and frustrate designers; the Council is therefore open to applicants with a more flexible approach based upon design principles rather than standards

The Guide does not contain a minimum distance between a principal elevation of a dwelling and the gable elevation of another dwelling, although c.13m is generally regarded to be appropriate in these circumstances, assuming a level site.

7.13 In this case, originally, a separation distance of c.15.8m (at the closest point) was achieved between the rear of no.75 and the gable of the "Kendal" house type proposed on Plot 143. This was deemed acceptable at the time having regard to the rising ground natural level but also, the fact that the gable was not directly opposing the rear of no.75, being considerably off-set to the north east. To compensate for the further increase in ground levels the developer has proposed to substitute a Thirlmere on this plot, which has a narrower footprint and as a result the gable would now be c.17.05m from the rear of no.75 at the closest point, increasing to 21m at the furthest point. Whilst this does not allow for an additional *1 metre separation for every 0.5 metre difference in height*, it should be noted that the standard relates to directly opposing principal elevations, rather than a principal and flank elevation as is the case here, where the two elevations are also off-set. Furthermore, as Plot 143 is located immediately to the north east of no.75 it will not result in any direct overshadowing of the existing dwelling or its garden at any point during the day.

7.14 Also by moving the house and its associated driveway further from the boundary, there is greater scope for the inclusion of landscaping on the batter slope between the edge of the driveway to plot 143 and the boundary with no.75. A 1m closed boarded fence is to be provided and can be secured by condition on top of the retaining wall forming the edge to this driveway in order to prevent disturbance to no.75 from car headlights when manoeuvring in this area. The proposal is also considered to be preferable to the fall-back position of the Kendal house type which was approved, albeit subject to agreement of levels.

7.15 The new Plot 143 will continue to maintain an adequate relationship with the other new dwellings in the development. The separation to plot 120 to the rear will be as per the approved scheme and the separation to the rear of plots 119 and 118 to the south will also be marginally improved as a result of the changes. Accordingly, the amendment is deemed to be acceptable in amenity terms and in compliance with Policy EQ6 in this respect.

7.16 In terms of design and street scene, the Thirlmere is a house type approved elsewhere on the development so will appear in keeping with the character and appearance of the area in accordance with Policy EQ6.

Plot 39

7.17 Plot 39 has been changed to a Warwick house type and the detached garage and turning head associated with the private drive in front of it have been removed. It stands immediately to the north-east of 27-31 Kirkstone Road, the only existing properties affected by this part of the development.

7.18 The rear principal elevation of these dwellings face towards the front elevations of plot 39 to 36. These plots are served by a private drive and the approved plans for plot 39 shows a detached double garage in front of it at the end of the private drive, which also incorporates a turning head, immediately beyond no31 Kirkstone Road. A pedestrian footpath runs through a landscaped area between the rear boundary of the properties in Kirkstone Rd and the new development from the turning head at the end of Teddar Avenue. Again, the natural ground levels rise from the boundary with the dwellings in Kirkstone Rd into the application site and here too further raising of land levels has taken place.

7.19 The occupant of 31 Kirkstone Rd raised concerns, shared by officers, that this raising of land levels, combined with the fact that the rear boundary to their property comprises a low dry stone wall would result in overlooking and loss of privacy from pedestrians walking along the private driveway or using the footpath link and that further loss of amenity would occur as a result of headlights from cars using the turning head shining into the rear windows of their property.

7.20 The developer has sought to rectify this problem by removing the turning head and the double garage and change the house type on Plot 39. This has obviously eliminated entirely the problem of car headlights and has reduced any potential overlooking from the private drive by moving the closest point at which users of the drive can stand further away. It has also allowed the footpath link to be moved away

from the rear boundary of the neighbouring houses to allow for landscaping to be provided in between. The developer has also offered to provide a 2m closed boarded fence along the rear boundary of no.31.

