

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 23<sup>rd</sup> January 2023**

<b>Application No:</b>	HPK/2022/0203	
<b>Location</b>	LAND ADJACENT TO 34 KINDER ROAD HAYFIELD DERBYSHIRE	
<b>Proposal</b>	THE ERECTION OF A SPLIT LEVEL DWELLINGHOUSE, ASSOCIATED WORKS, ACCESS, LANDSCAPING AND REMOVAL OF A TREE	
<b>Applicant</b>	David Wigley	
<b>Agent</b>	Walsingham Planning	
<b>Parish/ward</b>	Hayfield	<b>Date registered</b> 12 <sup>th</sup> May 2022
<b>If you have a question about this report please contact:</b> Aadil Essa <a href="mailto:aadil.essa@highpeak.gov.uk">aadil.essa@highpeak.gov.uk</a>		

**REFERRAL**

The application has been called in by Cllr Lawson due to highway concerns.

**1. SUMMARY OF RECOMMENDATION**

<b>REFUSE</b>
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**2. DESCRIPTION OF SITE**

2.1 The submitted plans relate to the Land Adjacent To 34 Kinder Road to its south east, which is a rectangular parcel of land between Kinder Road/The Mount and the main pitch of the Hayfield Cricket Club. Currently the site is pleasantly overgrown and there are a number of mature trees and hedgerow within and on the boundary. It is understood that the site does not form part of the residential curtilage for any the neighbouring properties and from the site history and previous correspondence on file, it appears to have been a separate, independent site for a number of years.

2.2 The north east boundary with Kinder Road is partially enclosed with a drystone wall, with informal hedging and mature trees. The site slopes down from Kinder road to south west, down to Hayfield Cricket Club, where there is a low, stone boundary wall and significant vegetation above. To the north west the site shares a boundary with No.34 Kinder Road and to the south east is a public right of way, linking Kinder Road to the cricket field. The public right of way connects Kinder Road with Valley Road to the south west and allows public views of the proposed development site from three different sides, as well as the site falling within wider views north east from Valley Road.

- 2.3 The fall of the site is understood to be approx. 4m from the boundary with Kinder road, down to Hayfield Cricket Club.
- 2.4 The built environment of the surrounding area is characterised by relatively narrow fronted, terraced, worker style cottages, with single, sliding sash windows at ground and first floor, some with arches above the doors, continual falling roof ridge and a steady rhythm to the chimneys. There are some detached Victorian villa style properties and a few non-domestic buildings; however, these are infrequent on this part of the streetscene and are generally two storeys such as 'the Mount' at No.67 Kinder Road. The character of the street becomes more open and rural as it climbs the hill travelling south east, with occasional small cottages hugging the road, as noted on the Conservation Area Appraisal.

### **3. PROPOSAL**

- 3.1 Full planning permission is sought for a new residential dwelling with access, external works, landscaping and removal of a tree. Vehicle access will be provided from Kinder Road, with parking and turning area for two cars within the site.
- 3.2 The proposed layout of the site represents an extension to the existing and established terrace arrangement with the front elevation aligning with No 34 Kinder Road. However, the proposed residential unit is slightly wider in proportion and measures 9.25m in width. The depth of the property replicates the existing terrace properties and is 9.17m in depth.
- 3.3 Given the site levels falling away across the site in a general north to south direction the property is proposed to be built into the ground and will effectively be a split level property. Appearing as two storeys along Kinder Road and three storeys when viewed from the Cricket Club and across the valley to the south west.
- 3.4 The walls will be constructed from sandstone with a slate roof and south eastern gable with chimney stacks at corresponding intervals to the existing terrace.
- 3.5 The ground floor accommodation comprises the kitchen/dining and lounge areas, along with a utility room and WC. On the rear elevation two patio doors are proposed leading out onto a balcony with metal railings that overlooking the cricket ground.
- 3.6 The second floor contains two further bedrooms, each with an ensuite. The windows are sash with small utility window to serve the ensuites of the two bedrooms.
- 3.7 The current boundary treatment for the site will be retained where possible as it consists of low dry stone wall and low hedges which are consistent within the conservation area.
- 3.8 The dry stone wall along the Kinder Road protrudes beyond the front elevation of No 34 and takes over most of the pavement area for the whole length of the site frontage before it terminates turning at a 90 degree angle to follow the south eastern boundary down towards the cricket pitch. This wall forms the boundary with the public right of way. The dry stone wall continues along the south western boundary facing the cricket pitch, it remains low level at this point however there

are some shrubs and hedges within the site that provide additional, existing boundary treatment.

