

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 12<sup>th</sup> December 2022**

<b>Application No:</b>	HPK/2021/0222	
<b>Location</b>	Land At The Stables, The Heath, Glossop	
<b>Proposal</b>	Low-density complex of 13 no. luxury tourist lodges with associated reception building, access and landscaping	
<b>Applicant</b>	Mr Craggs, Unique Holiday Stays Ltd	
<b>Agent</b>	Mr David Morse, JMP (NW) Ltd	
<b>Parish/ward</b>	Dinting Ward	<b>Date registered</b> 10 <sup>th</sup> May 2021
<b>If you have a question about this report please contact:</b> Tom Hiles tom.hiles@highpeak.gov.uk 01538 395400 extension 5430		

**1. SUMMARY OF RECOMMENDATION**

<b>Approve, subject to conditions.</b>
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**2. REASON FOR COMMITTEE DETERMINATION; PROCEDURAL MATTERS**

- 2.1 This application has been brought before the Development Control Committee as the proposal is for major development owing to the size of the application site at 1.1 hectare.
- 2.2 The application was brought to the Committee at the previous meeting on 7th November 2022, but was deferred to allow for members to undertake a site visit.
- 2.3 Following completion of the previous committee report, the following update was provided in the update note for the November meeting:

*A further statement of objection has been received on behalf the occupants of Heath Barn. This reiterates concerns previously raised in objections in relation to the suitability of the site for the proposed development, given the neighbouring residential uses, suitability of the access track, lack of bus service to the site (referred to in the applicant's supporting documents) concerns relating to site drainage, the application lacking information recommended by the applicant's arborist and ecologist, inadequacy of proposed screening planting, inadequacy of on-site parking, and lack of information on light and noise pollution. These matters have been addressed in the main report, some of which are recommended to be resolved by condition.*

*The full details of this representation have been published to the website. The occupants of Heath Barn will have a representative speak on their behalf at the meeting.*

### **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises an agricultural field located to the north-east of Glossop, outside the built up area boundary of the town, within an area of open countryside. The site is accessed via a track known as The Heath, off Cemetery Road. A public right of way runs along The Heath.
- 3.2 The site is bisected into two areas by a private driveway serving a residence Heath Barn which is set within the site. The site area is around 1.1 hectares in area. The site slopes downwards from the north to the south.
- 3.3 The eastern portion of the site is covered by a group tree preservation order. The site is within the Settled Valley Pastures landscape character designation.
- 3.4 The site is surrounded to the south, west and north by residential areas, to the east by a garden centre and open fields, and to the north-east by a stonemasons business and equestrian centre.

### **4. DESCRIPTION OF THE PROPOSAL**

- 4.1 Planning approval is sought to develop the site with a scheme of tourist accommodation lodges and ancillary buildings.
- 4.2 The development would comprise 12 accommodation lodges arranged around the site, including a cluster of eight at the northern part of the site, a second group of four accommodation lodges to the south and east, and a reception/shop building and kitchen/bike store building at the north corner adjacent to the main site entrance, and a 'spa lodge' near the south-east corner. Two driveways would be formed to the two groups. Landscaping details are proposed within the application, though these have been superseded by revisions to the general site layout.
- 4.3 The application notes that the development would employ 16 full-time workers, and the supporting planning statement notes that these would be employed on a 24-hour shift basis. No details are provided on the intended operating season for the development, implying that the scheme would potentially operate year-round.
- 4.4 The 12 accommodation lodges would comprise nine two-bedroom lodges and three three-bedroom lodges. The spa lodge is indicated as having eight treatment rooms. The applicant's agent has advised that the spa lodge is intended to provide services exclusively to guests staying on-site.

- 4.5 The amended proposals include landscaping details, proposed wildlife ponds and three refuse points around the site serving the different groups of lodges. A number of the lodges are shown with outdoor areas partly enclosed by stone walls.
- 4.6 Each unit would have two associated parking spaces. There would be an arrival car park with four spaces adjacent to the reception building.
- 4.7 The lodges would comprise seven different unit types all with the same general character but with variations in size, internal configuration and facilities.
- 4.8 The lodges would be single-storey movable units built off-site and installed on stone bases. The proposed structures are larch-clad units with UPVC windows and glazed doors and part-flat, part-pitched green roofs (finished with sedum and wildflower planting). The ancillary buildings would be of a similar design.
- 4.9 Following feedback relating to impacts on neighbour amenity, the layout of the scheme and design, some units were modified to incorporate 1.7m privacy screens at the edges of decking areas to reduce views towards neighbouring residences.
- 4.10 Amendments to the scheme were also made during determination to address concerns related to impacts on landscape character and ecology. Repeat neighbour notification was undertaken in relation to the finalised details.
- 4.11 The number of lodges in the description of development has been amended to reflect the final scale of the scheme following the last public consultation, comprising 12 accommodation lodges and a spa lodge.
- 4.12 The application, the details attached to it, including the plans, supporting documents and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=247151>