7.21 It is considered that these improvements will address the amenity concerns in this area arising from the raised ground levels and again represent an improvement over the previously approved fall-back position. The Warwick housetype has also been used elsewhere on the development and will appear in keeping with the character and appearance of the area. The changes are therefore considered to be in accordance with Policy EQ6.

Landscaping and Trees

7.22 The application also seeks to make amendments to the approved landscaping plans, including removal of trees which were previously shown for retention, including trees which are the subject of a Tree Preservation Order. The Council's Arboricultural Officer has carefully considered the tree removal and whilst regrettable has acknowledged that several of the specimens cannot reasonably be retained whilst implementing the development. Others are either not covered by the TPO or are suffering from Ash Die Back disease.

7.23 A significant amount of replacement planting comprising 192 standard trees and 773 native trees and shrubs planted as whips or hedgerow, amounting to a total of 965 trees/shrubs is shown on the submitted revised landscaping plan. This plan has been subject to ongoing discussion with the Arboricultural Officer whilst the application has been under consideration with the Council and she has confirmed that this is adequate to comply with the council's Local plan policy EQ9 for 2:1 replacement planting.

7.24 A number of other changes are proposed to the landscaping scheme to accommodate the plot substitutions discussed above. The Arboricultural Officer has commented that these are to be welcomed as they will create additional opportunities for landscaping and planting. The removal of the turning head will reduce the encroachment of development towards retained trees, which is again a positive change.

7.25 The additional tree removal has resulted in objection from nearby residents, some of which are lengthy and comprehensive. The Arboricultural Officer has addressed the points raised in her comments above and having considered these carefully they do not change her assessment. On this basis and in the absence of any objection from the Arboricultural Officer it is not considered that a refusal on trees and landscape grounds could be sustained.

7.26 She has commented that the Arboricultural Method Statement (AMS) will need to be updated to reflect the changes to the landscaping as shown on the site layout plan but this can be secured by condition.

Other matters

7.27 The occupier of no.75 Burlow Road, has also expressed concerns about the raising of land levels and the finished floor level of plot 119 to the east of his property. In particular, he is concerned about the overbearing impact of the dwelling itself when viewed from his garden and from the window in the east gable of his property as well as overlooking from the end of the private drive serving these plots. These concerns were shared by officers considering the submitted levels details.

7.28 As noted above it was not possible to secure any significant reduction in the finished floor level of Plot 119 for engineering reasons. However, changes have been made to the external ground levels and layout, including shortening the private drive serving this plot and altering the turning head in order to reduce the extent of the land raising adjacent to the boundary of no.75 and to allow a batter slope to be created from the end of the private drive to natural ground level at the boundary. This will reduce the potential for overlooking and amenity impacts from vehicles manoeuvring at the end of this driveway. Changes to the garden levels of plot 119 have also been put forward in order to remove retaining walls and reduce fill adjacent to the boundary of plot 119.

7.29 The developer also considered substituting the house type on plot 119 for a narrower dwelling, as they have done on plots 143 and 39 to move the two-storey gable further from no.75. However, the developer has argued that this would have required additional piling to take place adjacent to no.75 which has been a further source of concern for the occupant and would not have overcome his amenity concerns and for that reason, the house type and siting have been retained as per the approved plan. The occupant of no.75, however, has commented that he has no objection to additional piling provided that it is correctly carried out in accordance with good practice and proper procedures. Nevertheless, the Committee must consider the scheme which is before it, which does not include any change to the housetype on Plot 143, which is as per the approved scheme. The only matter for consideration is the levels / external works in respect of this plot.

7.30 The separation between the gables of no.75 and plot 119 is between 4m and 7m. However, it should be noted that the Council's Supplementary Planning Document does not include a minimum separation between two flank elevations. For these reasons the siting of plot 119 was deemed to be acceptable, subject to approval of levels, when the original planning permission was granted and this s73 application does not represent an opportunity to revisit that issue. Having regard to the various points set out above the submitted levels, as amended, are now considered to be acceptable in this area.

