

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 12th July 2021

Application No:	HPK/2021/0044	
Location	Land off Dollywood Close, Buxworth, Derbyshire, SK23 7NL	
Proposal	Approval of Reserved Matters following outline permission HPK/2016/0108	
Applicant	Mr J Westbrook, Corridor Ltd, 10 Belfry Mansions, Brockhall Village, Old Langho, BB6 8BS	
Agent	Ms Sarah Foster, 3/2 Lauderdale Street, Edinburgh, EH9 1DF	
Parish/ward	Blackwood	Date registered 02.02.2021
If you have a question about this report please contact: Tom Hiles-Email tom.hiles@highpeak.gov.uk Tel: 01538 395400 Ext: 5430;		

REFERRAL

The application is referred to committee as the outline permission was considered at committee in October 2016.

1. SUMMARY OF RECOMMENDATION

APPROVAL - Subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1. The site comprises an open area of land extending to approx.. 0.28 hectares, which is situated between Dolly Wood Close to the west and Brierley Park on the eastern side. Both Dolly Wood Close and Brierley Park consist of two storey semi-detached housing built of stonework with pitched roofs of grey slates or tiles. There is a fall of approx. 5m from the northern end of the site. Contours from east to west are almost level.
- 2.2. An unmade public footpath runs diagonally from the north eastern corner down to the south eastern corner. The field immediately to the north of Dolly Wood Close is currently accessed from the application site. Boundaries are a mixture of low stone walls, fences and hedges with occasional mature trees. The northern boundary is open at present.
- 2.3. The majority of the site is within the built-up area boundary of Buxworth but the northern part of the site which is open to the fields to the north is designated as Green Belt and Open Countryside.

- 2.4. Approval was granted under ref HPK/2016/0108 by the planning committee on 31st October 2016 for:

Outline application with all matters reserved for residential development

- 2.5. As all matters were reserved at outline stage, the current application is for approval of Access, Layout, Appearance, Scale and Landscaping.
- 2.6. Although a site layout plan was submitted at outline stage, approval was not subject to accordance with the details or general principles of this layout plan.

3. DESCRIPTION OF THE PROPOSAL

- 3.1. The proposal is for approval of the reserved matters, being the access, layout, appearance, scale, and landscaping of the approved development.
- 3.2. The application is accompanied by the following plans and documents;
- Design and Access Statement
 - Site Location Plan
 - Revised Proposed Site Layout Plan (including landscaping details)
 - Proposed Floor Plans and Elevations
- 3.3. The submitted details show the development of 5no. four bedroom houses arranged in a cul-de-sac, accessed from the end of Dollywood Close. Plots 1-4 would share a common design (with some variation of the position of proposed bird and bat boxes mounted to the side elevations). Plot 5 is also of the same design but handed. The houses would be generally traditional in form and character, with a substantial front gable and smaller gable at rear. Facing materials would be random-coursed gritstone with areas of coloured render, and dark grey slate. Windows and doors would be of timber constructions. Plots 1-3 would be arranged towards the northern boundary of the site, with plots 4 and 5 placed near to the southern boundary.
- 3.4. Plot 1 would be placed adjacent to an existing house at no. 31 Dolly Wood Close to the west of the site. Plot 3 would be placed near to an existing house at no. 9 Brierly Park to the east of the site. Plot 4 would be placed near to no 8 Brierley Park to the east. Plots 4 and 5 would adjoin the rear gardens of houses to the south, Brierley Green House and Brierley Green Barn. Plot 5 would be placed close to the rear elevations of 20, 22 and 24 Dolly Wood Close to the west.
- 3.5. Landscaping arrangements would comprise individual permeable driveways and parking bays to each unit, with grass and wildflower/scrub planting to the front and sides of each unit. Plot boundaries would be 1m dark stained picket fences, planted with hawthorn. The proposals require the removal of several trees and include the planting of several replacement trees.
- 3.6. The site currently provides farm vehicle access to fields to the north-west and

includes a footpath running to the north-east corner. The proposed layout includes a retained footpath around the south and east edges of the site, and a gated farm access running along the west side of the site between the proposed houses and Dollywood Close. This would comprise a 3m wide strip, constructed of crushed hardcore and planted with grass.