## **5. RELEVANT PLANNING HISTORY**

HPK/0002/9815 - Preparing New All Weather Riding Surface In Existing Field Used For Horse Riding And Exercising, Including Floodlights. Approved, 10/10/1990

HPK/2007/0611 - Retrospective Application For Change Of Use And Extension To Existing Stable Block Building (temporary Structure) To Home Office With Decking Area. Approved, 24/09/2007

Pre-application planning advice was provided in September 2019 in relation to the principle of the proposed scheme.

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

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

S 1 Sustainable Development Principles  
S 1a Presumption in Favour of Sustainable Development  
S2 Settlement Hierarchy  
S4 Maintaining an Economic Base  
S5 Glossopdale Sub-area Strategy  
E6 Promoting Peak District Tourism and Culture  
E7 Chalet Accommodation, Caravan and Campsite Developments  
EQ1 Climate Change  
EQ 2 Landscape Character  
EQ 3 Rural Development  
EQ 5 Biodiversity  
EQ 6 Design and Place Making  
EQ8 Trees, Woodland and Hedgerows  
EQ9 Pollution Control and Unstable Land  
EQ10 Pollution Control and Unstable Land  
EQ11 Flood Risk Management  
CF 6 Accessibility and Transport

### **Supplementary Planning Guidance**

High Peak Design Guide  
Landscape Character SPD

### **National Planning Policy Framework**

Para 11 The Presumption in Favour of Sustainable Development  
Section 1 Building a Strong, Competitive Economy  
Section 4 Decision-making  
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

## **7. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 14 <sup>th</sup> July 2021
<b>Neighbour letters</b>	Expiry date for comments: 20 <sup>th</sup> October 2022
<b>Press Notice</b>	27 <sup>th</sup> May 2021

### **Neighbours and members of the public**

- 7.1 Neighbours were contacted to by way of written letters, first issued in May 2021 following receipt of the application.
- 7.2 A site notice was placed near the junction of the access lane and Cemetery Road on 23<sup>rd</sup> June 2021.
- 7.3 Neighbour re-notification letters were sent following receipt of amended plans, first on 8th April and again on 6<sup>th</sup> October 2022. Comments received in relation to each stage of public consultation are set out below.
- 7.4 108 comments were received from members of the public, comprising 107 objections, one neutral comment and no supporting comments.

### **Initial comments received between 19.05.2021 - 16.07.2021**

#### **Objections**

##### Principle of Development

- Not needed or appropriate for the location.
- Once planning permission has been given and the lodges are built we would have little if any control over who the lodges were being let to and what facilities they may add to site. Together with the likelihood of wishing to put more plots on the site to make it more viable.
- Must be on the condition that there can be no change of use or parameters of development, e.g. No increase in density of lodges, no permanent residential status.
- Over-development
- Should be conditional on the lodges being used solely for short term holiday lets with the absolute certainty that the applicant cannot change the use to another type of development without a further planning application.
- The site is not included within the boundary of any defined settlement and therefore sits within the open countryside where “development will be strictly limited to that which has an essential need to be located in the Countryside”. It is clear that the development does not have an “essential need” to be located into the countryside or on this particular site.
- Not explained why other more suitable sites in the locality have not been considered.

##### Access and Highways

- Cemetery Road needs addressing before any further planning is made off this road. It's a black spot awaiting another accident with the council paying zero attention to it. Also more tourists on our crippled network of roads.

