

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**17<sup>th</sup> June 2024**

<b>Application No:</b>	HPK/2022/0022	
<b>Location</b>	Templemore, Harpur Hill Road, Buxton	
<b>Proposal</b>	Application for Outline Planning Permission with all matters reserved for proposed residential development for one detached dwelling.	
<b>Applicant</b>	Mr & Mrs Cocker	
<b>Agent</b>	Ms Fiona Wylie, Wylie Architecture	
<b>Parish/ward</b>	Cote Heath Ward	<b>Date registered</b> 1 <sup>st</sup> February 2022
<b>If you have a question about this report please contact:</b> Rachael Simpkin <a href="mailto:Rachael.Simpkin@highpeak.gov.uk">Rachael.Simpkin@highpeak.gov.uk</a>		

**REFERRAL**

This application has been brought before the Development Control Committee because it has been called in by Councillor L Grooby.

**1. SUMMARY OF RECOMMENDATION**

<b>APPROVE</b> subject to conditions.
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The application relates to a 0.06 hectare greenfield site situated within the grounds of Templemore, a detached residential property which has been subdivided into two separate properties (and has received planning permission to be physically separated into two dwelling units) on land identified as within the same ownership (blue) on the location plan. There are a small group of protected trees to the north of Templemore, but outside of the application site.
- 2.2 The site is accessed currently via a driveway off Harpur Hill Road. It forms part of a domestic garden, comprising of a grassed lawn with mature vegetation, including trees along the southwest boundary by Beech View Drive.
- 2.3 The application site is located within the Buxton built-up area boundary within a residential estate consisting of more modern dwellings on the edge of town.
- 2.4 Site Constraints include: River Wye Special Area of Conservation, Buxton Ground Water Source Protection Zone, Buxton Mineral Water and Radon Potential.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 The revised proposal seeks outline planning permission for one residential detached dwellinghouse, with all matters reserved as follows: appearance, means of access, landscaping, layout and scale.
- 3.2 While the scheme originally proposed two dwellings in a semi-detached arrangement, this has been revised to a single detached dwelling as per the amended planning application description and illustrative proposed site plan.
- 3.3 Proposed Site Plan D demonstrates a single residential dwelling accessed via a new vehicle access from Beech View Drive. The proposed dwelling indicative footprint is shown as 5.20m by 8.7m with a floor area of c.45.0sqm.
- 3.4 The application, the details attached to it, including the plans and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=253074>

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

HPK/2023/0362 – Separation of two semi-detached dwellings into two detached dwellings including demolition of interconnecting office and bedroom with minor internal alterations. Approved 3<sup>rd</sup> November 2023.

### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

#### **High Peak Local Plan Adopted April 2016**

S1 – Sustainable development principles  
S1a – Presumption in favour of sustainable development  
S2 – Settlement hierarchy  
S3 – Strategic housing development  
S6 – Buxton Sub-area Strategy  
EQ1 – Climate change  
EQ5 - Biodiversity  
EQ6 – Design and place making  
EQ9 – Trees, woodland and hedgerows  
EQ10 – Pollution control and unstable land  
EQ11 – Flood risk management  
H1 – Location of housing development  
H2 – Housing allocations  
H3 – New housing development  
CF6 – Accessibility by public transport

#### **Supplementary Planning Guidance**

High Peak Design Guidance 2018

Residential Design Guide 2005

## Other Evidence Base

High Peak Housing and Economic Land Needs Assessment (HELNA) 2022

**National Planning Policy Framework**  
**National Planning Practice Guidance**

## 6. CONSULTATIONS CARRIED OUT

<b>Site notice</b>	Expired (4 <sup>th</sup> May 2022)
<b>Neighbour letters</b>	Expiry date for comments: 22 <sup>nd</sup> April 2024
<b>Press Notice</b>	N/A

### Public comments

Support (0)

N/A

Neither (2):

- Unclear changes to revised plan.
- Concerns that Beech View Drive will be used as access road for all three dwellings at Templemore.
- Dangerous siting of proposed vehicle access.
- Less than 21.0m separation distance from no.16 Beech View Drive.
- Request that dwelling will be restricted to two stories only.

Objection (26)

- Highway safety concerns:
  - Narrowness of Beech View Drive,
  - Location of vehicle access on bend and 's' shaped road,
  - Pedestrian safety i.e. narrow pedestrian footpath,
  - Highway survey taken in incorrect area,
  - Concerns that proposed driveway will also be utilised by Templemore, increasing traffic on Beech View Drive,
  - Additional traffic on estate, and,
  - Particular concern regarding traffic and pedestrian volumes at school commuting times.
- Implications of parking arrangements for residents of Beech View Drive.
- Location of proposed drainage field next to neighbouring property.
- Construction disturbance (vibrations, damage to neighbouring properties, damage to vehicle highway etc).
- Outdated tree survey from 2022.
- Ecological impact due to loss of trees and vegetation on site, and,
- Loss of habitat.

