

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

10<sup>th</sup> July 2023

<b>Application No:</b>	HPK/2022/0471	
<b>Location</b>	Land at Longclough Drive, Longclough Drive, Simmondley, Glossop, Derbyshire	
<b>Proposal</b>	Erection of 2 dwellings and associated works	
<b>Applicant</b>	M Sharp, Mellor Homes Ltd	
<b>Agent</b>	JDA Architects	
<b>Parish/ward</b>	Simmondley	<b>Date registered</b> 14 <sup>th</sup> October 2022
<b>If you have a question about this report please contact:</b> John Van Eker <i>john.vaneker@highpeak.gov.uk 01538 395400</i>		

## SUMMARY OF RECOMMENDATION

Approve, subject to conditions.
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### 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 outline and reserved matters applications along with the recent variation of condition application HPK/2022/0473 was determined by the Committee.

### 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 wider site occupies 0.58ha to 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. The application site comprises an area of land to the east of the site opposite numbers 1-3 Brookside.

2.2 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**

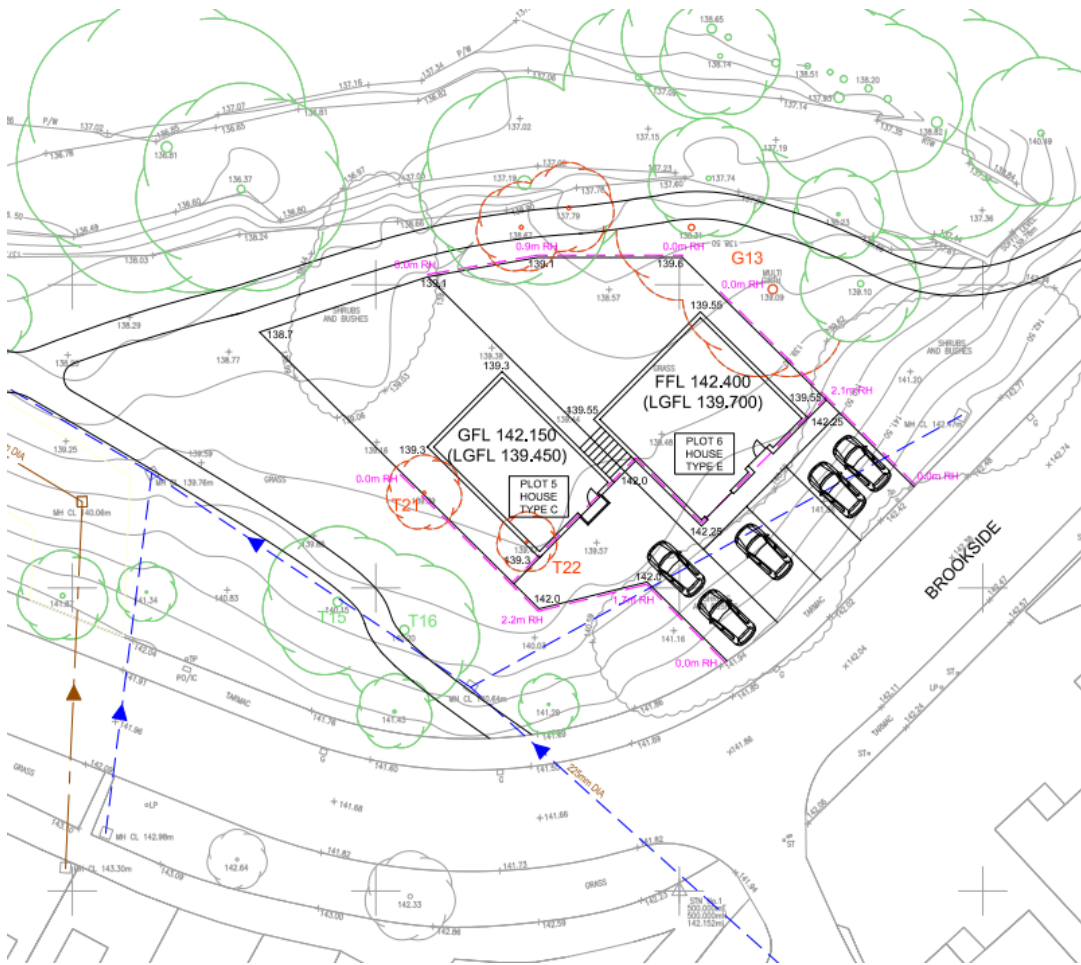
3.1 The application proposes the erection of a pair of semi-detached dwellings in place of a previously approved detached dwelling to the eastern side of the site. The proposed dwellings will contain three bedrooms and arranged over three levels with living accommodation to lower ground and ground floor and bedrooms sited to the first floor. When viewed from the front elevation the dwellings will have an appearance of a two storeys owing to the change in levels across the site which drop away as you move from the back of the highway. This would result in a similarly approved relationship to the previously approved scheme. Each dwelling would contain a rear garden area and off road parking for two cars.

3.2 The previously approved scheme (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) proposed one larger detached dwelling at this location. This application was initially refused and allowed at appeal following a hearing, appeal ref no. APP/H1033/W/17/3177730. A subsequent reserved matters application finalised the details of the previously approved scheme which has been built out to an extent on site but not complete at the time of writing.