- The access track has no passing places with a blind bend, and is not safe, desirable or possibly legally permissible. This lane cannot accommodate holidaymakers, staff and delivery vehicles
- Will cause extra pollution and noise from cars.
- Limited access and increase traffic problems.
- Track was noted on a previous planning application to be unsuitable due to limited width, a lack of separate pedestrian facilities, a lack of drainage and lighting. This track is currently used by local residents and service vehicles such as refuse collection and mail delivery, which just fit on this track.
- Traffic along the access would result in accidents – it's used as a footpath and those with pets frequent it as well.
- The small track is regularly used by parents with prams, children on horses, pony trekkers, and I have seen children walking dogs without accompanying adults
- The current dirt path, which is the only possible access route to the proposed plot, is completely inadequate for the amount of traffic a holiday park accommodating up to 100 guests at any one day will generate. It's width and condition make it logistically impossible for two lanes of traffic to frequently pass through as there is limited visibility and no passing places
- Plan doesn't show enough parking. The overspill could also end up in the nearby Hartley's Garden Centre/Pony Patch car park
- The application states that there is an hourly bus service from a stop on Heath road. This is incorrect. The service comprises of TWO buses per day in each direction.
- They will likely park on Hawthorne Drive, which does not have wide enough road access for additional parking. The roads - Woodhead and Cemetery Road are not suitable for parking, or if cars were to park they would cause significant risk for accidents on that stretch.
- Frequent traffic crossing the path of pedestrians entering the front of the garden centre or those children frequenting the pony site could be an accident waiting to happen. How will the safety of those on foot be guaranteed?
- It is highly unlikely that guests staying at the proposed lodges will come by public transport, meaning there will be yet more cars on the local roads.
- My husband who is very poorly disabled & bedridden, only last year having to go to hospital 5 times some being for an emergency, so an ambulance must have access to our property so all the extra cars would definitely make it very worrying for us and us being pensioners we certainly don't need extra stress.

#### Design/Character/Landscape

- Would take away from our town's beauty
- The negative effect of artificial light on an area of intrinsically dark landscape where new lighting will be conspicuous and not in keeping with nocturnal light levels.

- As a retired Landscape Architect it is my opinion that the whip and feathered tree planting will be ineffective for many years in providing any mitigation of the visual impact of the lodges. Larger standard and extra-heavy standard trees should be included and form a substantial proportion of the planting mix. Under no circumstances should the developer be allowed to raise the ground level of any part of the site. Ways should be investigated to reduce the height of the decking (and lodge ) from 900mm in order to further reduce visual impact.
- The whip and feathered tree planting at the proposed heights will be insufficient to shield the lodges from view for many years.
- There will be a reduction in the quality of the views from two public footpaths, one from Bexley Close along The Heath, and one from the end of Bowden Road to the Woodhead Road ( B6105 ).

### Ecology

- No indication given of on-site lighting.
- The development would also add to light pollution, with the intrinsic effect this would have on local wildlife.
- The noise and light pollution that a holiday complex environment will create would severely impact on the enriched wildlife of this area which includes bats, owls, stoats, hedgehogs to name but a few.
- I have seen many rare birds and wildlife who enjoy this land. It would be a real shame to turn it into a building site.
- We have seen finches, pigeons, pheasants and foxes, birds of prey such as sparrow hawks, voles, field mice and moles and evidence of hedgehogs, along with at least 1 resident owl and bats that hunt and feed over the garden at night. With ever diminishing green field sites due to housing expansion it seems unfortunate that the wild meadows that extend from the rear of the estate be compromised in this fashion.

### Trees

- There are Tree Preservation Orders on the eastern part of the site. It is not clear whether these trees will be affected by the development.

### Residential amenity

- Inadequate visual screening
- Neighbouring properties will suffer reduced privacy due to being overlooked by elevated lodge decking, affording clear views into gardens and houses
- Noise impact will be significantly increased by visitor traffic and 'Al fresco' living with visitors using the outside decks.
- The noise and disturbance creation to the area would be significant resulting from loading/unloading of supply vehicles, hot tubs, children
- The large lodges will be used by Hen/Stag parties etc causing further disturbance, including late night parties.
- Refuse point near the back of our house (53 Hawthorn Drive) – potential issues with smells.
- Would the proposed spa be only for the people staying there or will there be day visitors causing more traffic and visitors? What does the

reception/ shop include? Is there going to be entertainment which will produce noise and disruption.

