

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

22nd May 2023

Application No:	HPK/2022/0473	
Location	Land at Longclough Drive, Longclough Drive, Simmondley, Glossop, Derbyshire	
Proposal	Variation of condition 1 relating to HPK/2021/0081 (proposed replacement house types and design)	
Applicant	M Sharp, Mellor Homes Ltd	
Agent	JDA Architects	
Parish/ward	Simmondley	Date registered 14 th October 2022
If you have a question about this report please contact: John Van Eker <i>john.vaneker@highpeak.gov.uk 01538 395400</i>		

SUMMARY OF RECOMMENDATION

APPROVE

1. REASON FOR COMMITTEE DETERMINATION

1.1 This application has been brought before the Development Control Committee as a matter of consistency, as the original reserved matters consent HPK/2021/0081, was determined by the Committee in July 2022.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is located within the Built up Area Boundary of Glossop and is approximately 750m to the south west of the town centre. The 0.58ha C-shaped application site occupies the southern side of a narrow and wooded valley where levels fall steeply from Longclough Drive and Primrose Lane to the level of the brook.

2.2 It forms an area of visual open space located alongside a housing development. The planning consent for the original residential development required the land to be left in open use and not built upon. The site is well covered by grass, vegetation and trees. At present, there are two TPO's in the vicinity of Longclough Drive. TPO (ref. 180) covers 12 individual trees mainly adjacent to the highway and TPO (ref. 19) covers trees at 44a Primrose Lane at land north of the brook and adjacent to the site.

2.3 A stream runs along the northern boundary of the site. Generally, the corridor adjacent to the brook is located within Flood Zone 2 whilst the remainder of the site falls within Flood Zone 3. The site is also sited within a Coal Authority Low Risk Area.

2.4 The immediate houses on Longclough Drive consist of 1970s 2-storey linked properties. To the east, Brookside contains three 2-storey detached properties of a later style, 3 pairs of semi-detached houses are located immediately to the west and the dwelling 44a Primrose Lane is sited to the north of the brook.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application proposes a variation of condition attached to a previously approved development. In this instance the variation of condition proposes a replacement house type and house design. No other aspects of the previously approved scheme are to be affected and the placement of the proposed dwellings as well as habitable room window arrangements will remain the same.

3.2 The Council is in receipt of two additional applications at this address which at the time of writing this report are pending a decision. These are application nos. HPK/2022/0471 and HPK/2022/0470.

3.3 The application seeks to vary condition 1 of planning consent HPK/2021/0081 which relates to the details approved pursuant to the consent for outline planning permission for the erection of 6 dwellings. Condition no. 1 reads as follows:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

- 1218.01 Location Plan
- 9405-WML-00-XX-DR-C-1004 P11a - Site Layout Drawing
- 6424.01 Rev F Landscape Proposal
- 287.25 Type A2 Sections & Streetview

Plots 1 and 2

287.21 Rev A - Type D1 Elevations
287.20 - Type D1 Plans

Plots 3 and 4

287.24 - Type A2 Elevations
287.23 - Type A2 Plans

Plot 5

287.16 Rev A - Type C1 Plans+ Section
287.17 Rev A - Type C1 Elevations
287.17.1 Rev A - Type C1 Elevations 2

Plot 6

287.09 Rev A - Type E Plans+Section
287.10 Rev A - Type E Elevations (with the exception of the north-east facing side elevation, which is superseded by the following plan)
287.10 Rev B Type E side elevation

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3.4 The proposed alterations propose changes to the design and appearance of the dwellings previously approved. The total number of dwellings will remain the same and the footprint and height are as previously approved.