- 3.9 A new pedestrian access will be created within the dry stone wall in the northern corner of the site in front of the new dwelling, and a new vehicular access is proposed along the north east side of the proposed dwelling. This will measure 3m in width and require the removal of some of the existing dry stone wall and one tree.

#### **4. RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

##### **High Peak Local Plan 2016**

Policy S 1 Sustainable Development Principles  
Policy S 1a Presumption in Favour of Sustainable Development  
Policy S 2 Settlement Hierarchy  
Policy S 6 Central Sub-area Strategy  
Policy EQ 1 Climate Change  
Policy EQ 2 Landscape Character  
Policy EQ 3 Rural Development  
Policy EQ 5 Biodiversity  
Policy EQ 6 Design and Place Making  
Policy EQ 7 Built and Historic Environment  
Policy EQ 8 Green Infrastructure  
Policy EQ 9 Trees, woodland and hedgerows  
Policy EQ 10 Pollution Control and Unstable Land  
Policy EQ 11 Flood Risk Management  
Policy H 1 Location of Housing Development  
Policy H 3 New Housing Development

##### **National Planning Policy Framework**

Section 2 - Achieving sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

##### **Supplementary Planning Documents and Guidance**

Residential Design SPD (2005)  
High Peak Borough Council Design Guide SPD (2018)

## **5. SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/0002/3725 for 'One Split Level Bungalow' [REFUSED], dated 11 November 1985

HPK/0002/4568 for 'Split Level Bungalow' [REFUSED], dated 21 August 1986

## **6. CONSULTATIONS**

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

### **Publicity**

Site Notice expiry date: 22<sup>nd</sup> June 2022

Neighbour consultation period ends: 14<sup>th</sup> July 2022

Press Advert: 23<sup>rd</sup> June 2022

### **Public Comments**

A total of 16 Objections and 1 support letter have been received. The issues have been summarised below:

- Impact on the Character and appearance of the Conservation Area
- Impact on the Countryside
- Traffic and Parking issues
- Noise and air pollution
- Impact on trees
- Ecology impacts
- Over development
- Impact on local infrastructure
- Amenity impacts on neighbouring residents
- Impact on foundations.

### **Town / Parish Comments**

No comments at the time of writing.

### **Derbyshire County Council Highways**

The above shows 3m access width is unacceptable, no visibility splays have been shown, a permeable resin bound surface is not allowed within 5 metres the public highway and Suitability of the layout for use by a Large Refuse Vehicle of 11.6m length should be demonstrated by means of appropriate swept paths/turning head.

The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days.

Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

The County Council would wish to see the highway issues addressed prior to determination, however, should the LPA be minded to approve the application in its current form we would be grateful if the LPA could reconsult the Highway Authority so that consideration can be given to formulating appropriate conditions which can be recommended to be appended to any consent issued.

(Dated 20<sup>th</sup> June 2022)

### **Conservation Officer Comments**

Objection. Recommended refusal.

The scheme is located at a plot of land adjacent to a row of 18th century terraces on Kinder Road, Hayfield. The proposal seems to be an extension of the historic terrace, adding a derivative version to the end of the existing. Though the proposed site plan does not show the immediate neighbouring terrace that it would be joined to, to provide context to the plan.

Hayfield Conservation Area is picturesque, with traditional vernacular buildings and a classic 'olde world' feel nestled within a rural landscape. The town sees a variety of views, vistas and snapshots of the surrounding countryside, of which most are framed by the traditional dwellings. The natural topography of the area is very much a part of the historic character, affording the pattern of historic development of the vicinity to remain legible. Much of the housing stock are historic workers dwellings, built in response to the growth in industry in the vicinity. Terraces in particular, are a strong element in the area's identity. Most are unusually small and narrow with similar materials and architectural styles, further contributing to the setting and historic uniformity.