- Reception, shop and refuse point close to site entrance and residential property will all increase noise levels.
- Would combine with noise from the new football pitch on Cemetery Road
- The construction of and traffic caused by the proposed development will significantly contribute to the pollution in the atmosphere in which families are currently living. Judging from the amount of people this park can accommodate and with its leisure-based purpose, this does mean a drastic increase in the number of vehicles constantly coming and going, adding to the emissions, and degrading the clean countryside air quality - another reason we decided to live here in the first place.
- A typical tendency of caravan parks is the use of outdoor fire pits. I worry that as the proposal promotes outdoor living by where there won't just be one occasional fire. Since each of the lodges also have built-in indoor log burners, I question what effect that will have on us when there is the possibility that several fires could frequently be burning at one time; especially considering the area sits within a smoke control zone. This is not just a nuisance as it's so close to our homes but a detriment to those with health problems.
- The area is currently predominantly residential, which allows for the development of mutual respect amongst residents in terms of nuisance management. This is unlikely to be as easy to manage or as well respected with transient visitors to a holiday location.
- The proposed plans show substantial two family units with outside dining space and hot tubs being built adjacent to the garden fences of some of the homes on Bowden Road. This is bound to result in families losing the quiet enjoyment of their own back gardens, especially if the holiday makers want to enjoy themselves late into the evening.
- Typically across the High Peak tourist lodges and camping facilities are located away from residential areas and I see no reason why this proposed development should be an exception.
- The holiday activities so close to residential properties will impact with holiday late nights, additional noise levels, party atmosphere against the working routines of the residents in close proximity (i.e. early rising for work purposes).
- We feel this hasn't been addressed in the plans, such as having a quiet time/lights out curfew, that many holiday sites enforce.
- Heath Barn - Lodge 12 is very close to our dwelling, at a much higher level, and on the same side as our living accommodation and conservatory. It will be visually and noise intrusive. One of the refuse points is on the boundary of our property. In my opinion, there is high likelihood of our property being littered.

### Drainage and Flood Risk

- The soil on the site is clay and at present after heavy rain the gardens on Bowden road become temporarily flooded. The proposed soakaways will not deal with the surplus water when the site is covered with hard standing and tarmac roads.
- The land in the Heath area has several natural springs which appear during periods of prolonged rainfall, this development would affect the natural drainage of the land, and it shows no provision for any water attenuation measures to alleviate any excess water run-off into adjacent gardens in accordance with the SUDS guidelines. Also, no indication as to how the development proposes to accommodate any foul water drainage requirements within the existing adjacent systems, without accessing adjacent land.

#### Other matters

- No secure boundary fencing is indicated leaving opportunity for tourist trespass into adjacent existing residential property.
- Inaccuracies and inconsistencies in application – e.g. design statement photos shown in wrong location on aerial photo
- Having strangers staying overnight regularly would make our children very unsafe
- The safety of our families and properties is the most important thing here.
- Would increase the presence of unfamiliar faces on the estate (Laurel View Estate), possibly walking around at all hours, as there is a connecting path from our estate onto the access road.
- I will no longer feel safe or comfortable in my own home or garden, when my partner works away sometimes for several weeks, knowing that a group of drunken men could be 10 metres away with easy visible and physical access to my property.
- This house is my retirement home and I DO NOT want to live next door to a holiday village.
- I don't want to look out over a holiday camp!
- We do not need any more homes or upheaval for residents. School places and capacity at Glossopdale (and feeder schools) are already overly pressured and the public services and provisions are not such that this development can be anything more than a continued overburden on them.
- We were told by Taylor Wimpey that the fields would not be developed in any way.
- There will be an excess in lack of care by guests, increase of litter, increase in noise, increase in dog fouling if pets are allowed etc. All in all I don't feel the benefits outweigh the negatives for Glossop or the people surrounding this area. For obvious reasons, we are strongly against this application and the profitability of the business to not include caravans etc. What's next DJ nights, drugs, alcohol and a disco?
- I also could not stand another year of constant noise, dirt , rubble and disruption from construction

- We didn't buy a house near a holiday park, we bought our house for the quiet rural area.

### **Further comments received from 04.05.2022 (30 additional objections)**

#### Highways

- If this track was not suitable for a proposal of 4 buildings -with alternate access being required via Hawthorn Drive- then how is the same access track feasible for 15 properties, with AT LEAST 15 (Likely double that based on proposed occupancies) cars utilising it?
- The latest contribution from the highways department states that there is a regular, hourly bus service from the Heath into town. This has never been the case! Until recently we had two buses per day to town - this seems to have ceased without notice?
- 10 Bowden Lane - The revised application is practically no different and all my original objections still stand. Rather than having two hot tubs adjacent to my garden I have two outdoor eating areas. The idea of holiday lodges close to the Peak District is great but the location so close to residential housing is all wrong. There should be at least a couple of fields between people's homes and this sort of holiday park - that is to be fair to the holiday makers as well as the local residents
- Reiterate concerns about noise and disturbance, privacy, unsuitability of site, that screening planting will take several years to become established, access and wildlife impacts, insufficient comments