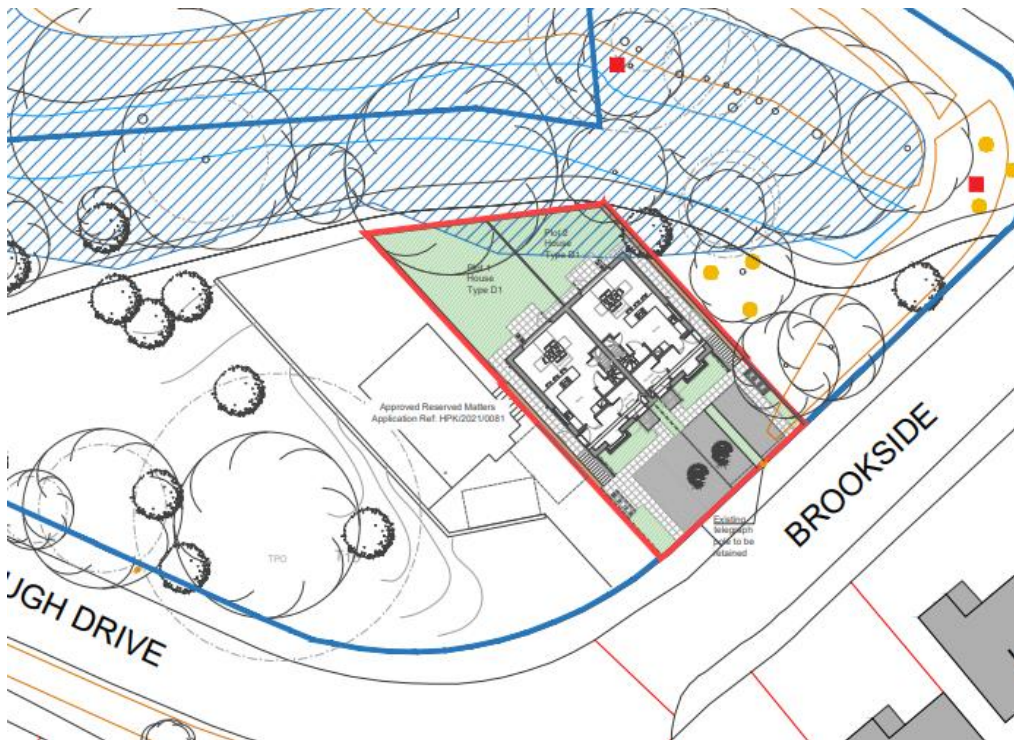
3.3 This application was accompanied by an additional application for the erection of one dwelling to an area of land previously marked as public open space. Following negotiation between the applicant and the Council, this application (HPK/2022/0470) has since been withdrawn.

3.4 A site plan of the previously approved scheme (HPK/2016/0416) alongside the proposed site plan of this application to be considered is included below:

HPK/2016/0416 and HPK/2021/0081– as previously approved



HPK/2022/0471 – as proposed



3.5 Details of the planning application and consultee responses can be found at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=257771>

#### **4. RELEVANT PLANNING HISTORY**

HPK/2022/0473 – Variation of condition 1 relating to HPK/2021/0081 (proposed replacement house types and design) – Approved

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

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 CF3 Local Infrastructure Provision
- Policy CF4 Open Space, Sports and Recreation Facilities
- Policy CF6 Accessibility and Transport

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**

<b>Site notice</b>	Expiry date for comments: 03/02/2023
<b>Neighbours</b>	Expiry date for comments: 03/02/2023
<b>Press notice</b>	N/A

**Neighbours**

Three letters of objection to the proposal have been formally received against this application, however additional representations were received, siting this application, in relation to applications nos. HPK/2022/0470 and HPK/2022/0473. Objections received raised 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.
- 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.
- The proposal would contradict conditions attached to the previously approved schemes.
- Any erosion of the Amenity Space as proposed by these planning variations must be contrary to the basis of the original Appeal Decision.
- The development is likely to require a permit from the Environment Agency.
- This development ignores the requirements of condition 14 to provide a 8m buffer zone to the brook.
- Surface water drainage should be provided on a separate system to the mains sewer.
- The Council has already met its housing target, as confirmed by recent appeal decisions, therefore additional houses only benefit the applicant.

## **Consultations**

### **Town / Parish Comments**

N/A

### **Environmental Health**

No objection subject to conditions.

### **United Utilities**

No objection, surface water for new development should be investigated against the following hierarchy of ground infiltration, to a water body, surface water sewer and combined sewer.

### **Derbyshire County Council Highways**

No objection subject to conditions.

### **Lead Local Flood Authority (LLFA)**

No formal comments to make, refer to standing advice.

### **Tree Officer**

No objection subject to conditions.

## **AES Waste Services**

No specific comments or objections.

### **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

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 mix 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 proposes residential development to a site where the principle of such development has been established under the previously approved consents. 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.