Historic maps show this portion of land at Kinder Road, abutting no.34, has remained untouched since the 18th century. The slight descent into Hayfield, along Kinder Road here sees a variety of small open views across the landscape and into the town. It is one of the key entryways into the town through what is noted as being a Character Area. Kinder Road is mentioned at several points in the Conservation Area Appraisal, with recognition of its relationship between the landscape, open spaces and recreational cricket ground to the south-west. These elements being very much conscious design and layout decisions, forming the early pattern of the town.

As a result, this element ought be left untouched and retained as much as possible, in order for the story and setting of the village to remain legible, and the heritage values of the Conservation Area retained.

(Dated 12<sup>th</sup> October 2022)

### **Derbyshire Wildlife Trust Comments**

We have reviewed the Preliminary Ecological Appraisal report (Biora, February 2021). This survey work is now approx. 17 months old, however based on the habitats present and the absence of ecological constraints previously recorded, we do not consider that an update survey is necessary providing this application is not delayed. Should the application not be determined in 2022, an update site visit should be undertaken.

Two trees were identified with 'moderate' bat roost potential. When compared to the Arboricultural Report, we believe that they are T1 and T3. T1 appears to be retained in the layout but T3 may require removal. This should be clarified because further bat survey will be required, prior to determination, if removal of T3 is necessary.

The application area supports relatively common habitats i.e. mixed scrub and trees, however removing these and replacing with a dwelling and associated hardstanding will inevitably lead to a net biodiversity loss, without mitigation. It is essential that a well-considered landscape plan is designed to avoid a loss and preferably achieve a net gain, as per local and national planning policies. Whilst proposed landscaping details have been provided, no Biodiversity Net Gain Assessment has been submitted and therefore the LPA have no quantitative data on which to base their decision making. We advise that the small sites metric is used to calculate losses and gains, prior to determination.

Once the above information has been provided, we would be happy to recommend suitable condition wording. This should include the requirement for an Ecological Enhancement Plan to secure habitat features for wildlife e.g. bat boxes, bird boxes, habitat piles etc.

(Dated 20<sup>th</sup> June 2022)

### **Environment Health Comments**

No objections subject to conditions

(Dated 23<sup>rd</sup> May 2022)

### **United Utilities Comments**

United Utilities wish to make the following comments regarding the proposal detailed above.

#### **DRAINAGE**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

advise that surface water from new developments should be investigated and delivered in the

following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

**We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.**

(Dated 24<sup>th</sup> May 2022)

### **Waste and Refuse Comments**

No objections

(Dated 14<sup>th</sup> June 2022)

## **7. OFFICER COMMENTS**

### **Principle of Development / Countryside**

7.1 The starting point for the determination of any planning application is 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) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

7.2 Under the High Peak Local Plan 2016 Policy S 1 'Sustainable Development Principles', expects all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area. This includes making effective use of land, buildings and existing infrastructure; taking account of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak; and protecting and enhancing the natural and historic environment. Paragraph 79 of the NPPF promotes sustainable development in rural areas and advises that LPA's should avoid the development of isolated homes in the countryside unless there are special circumstances. These include rural workers, reuse or subdivision of existing buildings and exceptional design

7.3 Policy S 2 'Settlement Hierarchy' includes the section 'Other Rural Areas' and states that 'In all other areas outside of the settlement boundary of settlements, including those villages, hamlets and isolated groups of buildings in the Green Belt and the Countryside which do not have a settlement boundary...will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5'.

7.4 Policy H 1 'Location of Housing Development' promotes the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose. The policy continues 'The Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that;

- The development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and
- the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and

- it would have reasonable access by foot, cycle or public transport to schools medical services, shops and other community facilities; and the local and
- strategic infrastructure can meet the additional requirements arising from the development

7.5 Policy EQ 2 'Landscape Character' states that 'The Council will seek 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 Plan Area'. This includes requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape; and requiring proposals to be informed by, and sympathetic to the distinctive landscape character areas.