- 3.7. Revised plans were received during determination, repositioning the new farm access from the south and east edge of the site (sharing the route with the footpath) to the west side, and indicating parking spaces at each unit. Public re-consultation on the revised plans is currently underway.
- 3.8. The application and details attached to it - including the plans, supporting documents, representations and responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=245473>

4. PROCEDURAL MATTERS

- 4.1. Condition two on the decision noticed, issued on 24.11.2017, was that:

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

- 4.2. This deadline would have expired on 24.11.2020. However, in response to the Covid-19 pandemic, in early 2020 the Government introduced into law temporary measures extending existing permissions and deadlines for reserved matters applications for any approvals due to expire between 23.03.2020 and 31.12.2020, extending the date by which reserved matters should be submitted for consideration to 01.05.2021. The reserved matters application was received on 02.02.2021, before the extended deadline expired.

5. RELEVANT PLANNING HISTORY

HPK/2016/0108 – Proposed outline application with all matters reserved for residential development. Approved, 24/11/2017

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=205808>

DOC/2021/0008 – Discharge of conditions 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and 19 relating to HPK/2016/0108. Awaiting decision.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=245292>

6. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S6	Central Sub-area strategy
EQ1	Climate Change
EQ2	Landscape Character
EQ3	Rural Development
EQ4	Green Belt Development
EQ5	Biodiversity
EQ6	Design and Place Making
EQ9	Trees, Woodland and Hedgerows
EQ10	Pollution Control and Unstable Land
EQ11	Flood Risk Management
H1	Location of Housing Development
H3	New Housing Development
H4	Affordable Housing
CF3	Local Infrastructure Provision
CF6	Accessibility and Transport
CF7	Planning Obligations and Community Infrastructure Levy

Supplementary Planning Documents

- High Peak Design Guide
- Landscape Character
- Landscape Character
- Housing Needs Survey
- Planning Obligations

National Planning Policy Framework

Paragraph 11	The Presumption in Favour of Sustainable Development
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting Sustainable Transport
Section 12	Achieving well-designed places
Section 13	Protecting Green Belt land
Section 14	Meeting the challenge of climate change, flooding & coastal change
Section 15	Conserving and enhancing the natural environment

National Design Guide 2019

National Planning Practice Guidance

7. CONSULTATIONS

Site notice	Expiry date for comments: 16.03.2021
Press notice	Expiry date for comments: 18.03.2021
Neighbours	Expiry date for comments: 18.03.2021

- Public comments were received from four addresses, all objecting to the proposal.

Brierley Green Barn: *I fully support land development to provide additional housing, however in this instance the impact on flora and fauna in addition to the extensive works required to get the land to a buildable state I wholly object. This build is directly opposite my property boundary which in effect will be building me and my property into an estate which will effect my views in addition to the valuation of my property. Please do build but be realistic in what is greenbelt land.*

5 Dolly Wood Close: *In the absence of information to the contrary, I have one objection to the proposed development at the end of Dolly Wood Close. In broad terms, it involves the health and safety of residents on the Close. In particular, and together with the elderly, it involves the health and safety of the pre-school and school-aged children who live here. Dolly Wood Close is usually packed with parked cars. Heavy traffic, to and from the proposed site, will inevitably give rise to congestion; lines of sight will be restricted and any increase in ambient noise may well mask the sound of an approaching vehicle. Under such circumstances, the children will obviously be at greater risk than they are now. Under such circumstances, parents will naturally take more steps to protect their children. Even so, I frequently see the older youngsters racing down the Close on their way to catch the school bus and, for some of them, you can guarantee that the need not to be late will override good road sense. As for the younger children, most of them play, run or cycle up and down the Close. They've done it for decades and, once again, you can guarantee that a few of them will, momentarily, escape the notice of the most vigilant of parents. And then, of course, there is the site itself. For safety's sake, it needs to be fenced off, but I saw no mention of such provision online. Failing the provision of child-proof safety measures - and of clear-cut advice for parents/grandparents - my objection to the proposed development will stand. I'm aware of the fact that the duties of care, assigned to Local Authorities, are a grey area. Having said that, all children have a fundamental right to protection - and that is not a grey area.*