7.10 In terms of house types, subject to all other material planning considerations, the substitution of a detached dwelling for two three bedroom dwellings would continue to satisfy the aims and objectives of the NPPF by continuing to deliver a wide choice of high quality homes and boost the supply of housing meeting the needs of groups with specific housing requirements at a sustainable location.

7.11 The principle of the scheme remains acceptable.

### **Impact on Visual Amenity and Residential Amenity**

7.12 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 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.

7.13 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.

7.14 The revised details proposed will result in a form of development that remains visually acceptable and not dissimilar from the previously approved scheme. The general layout of fenestration to each dwelling remains the same as previously approved and features habitable room windows which will not overlook any neighbouring form of development. The dwelling will be positioned at a minimum of 24m from numbers 1-3 Brookside, which would meet the Councils privacy standards.



7.15 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 are considered to be acceptable for a three bedroom dwelling.

7.16 As such it is not considered that the proposal 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**

7.17 Policy CF6 of the adopted Local Plan sets out the need to ensure that development can be safely accessed in a sustainable manner. The provision of two dwelling on the plot will result in an increased parking provision from the previously approved car parking spaces. The plans show a total four parking spaces, positioned to the front of the dwelling, which would meet the Council parking guidance at Appendix 1 of the Local Plan which identifies that three bedrooms dwellings should provide two spaces per unit.

7.18 Derbyshire County Council Highways have advised that each access should be provided with exit visibility splays of 2.4m x 43m to the nearside carriageway channel in each direction. Emerging visibility splays from the proposed accesses appear slightly deficient in the North/Northeast direction due to the junction onto Primrose Lane. However, they considered that maximum achievable sightlines from the proposed accesses in the North/Northeast direction would be acceptable as vehicle speeds in the vicinity of the junction are likely to be below the legal limit. Accordingly, they raise no objection to the proposal on highway safety grounds and subject to standard conditions.

7.19 Over the previously approved scheme, the proposal does not represent any highway safety concerns with the application to alter the layout and form of the development as previously approved and the proposed parking layout for each respective dwelling is acceptable.

### **Trees**

7.20 In respect of impact on both protected and non-protected trees, the proposal would not require the removal of any additional trees over the previously approved scheme however comments from The Council's Tree Officer are noted. The Tree Officer explains that there are no objections to the principle of creating the two dwellings, however the Tree Protection Plan is rather unsophisticated and does not guarantee the protection of a significant tree growing to the rear of the proposed properties.

7.21 The Alder tree, which is identified as tree 4 in G13 (G13/4), has a root protection area that extends significantly into the rear gardens of the proposed dwellings. Whilst they do not impact on the houses themselves they will be open to damage from the incidental movement and storage of vehicles, machinery, waste and building materials. Such actions could have a detrimental impact on the structure of the soil and therefore the tree's long-term health.

7.22 The current tree protection proposal CW/10007-P-TP-10 shows tree protection

fencing erected only outside of the plots for the new dwellings, leaving approximately a third of the tree's RPA exposed to damage. It is also unclear if the tree's root protection area has been off set to account for the presence of the watercourse on the opposite side of the tree, meaning the RPA could extend even further into the garden. However, despite these concerns the Council's Tree officer concludes that there is no reason to object to this proposal, but that a tree protection condition will need to be applied to ensure trees are given suitable protection.

7.23 For the reasons listed above, an additional Tree Protection Plan is to be requested by condition that takes account of the above.

### **Other considerations**

7.24 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 that the reduction in on-street parking resulting from the outline proposal would not lead to any harmful highway safety implications. Whilst this application would result in one additional dwelling, above the appeal proposals, this is not considered to be significant, and would not adversely affect highway safety or parking along Longclough Drive.

7.25 Following consultation with the Council's Environmental Health department, no objection has been received however conditions are recommended to ensure that the risk from contamination is addressed. As such an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. This is to be secured by means of a suitably worded condition and with this the proposal is considered acceptable in this regard.

7.26 The comments of objectors are noted in respect of the requirement for a permit from the Environmental Agency, surface water drainage and the buffer zone. Any requirements for a permit, is a matter which lies outside of the planning system, and therefore controlled under separate legislation. Matters relating to surface water drainage can be address by an appropriate condition and the overall site area for both houses are very similar to the originally approved single dwelling. Consequently, the proposals do not represent any further encroachment to the north of the site as previously approved.

## **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, and subsequently allowed by approval of a reserved matters application in 2022.

8.3 Whilst the Council can demonstrate a five year supply of housing land, the plans demonstrate that the provision of two dwellings 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, highway safety or the impact on trees.

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.
2. Materials to submitted and agreed.
3. Space for plant and materials to be maintained throughout the construction phase
4. Visibility splays to be provided.
5. No occupation until parking is laid out and surfaced
6. No gates or other barriers
7. Gradients and drainage details to be retained.
8. Landscaping to be submitted and implemented.
9. Provision of bin storage areas.
10. Submission of an Arboricultural Statement, including tree protection plan.
11. Surface Water drainage scheme.
12. Site investigation (contamination)
13. Dust mitigation during construction
14. Waste disposal (including restriction on fires) during construction
15. Piling conditions
16. Time restrictions on hours of construction

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