#### Residential amenity

- We wish to reiterate our objection to the whole development and consider that the measures indicated in the amendments provide extremely limited mitigation to the privacy and visual impact issues. The 1.7m high 'obscured screens' can still be looked over, and in some cases their positioning bears little relevance to the privacy which they are supposedly providing and would mainly benefit the tourist visitors to the lodges. Lodges 4, 5, 6, 7, 12 are closer to the neighbouring houses on Bowden Lane than previously shown.
- Will destroy aspect and views for houses surrounding and facing proposed holiday development, blocking out light and the view of the hills which made them desirable to begin with.

#### Design/Character/Landscape

- There are no details of the tree species or stock sizes. The same can be said for the rest of the site, all planting is only vaguely indicated and there is still no key as to what is grass, shrubs trees or hedging and these can only be surmised from the plan.

#### Other matters

- There is still no indication of how much of the year that the site would be open to tourists. Are local residents to be subjected to the noise,

visual impact and compromised privacy for, potentially, 52 weeks a year?

- Concerns raised with re-notification and timescales for submitting comments.
- Received a letter informing them that the above application HPK/2021/0222 has been revised. The letter does not explain what revisions have been made and the web-site does not help in this matter.
- Heath Barn - The deeds of our property state we own and are responsible for the maintenance of the fence on the boundary of our property and access lane. We therefore need sufficient separation between our fence and the 'obscured screen' to enable its repair and painting of both sides. We consider a hedgerow on 'our' side of the 'obscured screen' is necessary to reduce its visual impact and promote wildlife in accordance with the Preliminary Ecological Appraisal. We consider lodges 2, 4, 5, 6, 7, 11, & 12 need to be orientated away from our property, additional hedge planting is needed around lodges 2, 3, 11, 12, and trees added to all boundaries with our property to mitigate overlooking issues.
- I am dismayed that ponds have been proposed close to the southern boundary of the site. As there is no accompanying plan on the planning portal I obviously do not know the exact locations but feel that they may be wholly inappropriate so close to the rear gardens of properties on Bowden Road. Presumably the ponds would be fed, and in times of high rainfall could potentially overflow, with the general slope of land being to the south, adjacent properties could be flooded by the water run off, an effect exacerbated by lodge roof run off into ineffective 'soakaways'. We are not happy with this situation and the damage that could be caused.

#### **Further comments received from 14.10.2022 – 7 additional objections**

- Reiterate concerns about suitability of access, noise and disruption, impacts on privacy, unsuitability of location, lack of need/desire by residents, waste disposal, effects on nature, spoiling views
- 10 Bowden Road - It places one of the largest lodges within a yard of my boundary fence. Also the number of ponds that will be needed to drain the site could pose a danger to children who might be visiting the site
- Heath Barn - The stone walls added to lodges 4 & 5 are not orientated to screen our property, and there is a wide gap in the stone wall of lodge 2 facing our property. Lodge 12 remains very close to our property and at a higher level. The revisions have not therefore changed the overlooking issues with our property. We consider lodge

12 needs removing as was lodge 7. Lodges 2, 4 & 5 need orientating away from our property, and the position of the stone walls repositioned to mitigate overlooking issues

### **Neutral comments**

- There is a serious problem with weed infestation on the site due to zero land management. Notwithstanding any other ecological value within the site, there are weeds which should be managed that are increasingly invading neighbouring gardens. These weeds include nettles, dock, ragwort, Himalayan balsam. Control of the weeds should not be seen as a justification by the applicant to "tidy up" the site.

The most frequent concerns raised in objections therefore relate mainly to highways safety and access issues, noise and disruption, design and landscape character, wildlife, and the appropriateness of the scheme in basic principle. These matters are addressed in the officer's comments in the following sections.

### **Statutory Consultees**

#### **DCC Highways**

##### **Initial comments (30.06.2021)**

The application form indicates no new or altered vehicular or pedestrian access although it would appear that vehicular access is required.

The land is currently indicated as agricultural. It is anticipated, therefore, that the proposal would increase vehicular use of The Heath, a narrow single track route.