8 Brierley Park: *I would first of all like to object to the planning for 5 new houses on the land adjacent to my property. Scrub land such as this is in short supply and is needed by a wide variety of flora and fauna in order to survive. We have a very healthy population of birds and small mammals which supports a number of birds of prey (from owls to sparrowhawks), who without this land to sustain them will suffer. I am also very worried about the management of water storage and run off. Although there are now plans to store water, I wonder if this is enough in such a wet place. Situated on a slope the run off from the hills behind can be considerable, and added to the numerous springs on this parcel of land, I fear those houses situated on*

Station Road at a lower level than the road will be at risk from flooding. As planning for this land has been approved in the past, I assume this is all just a formality, and whilst I am pleased some improvements to the plans have been made, if it goes ahead I have a number of specific objections/concerns: 1. I am glad to see that Tree 3 is being retained (thank you!) but object to Tree G4 being taken down. Setting aside the fact it's a magnificent oak over 100 years old which is hugely important to the eco-system (just replacing old trees with new does not solve things!), I would like to assert the claim that the tree does NOT sit on the developers land. Tree G4 sits on the boundary between No 8 Brierley Park, 45 Brierley Green and Brierley Green Barn, and therefore I would like to dispute the right the developers have to take that tree down. 2. I also object to the position of the farm access which comes up through Splash Lane and directly adjacent to our house. Whilst provision has been made for the new houses to have a fence raised to 'protect' them from the noise and dust/dirt of the farm vehicles, no consideration has been given to providing the same courtesy to the existing dwellings of number 8 and 9 Brierley Park.

18 Dolly Wood Close - Using Dolly Wood Close as an access road to the site is unacceptable and will cause massive disruption, and potential damage. As a lorry driver myself it is not a route suitable for hgv and work traffic, with nowhere for site staff to park without making it impossible for residents to park

Chinley, Buxworth & Brownside Parish Council: No objections to this application subject to the footpath diversion being completed in advance of works commencing and the footpath being made safe to use so that it remains open throughout the duration of the works.

Consultees

Consultee	Comment	Officer response
DCC Highways	<p>Comments provided in response to discharge of conditions application:</p> <p><i>Condition 3 concerns submission of details for the proposed access and internal site layout. Drawing no. 534.21 Rev A demonstrates creation of a dropped kerb vehicle crossing to serve the proposed development. It should be noted that permeable surfacing will not be permitted within the public highway i.e. for the vehicle dropped crossing of the existing verge that will need to be constructed as strengthened footway with cross fall towards the carriageway of Dolly Wood Close (not a 'rumble strip' as shown). The drawing demonstrates removal of the existing street lighting column whereas this will need to be relocated in accordance with the requirements of the Highway Authority.</i></p>	