<b>CONSULTEE</b>	<b>COMMENT</b>	<b>OFFICER RESPONSE</b>
<b>DCC Highways</b>	<b>Conditional Response</b>	Refer to main report
<p>22.04.2024 No objection to revised scheme, subject to recommended conditions.</p> <p>14/11/2022 No objection subject to conditions.</p> <p>24/02/2022 Request for further information. <i>Refer to public file for full response.</i></p>		
<b>Derbyshire Wildlife Trust</b>	<b>Insufficient Information</b>	<b>Refer to Updates Report</b>
<p>15.12.22</p> <p>Whilst we are not typically too concerned about developments in garden habitat (which often support mainly ornamental plants and trees and amenity grassland), we would support the views of the tree officer that the removal of a large number of trees is not desirable, especially if these cannot be replaced 2:1 on or near the site. Currently, from the limited information available, I would anticipate a net biodiversity loss, largely due to the tree removals. If an acceptable strategy for tree removal / replacement cannot be provided, it may be that you wish to request a small sites metric to quantify biodiversity losses.</p>		
<b>HPBC Environmental Health</b>	<b>No observations.</b>	<b>Noted.</b>
<p>17.03.22</p> <p>No comments.</p>		
<b>HPBC Waste</b>	<b>No objections</b>	<b>As above.</b>
<p>21.02.22</p> <p>No concerns regarding waste collections.</p>		
<b>HPBC Trees</b>	<b>Awaited (revised plans)</b>	<b>Refer to Updates</b>

		<b>Report</b>
<p>28.11.22</p> <p>Concerns:</p> <ul style="list-style-type: none"> <li>• Removal of all trees / shrubs from the development area.</li> <li>• Limited scope for replacement tree planting to meet council 2 for 1 planting policy.</li> <li>• Probable necessity to provide offsite planting.</li> </ul> <p>The proposal will see a permanent loss of tree cover and the associated benefits from this location. No details have been provided to show how the applicant hopes to mitigate this loss, so as a result I have to object to this proposal.</p> <p>From a tree perspective, this application should be refused until a suitable planting scheme or agreement to fund off site planting has been entered into to mitigate the tree losses on site.</p>		
<b>Natural England</b>	<b>No objection</b>	<b>See main report</b>
<p>08.05.24</p> <p>In summary:</p> <p>We consider that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> <li>- Have an adverse effect in the integrity of the Peak District Dales Special Area of Conservation</li> <li>- Damage or destroy the interest features for which the Wye Valley Site of Special Scientific interest has been notified.</li> </ul> <p>The LPA, as competent Authority, should undertake a HRA for this development and in going so ensure that there will be no harmful discharged of foul or surface water from the application site into the River Wye or its tributaries.</p> <p>Natural England advise that the development may have an impact on the Peak district Dale SAC without the following:</p> <ul style="list-style-type: none"> <li>- Implementation of the drainage field as outline in the Drainage Strategy Document.</li> </ul> <p><i>Refer to public file for full response.</i></p>		
<b>Severn Trent Water</b>	No comments received,	Noted.
<b>Nestle Water</b>	No comments received.	Noted.

## 7. POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE

### Decision Making Framework

- 7.1 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan for the Borough consists of the Adopted High Peak Local Plan dated April 2016.
- 7.2 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
  - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.3 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a 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:-

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 The Council can currently demonstrate 6.28 years supply of housing land (as at 1st April 2022). This represents a total annual housing requirement (April 2022 to March 2027) including a 5% buffer. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.
- 7.5 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 'Strategic Housing Development', S4 'Maintaining and enhancing an economic base' and Policy H4 'Affordable Housing' were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice. New evidence informing the Local Plan review is also available.
- 7.6 The Borough's settlement hierarchy as set out at Local Plan (LP) Policy S2 directs development towards the most sustainable locations. The market towns, including Buxton will be the main focus for housing, employment and service growth consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance.
- 7.7 LP Policy H1 'Location of New Housing Development' specifies that housing developments on unallocated sites will be encouraged where they lie within defined built-up area boundaries of the towns and larger villages. The effective reuse of land is also promoted 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 and by taking into account the other policies of the Local Plan.
- 7.8 The application site is located within the peripheral grounds of an existing residential building sited within an established residential area of Buxton. The proposed residential dwelling is therefore considered to be an infill development in accordance with LP Policies S2 'Settlement Hierarchy' and H1 'Location of New Housing Development', but is subject to an assessment of the site's suitability for that purpose and by taking into account the other policies of the Local Plan as stated above.
- 7.9 In consideration of the above matters, the main issues in the determination of the scheme proposals are: impacts of the development upon character and appearance, including trees, amenity (existing and future), ecology,

highway safety matters, together with compliance with nutrient neutrality regarding the protection of the River Wye Special Area of Conservation.