7.6 Policy EQ 3 'Rural Development' states that 'Outside the settlement boundaries and sites allocated for development...the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, Appearance and integrity of the historic and cultural environment'. This includes allowing new residential development such as 'Limited infilling of a small gap capable of accommodating no more than 2 dwellings of a similar size and scale to the surrounding dwellings in an otherwise continuously built frontage'

7.7 In terms of Policy S 2 'Settlement Hierarchy', this policy includes the section 'Other Rural Areas', which requires development to be in line with policy EQ3, which itself allows for new residential development such as 'Limited infilling of a small gap capable of accommodating no more than 2 dwellings of a similar size and scale to the surrounding dwellings in an otherwise continuously built frontage'. Whilst the site adjoins the built up area boundary as per Policy H 1, it is not the case that this will constitute infilling as No.34 is the end of a row of terraces and the next building on this site of the public highway is then 'Grey Beck' at No.90 Kinder Road, approx. 85m away (approx. 50m from the south east boundary of the application site). The development will therefore not form a part of an otherwise continuously built frontage.

7.8 Furthermore, the proposed development is poorly related to the existing pattern of development, as per Policy H 1. Existing development along this stretch of Kinder Road is of a sporadic and rural nature, which is characterised by the vegetated gaps in the built environment. The site forms part of a wider area of open countryside, which extends to the south east.

7.9 Consequently, the proposed development does not represent infill development and is contrary to Policy EQ3 as it fails to protect the landscape's intrinsic character and distinctiveness.

7.10 The additional criteria within policy H 1 also requires that development not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; in this case the site is considered to form an abrupt end of the built development of the settlement on this side of the public highway and a beginning of the openness and more rural character, which contributes to the visual buffer between the Kinder Road and the skatepark/recreational grounds and cricket grounds to the south.

7.11 The rural character then continues to the east with a narrow carriageway and generally speaking, a single public footpath and historic development located on



only one side of the highway, albeit occasionally swapping from one side to the other in sections.

7.12 Development at the site, due to its siting and design would intrude significantly into this area of countryside. The proposed development does not reflect the existing change in character that the built-up boundary represents. The proposals would urbanise an otherwise open, rural and historic environment to the detriment of the character of the area. The significant development of this heavily vegetated site with an unsympathetic building type, is considered likely to impact the intrinsic character and distinctiveness, of this part of the landscape by harming the character, appearance and integrity of the historic environment. Consequently the development fails to meet the requirements of Policy H1 of the adopted Local Plan.

7.13 The proposal is also contrary to Local Plan Policy EQ2, which seeks to resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

7.14 In summary, the proposal fails to comply in principle with the relevant policies relating to new residential development in the Open Countryside and is contrary to Local Plan policies S1, S2, S3, H1, EQ2 and EQ3 and guidance within the NPPF.

### **Design / Character of the Conservation Area**

7.15 Policy EQ 6 'Design and Place Making' states that 'All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place'. This policy continues 'Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes' and 'Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features'

7.16 Policy EQ 7 'Built and Historic Environment' states that 'The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7'. It continues 'Particular protection will be given to designated and non-designated heritage assets and their settings including: ...Conservation Areas'.

7.17 Hayfield Conservation Area Appraisal gives a thorough assessment of the heritage asset. It notes that 'The open space formed by the cricket ground, the recreation ground and the water meadows upstream of the bridge form a foil to the dense development of terraced houses running along the valley roads. The open space is, therefore, an important part of the setting of the buildings lining Kinder Road, Spring Vale Road and Valley Road and, by virtue of its development for recreational use during the nineteenth and early twentieth centuries, an important part of the historic development of the community'.

7.18 It continues in the individual assessment of the upper section of Kinder Road, 'Kinder Road changes character in a subtle way. From the stone-walled enclosed streets, it changes to a more fragmented character. Slowly over the centuries the open rural character has changed as terraced rows have filled in many of the gaps. The remaining gaps are important as they provide a connection with the rural setting

and the village's agricultural roots. They also provide important glimpses of the far side of the valley'.

7.19 The appraisal also notes the importance of 'panoramic views', both looking south west from this section of Kinder Road and looking north east from valley road, shown on figure 2, the townscape spatial analysis; it states that 'such views are limited to the best defining and most memorable views within Hayfield.

7.20 The proposed development is for the erection of a new two storey split level dwellinghouse on site, cutting into the embankment. The new dwelling is proposed to be attached onto the end of the existing terrace and would feature two bay windows which would give the appearance of two dwellings.

7.21 The scheme is located at a plot of land adjacent to a row of 18th century terraces on Kinder Road, Hayfield. The proposal seems to be an extension of the historic terrace, adding a derivative version to the end of the existing.