	<p><i>Highway Authority recommendation at Outline application stage was for provision of a turning facility within the site demonstrated as being suitable for use by a refuse vehicle - that demonstrated would be acceptable for use by typical supermarket delivery vehicles.</i></p> <p><i>There doesn't appear to be any reference to where waste bins are to be stood, clear of the highway/ access, on collection days. It's recommended that the views of the refuse collection service are sought with respect to suitability of the proposals for their purposes.</i></p> <p><i>Off-street parking should be provided at a level to satisfy the requirements of your own Authority's standards, each space being of 2.4m x 5.5m minimum dimension (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.</i></p> <p><i>It's proposed to divert the existing Public Footpath around the site. This will need to be formally completed in advance of any Works affecting the line of the existing route in accordance with advice provided at Outline application stage.</i></p> <p><i>It's suggested that suitability of the proposed farm access/ public footpath route for use by agricultural vehicles is demonstrated by means of appropriate swept paths and consideration is given to creation of a link between the proposed private shared driveway and Public Footpath.</i></p>	
Alliance Environmental Services	No issues regarding waste collections. Note: No bin storage identified on plans	
Severn Trent Water	Suggest condition requiring approval of drainage plans for surface water disposal and foul sewage prior to commencement. Suggested informative regarding protection of newly adopted sewers.	
HPBC Tree Officer	<i>The reserved matters application has failed to accommodate the retention of the oak trees on site. The landscape plan refers to trees be removed 'as per John Booths Report' the 2016 report</i>	

	<p><i>doesn't recommend that any trees are removed, there is a subsequent letter which accompanies DOC/2021/0008 which notes the loss of oak trees but provides no justification or assessment.</i></p> <p><i>The landscape plan refers to the report submitted with the outline for details of tree protection. However a specific Arboricultural Method Statement for the site is required to address these issues.</i></p> <p><i>It would be preferable to see all the mature oaks on site retained. However if on planning balance the Proposal are acceptable the following conditions should be applied or this information supplied to prior to determination.</i></p> <p><i>LA10 – tree retention</i> <i>LA13 – provision of a tree protection plan and arboricultural method statement in particular to deal with the installation of the no dig surface.</i></p> <p><i>I would also expect all the trees to have an ecological assessment for Bat roosts and Bird nesting before any tree works are undertaken.</i></p>	
HPBC Environmental Health	Recommend conditions on: contamination investigation, reporting and remediation; construction and demolition dust, waste disposal, noise and vibration minimisation, piling, hours of work, use of radios.	
Peak & Northern Footpath Society	The footpath issue has been dealt with at an earlier stage and provided that the diversion is completed as indicated on the plans, the diversion appears to be acceptable. We would ask that a condition is attached to the permission requiring the footpath works to be completed before other work is undertaken so that it is open throughout the construction and safe to use.	
Coal Authority	Mining legacy is not located within the actual parts of the site where new development is proposed. On this basis we have no comment to make on this approval of reserved matters.	
Lead Local Flood Authority	<i>Comments awaited.</i>	
Derbyshire Wildlife Trust	<i>We note that the landscape plan includes the position of 5 bat and 5 bird boxes to be attached to buildings. If possible the bird boxes could be replaced with</i>	

	<i>integrated swift bricks, but overall we have no objection to the discharge of the condition.</i>	
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8. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

- 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 considerations 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 adopted High Peak Local Plan April 2016.
- 8.3. At the heart of the NPPF is the presumption in favour of sustainable development (paras 10 and 11). For decision makers 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, grant planning permission unless a) policies in the Framework which protect areas or assets of importance provide a clear reason for refusing the application or b) any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 8.4. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependent objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise:
 - 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.

8.5. High Peak Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

Principle of development

8.6. The principle of residential development on the site has already been established by the granting of outline consent (HPK/2016/0108) and this application for reserved matters does not present an opportunity to revisit that principle. In particular it is noted that the development was considered to be appropriate with regards to the small portion of the site which lies within the Green Belt. This reserved matters application therefore seeks to agree matters of access, layout, appearance, landscaping and scale.

Layout, Scale and Appearance

8.7. Section 12 of the NPPF outlines that the creation of high quality buildings and places is fundamental to what planning and the development process should achieve. Design is a key aspect of sustainable development. Paragraph 127 seeks to ensure development;

a) functions well and adds to overall qualities of the area over the lifetime of the development,

b) are visually attractive as a result of good design,

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not discouraging innovation,

d) establish a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) Optimise the potential of the site to accommodate and sustain an appropriate amount of mix of development and support local facilities and transport networks.

f) Create places that are safe, inclusive, and accessible and which promote health and well-being with a high standard of amenity of existing and future users and where crime and disorder, including the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.8. Policies S1 and EQ6 of the adopted Local Plan seek to ensure that

development is well designed and of a high quality that responds positively to its environment whilst contributing towards local distinctiveness and a sense of place. New development should take account of the distinct character, townscape and setting of the area and secure high quality and locally distinctive design and amenity. Developments should be easy to move through and around and incorporate well integrated car parking, pedestrian and cycle routes.