7.31 The comments of the LLFA are noted. They have raised concerns regarding the position of some of the proposed planting is proposed over potential locations of underground surface water attenuation tanks, , which would be used if infiltration is shown not to be feasible. Long term the tree roots could damage the attenuation tanks. The applicant has been asked to demonstrate how such damage would be avoided or to amend the scheme as appropriate. An update will be provided on this issue to Members.

8. PLANNING BALANCE & CONCLUSION

8.1 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.

8.2 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 currently consists of the High Peak Local Plan 2016.

8.3 The site already benefits from full planning permission for the erection of 153 dwellings with associated access, public open space and landscaping which is currently being implemented (HPK/2018/0315 refers). As a result this application does not represent an opportunity to reconsider the suitability in principle of this site for residential development. Furthermore, the previous consent included approval for the siting and design of the dwellings on Plot 143 and Plot 39 and the detached garage and turning head associated with the latter, (subject to subsequent approval of levels). Consequently, it does not represent an opportunity to reconsider the suitability in principle of dwellings on those plots.

8.4 The proposed substitution of house type on Plot 143, will effectively result in the 2 storey gable of this property and driveway being moved further away from the rear of 75 Burlow Road. Notwithstanding the increase in ground level and finished floor level on this plot, and the existing natural topography, which is significantly higher than no.75, this is deemed to be an acceptable relationship and an improvement over the previously approved layout. This conclusion is reached having regard to the fact that i) the Council's Residential Design Guide does not provide a minimum separation in such circumstances, ii) the generally accepted separation of 13m would be exceeded, iii) the two elevations are not directly opposing thus compensating for the significant difference in ground levels.

8.5 The proposed change to the house type on plot 39, removal of garage and turning head will result in a significant improvement to the amenity of properties in Kirkstone Road, over and above the approved scheme, notwithstanding the increased ground levels now proposed, given that the pedestrian route will be further away, there will be more space for landscaping, less potential for overlooking and loss of amenity resulting from manoeuvring vehicles.

8.6 With regard to the landscaping scheme, the proposal will result in the removal of a number of additional trees, some of which are protected. However, significant replacement planting is proposed and whilst the additional tree loss is regrettable, in the absence of any objection from the Arboricultural Officer it is not considered that a refusal on these grounds could be sustained. Other minor changes to the landscaping are proposed to reflect the plot substitution referred to above, which are considered by the Arboricultural Officer to be beneficial in landscape terms.

8.7 Concern has been raised by the occupier of no.75 with regard to the raising of the finished floor level and surrounding ground levels of plot 119, which is in very close proximity to their property. However, following amendments to the site layout in terms of reducing the length of the private driveway and turning head serving those plots and associated reduction in fill and relocation of retaining walls away from the neighbouring property, this relationship and the submitted ground levels details are now considered to be acceptable.

8.9 For the reasons detailed above it is concluded that the amended plans, are acceptable in terms of the impact on the amenity in accordance with the relevant local plan policies including Policy EQ6 (Design and Place Making) and the relevant sections of the NPPF which deal with design and amenity considerations. In the absence of any other material considerations to indicate otherwise and having due regard to all other matters raised, it is recommended that the committee resolve to approve the variation to the approved plans condition including the changes of house type on plots 143 and 39, amended landscaping and submitted ground levels.

9. RECOMMENDATIONS

A. That approval be GRANTED, and subject to the same conditions as previously with the following changes / amendments:

- 1. Amendment to condition 2 to reflect the changes to the approved list of plans**
- 2. Conditions which have been previously discharged to be positively worded to require compliance with previously approved details / plans**
- 3. Submission, approval and implementation of updated arboricultural method statement**
- 4. Provision of 1m closed boarded fence to the edge of driveway to plot 143 and provision of 2m closed boarded fence on the boundary with 31 Kirkstone Road.**
- 5. Compliance with the approved level plans.**

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 Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Site Plan