Condition no. 1 would be amended to read as follows,

1. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

- 1218.01 Location Plan
- 1300_A_DR_035 Proposed Site Location Plan – Application 1 S73
- 1300_A_DR_036 Proposed Street Elevations – Application 1 S73
- 6424.01 Rev F Landscape Proposal

Plots 1 and 2

- 1300_A_DR_023 Proposed Plans Type D
- 1300_A_DR_028 Proposed Elevations Type D

Plots 3 and 4

- 1300_A_DR_020 Proposed Plans Type A
- 1300_A_DR_025 Proposed Elevations Type A

Plot 5

- 1300_A_DR_022 Proposed Plans Type C
- 1300_A_DR_027 Proposed Elevations Type C

Plot 6

- 1300_A_DR_024 Proposed Plans Type E
- 1300_A_DR_029 Proposed Elevations Type E

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

4. RELEVANT PLANNING HISTORY

HPK/2022/0471 – Erection of 2 dwellings and associated works – Pending.

HPK/2022/0470 – Erection of 1 dwelling and associated works – Pending.

HPK/2021/0081 – Application for approval of reserved matters following outline approval HPK/2016/0416 – Approved.

HPK/2016/0416 – Outline application with all matters reserved (except access) for the erection of 6 dwellings and the provision of an area of public open space – Refused and allowed at appeal following hearing, appeal ref no. APP/H1033/W/17/3177730.

HPK/0003/0130 – 12 semi-detached houses and 3 detached houses with integral garages – Refused.

HPK/0003/0844 – Erection of 3 detached houses with integral garages – Refused and appeal dismissed.

HPK/2001/0240 – 3 detached houses – Refused and appeal dismissed.

GLO/373/9 – Proposed two storey residential development and landscaping at the South West of Primrose Lane – Granted.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

High Peak Local Plan 2016

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 EQ5	Biodiversity
Policy EQ6	Design and Place Making
Policy EQ7	Built and Historic Environment
Policy EQ8	Green Infrastructure
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 Development
Policy H4	Affordable Housing
Policy CF3	Local Infrastructure Provision
Policy CF4	Open Space, Sports and Recreation 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 (2021)

Paragraph 11 The Presumption in Favour of Sustainable Development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

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

National Planning Practice Guidance (NPPG)

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 03/20/2023
Neighbours	Expiry date for comments: 03/02/2023
Press notice	N/A

Neighbours

6.1 Ten objections to the proposal have been received raising the following points (summarised)

- The public open space proposed has already been significantly reduced from the indicative plan at appeal and can no longer be considered of equal or greater value to the visual amenity that has been lost.
- The proposed sewer diversions would allow for extra dwellings to be built on site and the diversion proposed is such a dramatic change it should again require a whole new application.
- Plot 1 was already too close as the distance window to window between plot 1 and nos 8 and 10 Longclough Drive was 14m when the minimum window-to-window guideline figure 3 is 21m in the Residential Design Guide SPD (this was the reason for condition 2 of the decision notice HPK/2021/0081). This is even more unacceptable when the aim is purely to make space for another house next to plot 4. An improvement would be the houses moving further away from nos 2-12 Longclough Drive.
- This revised plan will require the removal of several more trees from the site. This will create an even greater reduction in the already decimated tree population and further impact the visual and natural diversity of the area. At a time when most of the world is focusing on preserving habitats and the environment, the clearance of the trees from this site has had a significant impact on the mental well-being of the residents.
- The new proposed house and associated driveways would remove road space for approximately 8 cars. Where will these cars park? There are no alternative parking spaces on this road. There is nowhere for visitors to park; no place for delivery drivers.
- The loss of well established trees would exacerbate the impacts of climate change.
- Combined with additional dwellings to be built in Glossop the local infrastructure is inadequate.
- The conditions clearly state that a maximum of 6 properties can be constructed and that Public Open Space should be not less than 4325 sqm.

Consultations

Town / Parish Comments

N/A

Environmental Health

No observations to make.

Environment Agency

No objection subject to standing advice.

Derbyshire County Council Flood Risk Management

No objection.

Derbyshire County Council Highways

No objection. It is noted that the latest plans propose alterations to the on site parking arrangements with the former tandem parking spaces being replaced with spaces laid out parallel. This arrangement is considered to be beneficial over the previous layout.

The parking spaces have also been slightly relocated further away from the overall site boundaries with the consequential improvement to emerging visibility.