- 8.9. The High Peak Design Guide 2018 requires the setting of any building to be carefully considered. New development should be guided by the existing character and context. The National Design Guide 2019 explains that the underlying purpose for design quality is to create well-designed and well-built places that benefit people and communities.
- 8.10. The proposed scheme is generally considered to be in accordance with policy and local guidance for design of residential development. In terms of scale, the individual units would be in broad accordance with the range of house sizes in the surrounding area, which range from bungalows and terraced and semi-detached houses to larger semis and detached houses. The overall scale of development is considered to be appropriate to the size of the site and to that of the existing settlement. The layout of the scheme would allow for the retention of the existing public footpath around the site.
- 8.11. In terms of design character, the houses would be generally traditional in character, with relatively modest windows and an overall form articulated by the inclusion of a full-height front gable with side-facing catslide roof, adding visual interest. The architectural character of houses in the vicinity is somewhat varied and the proposals would be broadly sympathetic in character to a number of nearby older buildings, in part due to the proposed use of gritstone, slate and timber windows and doors.
- 8.12. As such, the proposal is considered to be acceptable in terms of layout, scale and appearance and in terms of its effect of the character and appearance of the local area, subject to the provision of further details on levels to further assess the prominence of the proposed units.
- 8.13. Subject to these further details, the proposals are therefore considered to accord with local policies S1 and EQ6, the High Peak Design Guide, and section 12 of the NPPF.

Landscape and Arboricultural Issues

- 8.14. Section 15 of the NPPF requires decisions to contribute to and enhance the natural and local environment. Paragraph 127 of the NPPF states that planning decisions should ensure that development is sympathetic to local character, history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.15. Policy EQ2 of the adopted Local Plan seeks to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty and for its

benefit to the economic, environmental and social well-being of the District. Amongst a number of criteria, development should be informed by and sympathetic to the distinctive landscape character as identified in the Landscape Character Supplementary Planning.

8.16. Policy EQ3 requires that all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park.

8.17. The site lies within an area designated by the Landscape Character SPD as 'Settled Valley Pastures', which is characterised as follows:

"a pastoral landscape with permanent improved pasture which gives way higher up the slopes to poorer grazing where the ecological value is greater. The landscape has a strong network of winding lanes and roads and railways along the lower slopes above the floodplain. This is a well wooded landscape with wooded cloughs around tributary valleys and hedgerows with some hedgerow trees which define irregular fields"

8.18. The proposed use of gritstone and slate, and a stone boundary wall, would accord with typical materials noted in the SPD. The wooded aspect of the landscape character would be partly protected by the retention of existing trees and proposed additional planting.

8.19. The development would be enclosed at the east, west and south sides by existing dwellings and would be set across the gentle slope of the site, reducing the prominence of the units in the wider landscape. Given the design characteristics of the proposal as described above, it is considered that the development would not result in harm to the landscape character of the surrounding area.

8.20. The landscaping proposals are considered to be acceptable, subject to the points raised by the landscape officer in terms of the mix of tree planting, of which the applicants have been invited to address. The proposed layout will incorporate open front boundaries, which although somewhat suburban in character (relative to the overall character of the area), is similar to the neighbouring houses along Dollywood Close.

8.21. Policy EQ9 advises that existing trees, woodlands and hedgerows will be protected. This is achieved by requiring existing woodlands, trees and hedgerows to be retained and integrated within a proposed development. It requires development to provide appropriate tree planting and soft landscaping.