Parking is indicated for the lodges and no doubt in the event planning permission was to be granted you will satisfy yourself that the level of off-street parking accords with your Authority's standards. There does not, however, seem to be any parking allocated for staff. For clarification, parking spaces should measure a minimum 2.4m x 5.5m clear of any shared/ manoeuvring area. All vehicles should be able to enter and exit the site in a forward gear.

The transport statement indicates that a speed survey has been carried out on Cemetery Lane and achievable visibility from the access onto Cemetery Lane is considerably below that required in line with 85th percentile wet weather speeds

In view of the potential increase in traffic, unless the applicant can demonstrate that the proposal would provide no significant increase in traffic on Heath Lane and the junction of The Heath with Cemetery Lane the

Highway Authority recommends refusal for the following reason

1. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing access to Cemetery Lane where adequate visibility splays to the Highway Authority's minimum standards, based on recorded vehicle speeds, would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicant's control and could be restricted at some future point - thereby leading to potential danger and inconvenience to other highway users.

**Revised comments 17.05.2022**

I have looked at the previous response from the County Council and note (numbered) the following issues:

1. The application form indicates no new or altered vehicular or pedestrian access although it would appear that vehicular access is required.
2. The land is currently indicated as agricultural. It is anticipated, therefore, that the proposal would increase vehicular use of The Heath, a narrow single track route.
3. Parking is indicated for the lodges and no doubt in the event planning permission was to be granted you will satisfy yourself that the level of off-street parking accords with your Authority's standards. There does not, however, seem to be any parking allocated for staff. For clarification, parking spaces should measure a minimum 2.4m x 5.5m clear of any shared/manoeuvring area. All vehicles should be able to enter and exit the site in a forward gear.
4. The transport statement indicates that a speed survey has been carried out on Cemetery Lane and achievable visibility from the access onto Cemetery Lane is considerably below that required in line with 85th percentile wet weather speeds.
5. In view of the potential increase in traffic, unless the applicant can demonstrate that the proposal would provide no significant increase in traffic on Heath Lane and the junction of The Heath with Cemetery Lane the Highway Authority recommends refusal for the following reason. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing access to Cemetery Lane where adequate visibility splays to the Highway Authority's minimum standards, based on recorded vehicle speeds, would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicant's control and could be restricted at some future point - thereby leading to potential danger and inconvenience to other highway users.

Therefore, can you provide the County Council with the following information (corresponding with numbers above).

1. Has the application form been amended to show alterations vehicular or pedestrian access?
2. There is no mention of the single track route or if any improvements

are proposed.

3. No parking bay sizes have been shown or the suitability of the layout for use by a Large Refuse Vehicle of 11.6m length which should be demonstrated by means of appropriate swept paths/turning head(s).

4. Although the TS states... 'not have a material impact on the local highway network and would be unlikely to conflict with existing vehicle movements within the vicinity of the site, as well as other movements generated by the development.', this opinion is not shared by the County Council as the speed survey carried out on Cemetery Lane and achievable visibility from the access onto Cemetery Lane is considerably below that required in line with 85th percentile wet weather speeds, so can you explain your rationale behind this conclusion?

5. So in summary, unless the applicant can demonstrate that the proposal would provide no significant highway safety concerns from the junction of The Heath with Cemetery Lane the Highway Authority recommends refusal for the following reason. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing access to Cemetery Lane where adequate visibility splays to the Highway Authority's minimum standards, based on recorded vehicle speeds, would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicant's control and could be restricted at some future point - thereby leading to potential danger and inconvenience to other highway users.

#### **Final comments 29.06.2022**

Section 6.6 of the submitted Transport Statement (TS) concludes that the junction visibility splays of 2.4m x 25m, suitable for the 20mph design speed are achievable from both proposed access points and speeds recorded at 36mph East and 20mph West, so provided as initially indicated, lower than the Highway Authority's minimum standards. It was also mentioned that any improvements to the access would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicant's control and could be restricted at some future point.

However, having consulted with internal colleagues and taken the submitted accident record of zero recorded collisions over the last 5 years, the present use (Garden Centre) where vehicle numbers are unrestricted and deliveries can be undertaken daily, it would be difficult to support the original recommendation for refusal as this would have to be based on a substantial increase of traffic to and from the site, but as the site is for holiday lets only which due to the UK weather will be sporadic in nature, vehicle trip numbers are expected to be low due to walking routes and footways in close proximity, the site containing an onsite shop, there are several local amenities within surrounding town and villages and cycling routes have been identified in close proximity to the site, so walking and cycling will be available.