7.22 Hayfield Conservation Area is picturesque, with traditional vernacular buildings and a classic 'olde world' feel nestled within a rural landscape. The town sees a variety of views, vistas and snapshots of the surrounding countryside, of which most are framed by the traditional dwellings. The natural topography of the area is very much a part of the historic character, affording the pattern of historic development of the vicinity to remain legible. Much of the housing stock are historic workers dwellings, built in response to the growth in industry in the vicinity. Terraces in particular, are a strong element in the area's identity. Most are unusually small and narrow with similar materials and architectural styles, further contributing to the setting and historic uniformity.

7.23 Historic maps show this portion of land at Kinder Road, abutting no.34, has remained untouched since the 18th century. The slight descent into Hayfield, along Kinder Road here sees a variety of small open views across the landscape and into the town. It is one of the key entryways into the town through what is noted as being a Character Area. Kinder Road is mentioned at several points in the Conservation Area Appraisal, with recognition of its relationship between the landscape, open spaces and recreational cricket ground to the south-west. These elements being very much conscious design and layout decisions, forming the early pattern of the town. As a result, this element ought be left untouched and retained as much as possible, in order for the story and setting of the village to remain legible, and the heritage values of the Conservation Area retained.

7.24 The existing row of terraces to which the new dwelling would be attached to currently enjoys a degree of openness towards the eastern end overlooking the cricket ground to the south and views of the countryside. By infilling this gap, there would be a significant loss of openness and the views of the countryside would severely be impacted resulting in a cramped form of development that would ultimately be detrimental to the character and appearance of the existing street scene and of the Hayfield Conservation Area.

7.25 The proposal is considered likely to have a harmful impact on the character and appearance of the property and the surrounding area and will not preserve or enhance the character of the Conservation Area. Whilst the level of harm would be less than substantial, nevertheless the NPPF requires that where such harm is identified, for development to proceed it must be balanced against the public benefits of the scheme.

7.26 The elevational treatment of the proposed dwelling would reflect the existing properties within the terrace. However, this does not outweigh the harm arising from the loss of the open area within the Conservation Area.

7.27 Whilst there would be some modest social benefits in terms of provision of an additional dwelling and some economic benefits arising from construction spending and spending by future residents in the local economy, this would be limited due to the small scale of the development. Accordingly the benefits of providing a single dwelling on the site is considered not to outweigh the harm identified above. The development is therefore considered to be contrary to Policies S1, EQ6 and EQ7, and Section 12 of the National Planning Policy Framework.

### **Amenity**

7.28 Policy EQ 6 'Design and Place Making' requires that '...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.

7.29 The site is bounded to the north east by Kinder Road and the properties on the other side of the public highway; on the south west by Hayfield Cricket Club; on the south east is a public right of way; and to the north west the site shares a boundary with No.34 Kinder Road.

7.30 The closest neighbour is No.34 Kinder Road, which has no windows facing onto the site and benefits from a partial southern orientation of the rear garden. The proposed dwelling is set away slightly from the north west boundary and the proposed balcony is set back from the side elevation; it also appears to include a privacy screen and therefore unlikely to impact the rear garden of this neighbouring property. Therefore the likely impact in terms of overshadowing, overbearing or direct overlooking are considered to be low.

7.31 The proposal is therefore considered unlikely to have a significant, harmful impact on the amenity of the neighbouring properties. The development is therefore considered to be in accordance with Policies S1, and EQ6, the guidance contained within the Residential Design SPD, High Peak Design Guide, and Section 12 of the National Planning Policy Framework.

### **Highway Safety, Parking and Access**

7.32 Policy EQ6 'Design and Place Making' requires that '...developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities'. Policy CF6 'Accessibility and transport' states that the development should not 'lead to an increase in on street parking to the detriment of the free and safe flow of traffic'.

7.35 The proposal is a three bedroom dwelling and includes extensive hardstanding to the front. Appendix 1 – 'Parking Guidance' of the High Peak Local Plan provides the expected parking standards for different development types, for which in this case it recommends a 3 bed dwelling house (C3) has access to 2 spaces. This guidance also states that 'Each application will be considered in the context of its need for parking and its impact on the local road network'.