8.22. The scheme as proposed involves the removal of one mature oak tree adjacent to the proposed access onto the site. The arboricultural officer has objected the proposals on the basis of this loss. It appears that the proposed scheme could be modified to allow for the retention of the tree, and the applicant has been invited to amend the scheme accordingly. A further update will be provided to Members on this issue prior to committee.

8.23. The public comments on this matter are noted but subject to such an amendment and further consultation with the arboricultural officer, it is considered that the scheme would be acceptable in terms of the objectives of policy EQ9.

Ecology and Biodiversity

8.24. Section 15 of the NPPF seeks to conserve and enhance the natural environment by protecting and enhancing biodiversity. Policy EQ5 of the Local Plan seeks to conserve and enhance the biodiversity and geological resources of the area by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests.

8.25. Matters of ecological and biodiversity impacts were assessed at outline stage and a number of conditions imposed, which are mainly subject of separate approval.

8.26. Condition 8 required that:

“The reserved matters application shall ensure that the recommendations for mitigation and enhancement in relation to bats as set out in Sections 5 and 6 of the Tree Inspection and Bat Emergence Survey dated 20th May 2016 are incorporated into the scheme and thereafter shall be fully implemented.”

8.27. The proposed houses each include a bat box high on the side elevation, which satisfies the recommendations referred to. The comments from Derbyshire Wildlife Trust are noted.

8.28. The reserved matters application is not considered to give rise to any other ecology or biodiversity considerations.

8.29. The proposal is therefore considered to comply with paragraph 175 of the NPPF and local plan policy EQ5 in this regard.

Highways and Access

8.30. Section 9 of the NPPF states that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, opportunities from existing or proposed infrastructure are realized and opportunities to promote walking, cycling and public transport are identified. Parking and other transport considerations should be integral to the design of schemes and contribute to making high quality places.

8.31. Paragraph 108 of the NPPF identifies that in assessing an application for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.32. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Para 110 goes on to state development should give priority first to pedestrian and cycle movements within the scheme and with neighbouring areas.

8.33. Policy CF6 of the adopted Local Plan sets out the need to ensure that development can be safely accessed in a sustainable manner, whilst minimising the need to travel particularly by unsustainable modes of transport.

8.34. The initial comments from the DCC Highways officer have been provided to the applicant, and amended plans and detailed response to the issues raised have been provided and forwarded to the Highways officer. At the time of report preparation no further comments have been received from the Highways officer. It appears that the matters raised may have been addressed by the revised plans. Accordingly, it is considered that, subject to further comments from the Highways officer, that the proposals are acceptable in terms of access and parking. Members will be updated on this prior to committee.

Impact on neighbouring residential amenity

8.35. The NPPF at paragraph 127 (f) seeks to ensure that planning decisions deliver, amongst a number of factors, a high standard of amenity for existing and future users. Policy EQ6 requires new development proposals to achieve a satisfactory relationship to adjacent development taking into account matters such as overlooking, shadowing, overbearing effects, noise and light pollution.

8.36. The nearest residential dwellings are located on Dolly Wood Close to the west, on Brierley Park to the east, and along Station Road to the south of the site.

8.37. Owing to the relatively close proximity of the units at plots 1, 3, 4 and 5 to the neighbouring dwellings on Dollywood Close and Brierley Park, it is considered that there is potential for the positioning and heights of these proposed houses at these plots to result in harm resulting from, variously, overbearing effects and visual intrusion (particularly to the houses at nos. 20-24 Dolly Wood Close), and a harmful level of overlooking and loss of privacy to the rear garden of 8 Brierley Park.

8.38. These effects could be particularly severe due to the changes in levels across and outside the site. However it has not been possible to accurately assess this aspect of the proposal due to a lack of specific details on levels changes relative to the neighbouring dwellings.