### **Housing Mix / Type**

7.10 LP Policy H3 'New Housing Development' states that 'The Council will require all new residential development to address the housing needs of local people, including providing a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality. The proposal for a single detached dwelling would modestly add to ward stock levels for a family home.

7.11 In addition, H3 part e) requires all new residential development to contribute positively to the promotion of an inclusive community by supporting dwellings designed to provide flexible accommodation capable of future adaption by seeking to achieve adequate internal space for the number of internal occupants in accordance with the NDSS (National Described Space Standards) and to be delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This requirement is further endorsed by the evidence in the HELNA which recommends 50% of new housing should meet these accessibility standards.

7.12 Given the outline nature of the application, such details (NDSS & M4(2)) would be subject to later consideration, should the application be approved but would be secured by a planning condition at the outline stage.

### **Character and Appearance**

7.13 LP Policies S1 'Sustainable Development Principles and EQ6 'Design and Place Making' all seek to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and a sense of place by taking account of the distinct character, townscape and setting of the area.

7.14 In relation to achieving high quality design, NPPF paragraph 135 of the states: "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;



- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>52</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

7.15 Furthermore, paragraph 139 of the NPPF advises: “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>55</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

7.16 In these regards, the High Peak Design Guide identifies the overarching principles in securing good design. In addition, the Residential Design Guidance SPD recognises the need to ensure new development is accessible to everyone and it is important to create places which are welcoming and inclusive.

7.17 Templemore, as a large detached Art Deco property, is more unique within the Harpur Hill area and provides a visual insight to its character prior to later residential development in the 20<sup>th</sup> century. Planning permission has been recently granted to allow the separation of the existing two apartments to create two detached dwellings by demolishing the narrow two storey link to create two separate dwelling units as accessed from Harpur Hill Road.

7.18 The outline proposal as shown on illustrative Site Plan D demonstrates a dwelling of a size and shape akin to those properties on Beech View Drive. In these regards, the scheme could be better positioned in the plot to allow the adjoining Art Deco property to be read more separately (particularly in view of the removal of the intervening tree T11) whilst harmonising with the street scene in relation to Beech View Drive.

7.19 These matters are considered capable of resolution at the reserved matters stage.

### **Trees and Woodlands**

7.20 LP Policy EQ9 ‘Trees, woodlands and hedgerows’ seeks to protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. This will be achieved by:

- Requiring 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;

- Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1;
- Resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.

7.21 The application site is well contained and not prominent from the surrounding public highways given existing tree and hedgerow cover including to its south western boundary.

7.22 The Council's Arboricultural Officer has objected to the previous scheme as a result of the permanent loss of tree cover, together with the associated amenity benefits within the location. In addition, no tree planting mitigation has been proposed by the applicant for such extensive loss in tree cover.

7.23 In turn, Derbyshire Wildlife Trust concur with such concerns whereby the removal of a large number of trees is not desirable, particularly when replacement at a ratio of 2:1 has not been achieved on or near to the application site. In these circumstances, the scheme has created a clear conflict with LP policies EQ5 'Biodiversity' and EQ9 'Trees, woodlands and hedgerows' with particular regard to the impact to the character and appearance of the street scene and nature conservation interests.

7.24 Whilst revised Proposed Site Plan D, shows a less intensive form of development, the applicant has not compensated for the proposed tree loss within the southern area of the application site and has been requested to address the above policy requirements. In addition, the Council's Arboricultural Officer comments are awaited following the submission of the proposed Drainage Strategy entailing a drainage field within the site in terms of potential tree impacts. Members are directed to the Updates Report in these regards.

7.25 Consequently, subject to the resolution of tree loss mitigation (and in turn ecology), the scheme would accord with the requirements of LP Policies SS1 and EQ5, EQ6 and EQ9 alongside with guidance contained within the Council's High Peak Design Guide and Residential Design SPDs, as well as the NPPF.

### **Amenity**

7.26 LP Policy EQ6 'Design and Place Making' also stipulates that development should achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Paragraph 135 (f) of the NPPF requires a high standard of amenity for all existing and future users of land and buildings. The Adopted Residential (SPD) (2005) paragraph 8.6.1 requires 21.0 metres between adjacent inhabitable windows to provide an acceptable level of amenity.