7. POLICY AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 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.

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

7.4 The NPPF seeks to proactively drive and support sustainable economic

development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.5 Section 5 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 60 identifies the need to boost significantly the supply of housing meeting the needs of groups with specific housing requirements. Planning policies should identify a sufficient supply and mis of sites and identify a five year supply of housing land. The Council is considered to have a five year housing land supply and therefore housing supply policies are up-to-date.

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

7.7 The site lies within the built up area boundary as defined by Policy S2 of the adopted Local Plan. In accordance with Policy H1, sites which lies within the built-up area boundary, but unallocated for residential development, will be supported in principle for housing development, subject to other policies in the Local Plan.

Principle of Development and background

7.8 The application proposed to vary condition 1 of the approved application HPK/2021/0081. The principle of the development has been established under this consent. As such the principle of the development remains acceptable subject to the developments impact on visual amenity, neighbour and occupier amenity and highway safety/amenity.

7.9 Following the original grant of outline planning permission at appeal and subsequent reserved matters in 2021, the principle of the development has been accepted and this application therefore does not present an opportunity to revisit that principle.

Impact on Visual Amenity and Residential Amenity

7.10 Policies S1 and EQ6 of the adopted Local Plan seeks to ensure that development is well designed and of a high quality that responds positively to its environment whilst contributing towards local 7 distinctiveness and a sense of place. Policy S5 supports the development of new housing on sustainable sites within the built up area boundary for Glossopdale, whilst also requiring new development to protect and enhance the landscape character. These policies reflect guidance contained within the NPPF which recognises the importance of seeking high quality and inclusive design for all development, including individual buildings, public and private spaces. The adopted Supplementary Planning Document on Residential Design 2005 also provides guidance on the approach to new residential development, and the factors which contribute toward local distinctiveness.

7.11 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. The Councils adopted Residential Guide SPD advises that a distance of 21m between habitable windows of adjacent properties should be achieved to provide an acceptable level of amenity.

7.12 Plots 1 and 2 – Type D

The proposed variations relate to alterations to the front porch and external fenestration. Non habitable room fenestration remains located to side elevations. Additional changes include an amendment to the layout of the front of the site which will break up the previously approved parking arrangement without reducing the overall number of spaces provided. These details will result in a form of development that remains visually acceptable and not dissimilar from the previously approved scheme. The neighbour comments relating to separation distances are noted and the proposed amendment would not result in an adverse impact to the occupiers of nos. 8 and 10 Longclough Drive. The 21m separation distance mentioned from the Residential Design Guide SPD relates to habitable to habitable room separation distances only, there is no specified distance between side elevations to front/rear elevation on neighbouring houses. However the distance to numbers 8 and 10 Longclough Drive remains at 14m, as per the previously approved plans.

7.13 Plots 3 and 4 – Type A

Similarly, to plot nos. 1 and 2, the proposed variations relate to alterations to the front porch and external fenestration. A monopitched canopy stretches across the front entrance over the ground floor front facing habitable room window resulting in a design that compliments the adjacent designs proposed at plot nos. 1 and 2. Non habitable room fenestration remains located to side elevations. The revised details proposed will result in a form of development that remains visually acceptable and not dissimilar from the previously approved scheme.

7.14 Plot 5 – Type C

The revisions proposed to plot no. 5 include a revised front porch design and fenestration in keeping with the design of revisions to the other dwellings on site. A monopitched canopy stretches across the front entrance over the ground floor front facing habitable room window resulting in a design that compliments the adjacent designs. A habitable room window is located to the south west facing elevation however due to the proposed arrangement this will not overlook any neighbouring occupiers.

7.15 Plot 6 – Type E

Revisions proposed to plot no. 6 are minor and relate to the design of the front door and fenestration. The general layout of fenestration remains the same as previously approved and features habitable room windows to the south east facing side elevation which will not overlook any neighbouring form of development.

7.16 The proposal would not result in the loss of any additional trees over the previously approved scheme and the limits of the outdoor amenity spaces allocated to each property remain unchanged.