7.36 Ample room for these spaces is available on the site and there will be sufficient space for off road parking and turning space to allow cars to enter and exit the drive in forward gear.

7.37 A new access is proposed to serve the driveway in the northern corner of the site, adjacent to No.34. The properties on this side of Kinder Road are terraced and the closest similar access is approx. 50m to the north west, which is clearly a historic evolution rather than a planned vehicle access. The public pavement runs along the north eastern side of Kinder Road and on-street parking is predominantly on the south western side, particularly in front of the site where the public pavement stops. There is no indication that this situation would cease, either side of the proposed access and it is likely that parked vehicles would significantly reduce any visibility splay that the proposed access would have.

7.38 The Local Highways Authority (LHA) have raised concerns with the proposed 3m access width which is considered to be unacceptable, particularly given that no visibility splays have been shown. Furthermore they have stated that a permeable resin bound surface is not allowed within 5 metres the public highway and suitability of the layout for use by a Large Refuse Vehicle of 11.6m length should be demonstrated by means of appropriate swept paths/turning head.

7.39 An amended plan has been provided which shows visibility spaces. However, these appear to encroach into 3<sup>rd</sup> party land outside of the application site and the applicants' control. The resin bound surface has been replaced with permeable block paving. The agent has responded to the comments about the waste collection and the requirement for demonstration of how a refuse vehicle can access the site and tracking plans stating "*the house proposed is a terrace house and we anticipate that waste will be collected from the kerbside as is the arrangement for all the other houses along the street. I therefore consider this request unjustified.*" Planning Officers agree with the latter point. The access width remains at 3m which the Highway Authority have stated is not acceptable but given that the proposal is for a single dwelling, and that bin lorry access to the site will not be required, a 3m width access is considered by Planning Officers to be acceptable. However, the revised plans do not overcome the other concerns raised by the Highway Authority. The proposal is therefore contrary to policies EQ6 and CF6.

## **Trees**

7.41 Policy EQ 6 'Design and Place Making' requires that '...public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees'.

7.42 Policy EQ 9 'Trees, woodland and hedgerows' states that 'The Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration'. In doing so, the policy requires that '...existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss'.

7.44 Although the proposal includes the retention of the trees to the front boundary of the site, it also includes the creation of a new access to the site, as well as parking beneath the canopy of one tree and built structures within close relationship with the trees. The plans show land levels increasing to accommodate the new access which lies within the root protection area of the T1. This is likely to cause some damage to the roots..

7.45 The proposed parking area, due to its proximity to the trees is likely to suffer from leaf drop and potentially be under threat from any future limb failure. The trees will cause shadowing and have an overbearing impact on the garden area, to the east particularly T1. There is likely to be future pressure on the trees to be pruned or removed in order to provide an acceptable and usable garden area.

7.46 Therefore, on balance, it is considered that the proposed development have a detrimental impact on the existing trees both from immediate construction impacts and long term pressure to inappropriately remove or prune trees and would not be in accordance with Local Plan policy EQ9 and section 11 of the NPPF.

## **Biodiversity**

7.51 Policy EQ 5 'Biodiversity', states that 'The biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests'.

7.52 The site is pleasantly overgrown and there are a number of mature trees and hedgerow within and on the boundary. The site is part of a corridor of similar sites bridging the open countryside with the built up boundary of the settlement.

7.53 The Council's Ecology consultants (DWT) have reviewed the Preliminary Ecological Appraisal report and have noted that two trees were identified with 'moderate' bat roost potential. When compared to the Arboricultural Report, it was thought that they were T1 and T3. T1 appears to be retained in the layout but T3 may require removal. This should be clarified because further bat survey will be required, prior to determination, if removal of T3 is necessary.

7.54 The application area supports relatively common habitats i.e. mixed scrub and trees. However removing these and replacing with a dwelling and associated hardstanding will inevitably lead to a net biodiversity loss, without mitigation. It is essential that a well-considered landscape plan is designed to avoid a loss and preferably achieve a net gain, as per local and national planning policies. Whilst proposed landscaping details have been provided, no Biodiversity Net Gain Assessment has been submitted and therefore the LPA have no quantitative data on which to base their decision making. DWT advise that the small sites metric is used to calculate losses and gains, prior to determination.