- 8.39. Further details have been requested to illustrate the visual relationship between the existing and proposed dwellings in question. It is considered that minor alterations to the layout currently proposed would likely overcome any remaining concerns in terms of these issues. Subject to the further consideration and the submission of revised plans, it is considered likely that the proposals will be acceptable in terms of these issues and therefore in amenity terms generally, and comply with local plan policy EQ6 and para 127 (f) of the NPPF in this regard.
- 8.40. Final assessment of these matters will be provided in an update report ahead of the committee meeting.
- 8.41. Comments from neighbouring residents with regards these and other related issues are noted. In terms of noise disruption arising from the repositioned farm access, it would appear unlikely that farm vehicle movements will be of a frequency to result in significant disruption to the properties adjacent to the newly positioned access route.

Flooding & drainage

- 8.42. Policy EQ11 of the Local Plan seeks to support development which avoids areas of current or future flood risk. Paragraph 155 of the NPPF states that development in areas at risk of flooding, should be avoided by directing development away from areas at highest risk.
- 8.43. The site lies within flood zone 1, the area which has the lowest risk of flooding.
- 8.44. The application notes that
- “The phase 1 Geotechnical & Geo-environmental Site Investigation Report by Eastwood & Partners states, that given the expected cohesive ground conditions, soakaway drainage will not be viable for most of the site. It is therefore proposed that each dwelling, as part of the storm attenuation and drainage strategy, will be provided with a shallow tank, gravity fed domestic rainwater harvesting system for house and garden by the 'Rainwater Harvesting Ltd' or similar manufacture. Tank size calibrated using local rainfall data to determine run-off from roof and/or paved areas, together with usage requirements, all as confirmed by the developer.”*
- 8.45. Given the low flood risk of the site, it is considered that such approach is likely to be acceptable, subject to full details to be approved separately. Comments from the Lead Local Flood Authority are awaited and a further update will be provided.
- 8.46. Public comments on this matter are noted but subject to the advice of the LLFA it is considered that the reserved matters details are acceptable in terms of flood risk and drainage, and therefore that the proposal accords with Local Plan policy EQ11 and section 14 of the NPPF in this regard.

9. Other matters

9.1. Public comments relating to impacts on views and property value are noted but are not material planning considerations.

10. PLANNING BALANCE AND CONCLUSIONS

10.1. The development of the site has been accepted by the granting of the outline planning permission in November 2017.

10.2. The further details now submitted are considered to be generally acceptable in terms of the reserved matters of access, layout, appearance, landscaping and scale, subject to some further details and minor amendments to the proposed layout, and a number of outstanding consultation responses raising no objections, it is considered that the proposed scheme would comprise good quality design and would protect the landscape quality of the area.

10.3. Subject to these additional and amended details, the proposal now under consideration is considered likely to be acceptable in terms of residential amenity, highways safety, and trees, and ecology.

10.4. The proposed scheme would be a sustainable form of development in accordance with sections 12 and 15 of the NPPF and policies S1, EQ2, EQ3 and EQ6 of the Local Plan, the provisions of the National Design Guide 2019 and High Peak Design Guide 2018 in this regard.

11. RECOMMENDATIONS

A. It is provisionally recommended that planning permission be APPROVED, subject to:

- 1. Revisions to address the arboricultural officer's concerns**
- 2. No objections from the Highway Officer**
- 3. Further details adequately demonstrating no adverse impact on neighbour amenity**
- 4. No objections from the Lead Local Flood Authority**

the following conditions;

Condition ref number	Brief description	Comment
AP01	Development in accordance with approved plans.	
NSTD	Hard and soft landscaping and boundary details to be undertaken in accordance with the approved proposed site plan	
LA10	Tree retention	

LA13	Provision of a tree protection plan and arboricultural method statement in particular to deal with the installation of the no dig surface.	
NSTD	Full details of proposed rainwater retention system to be approved	
NSTD	Footpath to be made available prior to works commencing	
NSTD	Contamination investigation, reporting and mitigation	
NTSD	Conditions on construction phase relating to construction and demolition dust, waste disposal, noise and vibration minimisation, piling, hours of work, use of radios.	

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 Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