7.17 As such it is not considered that the granting of the variation of condition 1 to allow a different design and minor layout amendments will result in any additional undue impacts upon the character, visual amenities or neighbour amenity of the area over and above that of the previously approved scheme.

Access and Highway Considerations

7.18 Policy CF6 of the adopted Local Plan sets out the need to ensure that development can be safely accessed in a sustainable manner.

7.19 It is noted that the highway officer raises no objection to the proposals, and it is therefore considered that the proposal does not represent any highway safety concerns. The minor layout changes to the arrangement of the parking spaces do not fundamentally alter the layout and form of the development as previously approved. The proposed parking layout for each respective dwelling remains acceptable, with two parking spaces for each of plots 1-5 and three spaces for plot 6 (two on the driveway and a further space in an integral garage).

7.20 Although an objector considers that on street parking along Longclough Drive will be affected by the development, these matters were largely considered and addressed at appeal stage. The Inspector concluded (on the basis of the indicative scheme, of the same scale as that now under consideration) that the reduction in on-street parking resulting from the outline proposal would not lead to any harmful highway safety implications. As such the amendment is considered to have an acceptable impact on highway safety.

Other Matters

7.21 In respect to matters relating to trees, drainage and ecology considerations, these issues were addressed at the outline and reserved matters stages and addressed by appropriate planning conditions. Compliance with the details already agreed in respect of these matters will be required to be, or have already been, secured by condition.

7.22 A number of objectors comment that any increase in the overall number of dwellings on the site would have an adverse impact on neighbouring amenity and the provision of public open space. It is noted that, two accompanying applications refs HPK/2022/0470 and HPK/2022/0471 relate to two additional dwellings on the site, resulting in an overall development of eight houses. The impact on matters such as residential amenity and the public open space will therefore be considered when determination those applications. This application relates solely to design changes to the dwellings which have already been granted planning permission and as these changes have been found to be acceptable in terms of residential amenity and the public open space, it would be unreasonable to refuse this application on the basis of these objections.

8. CONCLUSION & PLANNING BALANCE

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things,

that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

8.2 The development of the site has been accepted by the granting of the outline planning permission for 6 dwellings houses in 2016 at appeal, and subsequently allowed by approval of a reserved matters application in 2022.

8.3 The submitted plans continue to show a development of six houses and demonstrate that the revised designs as proposed are acceptable and would not have an adverse impact on the character of the area. There is no adverse impact in terms of residential amenity.

8.4 Accordingly, the proposal is considered to comprise sustainable development under the terms of the NPPF, and complies with Policies S1, S1a, S5, CF6 and EQ6 of the High Peak Local Plan 2016 which seek provide sustainable residential development. It therefore benefits from the presumption in favour and accordingly is recommended for approval.

RECOMMENDATIONS

A. That approval be GRANTED subject to the following conditions:

1. Approved Plans (As Amended)
2. Obscure glazing to be retained
3. Visibility splays to be maintained
4. Gradients and drainage details to be retained
5. Landscaping details to be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the details agreed.
6. Details footpath proposed to be carried out in accordance with details agreed under DOC/2022/0051.
7. Provision of bin storage areas for all other plots in accordance with details agreed under DOC/2022/0051.
8. Details to be provided for external facing materials in accordance with details agreed under DOC/2022/0051.
9. The development shall be undertaken in strict accordance with the details of tree works and tree protection measures set out in the Arboricultural Statement
10. The development shall be undertaken in strict accordance with the measures proposed in the Biodiversity Management Plan
11. Implementation of the bird and bat boxes and hibernacula shall occur in accordance with the schedule set out in the approved Biodiversity Management Plan
12. A report (to be undertaken by Avian Ecology or another appropriately qualified ecologist) providing a full review of the Biodiversity Management Plan shall be submitted to an approved in writing by the Local Planning Authority.
13. This notice of approval of reserved matters shall only relate to outline planning consent ref HPK/2016/0416 dated 22 February 2018, granted at appeal.

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.

Site Plan