7.55 Revised information has been submitted by the applicants and the LPA are awaiting revised comments from the DWT. The results of which will be shared with members by way of an update.

## **Flood Risk**

7.56 Policy EQ 11 'Flood Risk Management', states that 'The Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development'.

7.57 The site lies within flood zone 1, an area which has the lowest risk from flooding. A scheme of treatment of surface water run-off and drainage should be clearly identified in the submission in line with the drainage hierarchy. Had the

application been recommended for approval, a condition would have been attached to this effect.

## **8. CONCLUSION / PLANNING BALANCE**

8.1 The starting point for the determination of any planning application is 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) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

8.2 An assessment of the application has determined that the proposal would not fit within any of the criteria for development in the open countryside. It would not constitute "limited infilling" and would not be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and the development would lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside. The proposal would also be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment. Therefore the proposal fails to comply in principle with the relevant policies relating to new residential development in the Open Countryside and is contrary to Local Plan policies S1, S2, S3, H1, EQ2 and EQ3 and guidance within the NPPF.

8.3 Whilst the elevation design of the dwelling is acceptable, the proposal would result in the loss of an important open space within the Conservation Area which would be harmful to its character and significance. Whilst this would be less than substantial harm it would not be outweighed by the public benefits of the development contrary to High Peak Local Plan EQ7 and relevant paragraphs under Chapter 16 of the NPPF.

8.4. As a result of ground level raising within the Root Protection Area, the proposed development would result in a direct detrimental impact on the protected trees within the application site. Furthermore, due to the degree to which the proposed dwelling and its garden area would be dominated by the trees the proposal is likely to result in long term pressure to excessively prune or remove the protected trees contrary to policies EQ6 and EQ9 of the High Peak Local Plan and advice within the NPPF.

8.5 The Highway Authority has raised a number of concerns relating to bin lorry turning, surfacing, width of access and lack of visibility splays. Although officers agree with the applicant that Bin Lorry Turning is unnecessary, and amended plans have addressed the surfacing issue, the access width remains below the County Council requirement. However, given that the proposal is for a single dwelling, and that bin lorry access to the site will not be required, a 3m width access is considered to be acceptable. Notwithstanding this the visibility splay shown on the revised plan is dependent upon third party land and as such there is not guarantee that it can be provided. The proposal is therefore contrary to policies EQ6 and CF6.

8.6 DWT have requested additional information regarding biodiversity loss and mitigation. This has been provided by the applicant and comments are awaiting from DWT. Members will be updated prior to the meeting. Notwithstanding this, and whilst the scheme would be acceptable in terms of flood risk and residential amenity, this would not outweigh the harm which has been identified above and the conflict with the development plan and having regard to all other material considerations it is recommended for refusal.

## **9. RECOMMENDATIONS**

### **A. REFUSE Planning Permission for the following reason:**

- 1. The proposed development would not constitute “limited infilling” and would and not be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and the development would lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside. The proposal would also be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment. Therefore the proposal fails to comply in principle with the relevant policies relating to new residential development in the Open Countryside and is contrary to Local Plan policies S1, S2, S3, H1, EQ2 and EQ3 and guidance within the NPPF.**
- 2. The proposal would result in the loss of an important open space within the Conservation Area which would be harmful to its character and significance. Whilst this would be less than substantial harm it would not be outweighed by the public benefits of the development contrary to High Peak Local Plan EQ7 and relevant paragraphs under Chapter 16 of the NPPF.**
- 3. As a result of ground level raising within the Root Protection Area, the proposed development would result in a direct detrimental impact on the protected trees within the application site. Furthermore, due to the degree to which the proposed dwelling and its garden area would be dominated by the trees the proposal is likely to result in long term pressure to excessively prune or remove the protected trees contrary to policies EQ6 and EQ9 of the High Peak Local Plan and advice within the NPPF.**
- 4. Due to the failure to demonstrate that the required visibility splay can be achieved within land over which the applicant has control, the proposal would fail to achieve safe and suitable access and would be detrimental to highway safety. The proposal is therefore contrary to policies EQ6 and CF6 of the High Peak Local Plan and advice within the NPPF.**

**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/informative/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.**

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 187 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.

## Site Plan