- 7.27 The outline proposal for a single dwelling orientated southeast / northwest demonstrates the proposed rear elevation would be located approximately 22.0m from the rear elevation of 16 Beech View Drive. Whilst the northwest elevation would be located approximately 21.0m from 29 Beech View Drive. From the frontage of the proposed dwelling, no other properties are located within 26.0m. Consequently, adequate separation distances are demonstrated when taken from these aspects of the scheme.
- 7.28 Templemore sits approximately 6.0m from the proposed dwelling's southeast elevation and therefore below the recommended separation distance. Typically, these elevations are likely to provide smaller windows, serving bathrooms and hallways. Despite no details of proposed floorplans and fenestrations being provided within the outline proposal, it is considered matters of privacy and overlooking between such elevations can be resolved at the appropriate reserved matters stage.
- 7.29 Site Plan D demonstrates the proposed dwelling to have ample outdoor amenity space to the rear of the property.
- 7.30 Overall, the levels of amenity afforded to prospective occupants of the proposed dwelling and adjoining neighbours are of an acceptable level and would be assessed in greater detail at the reserved matters stage.
- 7.31 Consequently, the scheme would accord with the requirements of LP Policies SS1 and EQ9 alongside with guidance contained within the Council's Residential Design SPD, as well as the NPPF.

### **Highway Safety**

- 7.32 LP Policy CF6 'Accessibility and Transport' seeks to ensure new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. It aims to ensure that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of it.
- 7.33 In addition, NPPF paragraph 115 advises: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.34 The proposed scheme would create a new vehicle access from Beech View Drive. This access would serve the new dwelling, allowing for off street parking as indicated. County Highways have reviewed the revised scheme and found no objections subject to a number of requirements.
- 7.35 Should the scheme be approved, the final parking, access and boundary arrangements would all be determined at the reserved matters stage and include re-consultation with County Highways.

7.36 Consequently, the scheme would accord with the requirements of LP Policies CF6 as well as the NPPF.

### **Nutrient Neutrality**

7.37 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will therefore be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

7.38 The proposal is not directly connected with or necessary for the conservation management of a European site. However, the proposal will increase overnight stays over and above the current situation. Accordingly, it is necessary to undertake a Habitat Regulation Assessment. Appendix 1 provides a copy of the Council’s Habitat Regulation Assessment which confirms that although the development without mitigation is likely to have a significant effect on the European and Internationally protected species, this can be mitigated by the bespoke on-site mitigation measures proposed by the applicant to ensure that there is no likelihood of significant effects on the integrity of the designated site. It is noted that Natural England concur this conclusion.

## **8. Planning Balance & Conclusion**

8.1 The Framework advises that proposals which comply with the development plan should be approved “without delay”.

8.2 The application site is within the built up area of Buxton within an established residential area where development is considered to be acceptable in principle. This is an outline application and therefore matters of design and layout will be considered at the reserved matters stage. However, it is considered that a suitable design which protects the character and appearance of the area and neighbour amenity could be achieved.

8.3 In the absence of any objection from DCC highways, the scheme is considered to be acceptable in terms of highway safety.

8.4 The proposal will increase overnight stays over and above the current situation. Accordingly, it is necessary to undertake a Habitat Regulation Assessment. This confirms that although the development without mitigation is likely to have a significant effect on the European and Internationally

protected species, but that this can be mitigated by the bespoke on-site mitigation measures proposed by the applicant. It is noted that Natural England concur this conclusion

- 8.5 Consequently, subject to the resolution of tree loss mitigation (and in turn ecology), the scheme would accord with the provisions of the development plan as a whole, relevant supplementary planning documents / guidance as well as the National Planning Policy Framework. It is therefore recommended that committee resolve to approve the application subject to no objection being raised by the Council's Tree officer.

## **9. RECOMMENDATIONS**

### **9.1 APPROVE subject to no objection from the Tree officer & conditions as follows:**

- 1. Standard Outline & Reserved Matters Time Limits**
- 2. Standard Reserved Matters (appearance, means of access, landscaping, layout and scale)**
- 3. Compliance: Limited to one dwelling**
- 4. Compliance: NDSS minimum property standards & Optional Requirement M4(2) of Part M**
- 5. Pre-commencement: Source Protection Zone**
- 6. Pre-commencement: Drainage & Management**
- 7. Pre-commencement: Biodiversity Enhancement & Management**
- 8. Compliance: No trees, shrubs or hedges to be removed until reserved matters**
- 9. Damp proof course: Gates and boundary treatments**
- 10. Damp proof course: Bin storage**
- 11. Compliance: Unknown contamination**
- 12. Pre-commencement: Construction Management Plan, including trees**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