Due to the above, any vehicle parking, turning and deliveries associated with the site should not affect the flow of traffic on the public highway and the fact

any changes to the existing accesses onto Cemetery Lane will require planning permission (including increasing the existing wall height to above 1m), the County Council removes the recommendation for refusal.

Therefore, the Highway Authority has no objections to the proposals and should The Planning Authority be minded to permit the application, its recommended the following conditions are included in any consent:-

1. Parking / turning in accordance with drawings
2. Cycle parking – details to be submitted

### **HPBC Regeneration Service – 15.12.2021**

The proposal will encourage overnight stays in the area. Scarborough Tourism Economic Activity Monitor (STEAM) data for 2019 (pre-pandemic) has identified that there were 4.6 million day visitors to High Peak who had an economic impact/spend of £38.90 per day on average.

In contrast, the 0.44 million staying visitors had an economic impact/spend value of £243.15 per visit. As the average staying visit duration is 3.5 days, this equates to a daily average spend of £69.67.

Therefore, assuming there is no overall increase in visitor numbers, the conversion of a day visitor to a staying visitor – through the investment in facilities which encourage people to stay within the District will have an average boost to the local economy of £204.25 per visitor.

Therefore, if the 14 units were occupied for an average 52 weeks of the year/3.5 nights per week (or 26 weeks x 7 days) x 2 visitors, this would generate an additional £21,242 for the local economy plus a supply chain boost of approx. £3,034 (based on £1 uplift for every £7 spend see adopted Matrix quantifying the economic impact of development). Total uplift would be £24,276 per annum – which based on Visit England job density guide, this would support 0.6 new FTE jobs generated both directly at the new accommodation.

While Derbyshire as a whole is quite well served for tourism accommodation and self-catering provision, there is significantly less supply in Glossop although a similar small development of visitor accommodation is available at Charlesworth. As tourism economy is growing on average 7% per annum (excluding pandemic) and the conversion of day to staying visitors is to be welcomed, the provision of more accommodation will meet growing demand where there is a current lack of supply and therefore this application would be supported from a purely economic perspective.

We appreciate that planning decision are based on a balance of factors but in terms of economic case alone, the application will have a modest boost for the local economy and meet currently unmet demand for suitable accommodation.

**HPBC Environmental Health – 13.10.2021**

This site appears to be next to the stone cutting shed for AP Derbyshire Stone Sales. These operations can be quite noisy, so assuming AP Derbyshire still operate from this location we would require a noise impact assessment (BS4142) at application stage. Not really something that can be dealt with by condition, as it could render the development unfeasible.

I'd also recommend a condition limiting the use to holiday accommodation – OU04, OU05, OU06

**Alliance Waste Collection Service – 14.06.2021**

No issues with this planning application.

**HPBC Arboricultural Officer – 18.08.2021**

There are no arboricultural Objections subject to the following

- any approval is conditioned to ensure that protective tree fencing in accordance with BS5837:2012 is erected and maintained for the duration of the development
- the landscaping implementation is also conditioned. Ideally I would like to see slightly large Oak trees being planted light standards with a girth of 8-10cm rather than feathered trees but this is a minor point.

**Derbyshire Wildlife Trust**

**Initial comments 14.12.2021**

The preliminary ecological appraisal (PEA) submitted with the application is from 2019 and therefore survey work is around two years old. At the time of writing, no detailed proposals were available and therefore only a general assessment of impacts has been made, not an assessment specific to the scheme. As stated in Section 1.4 of the report, it is not sufficient for planning purposes in its current state.

The report should be updated with a site visit in the optimal season for botanical surveys (May-August) and an impact assessment based on current proposals. A full species list should be made for the grassland and an assessment made against Local Wildlife Site (LWS) criteria. There are three grassland sites (LWS and Potential LWS) in the locality which support grassland of interest and based on the species lists already recorded out of season, the onsite grassland may be of value.

Where recommendations have been made for further protected species survey, this should be undertaken i.e. bat assessment of trees that require felling. We are also aware of a population of toads in the local area, which use the large pond to the north-west. It is quite possible that this species uses the terrestrial habitats on site.

Furthermore, no Biodiversity Net Gain (BNG) assessment has been undertaken. This should be carried out using the DEFRA metric 3.0 to quantify losses/gains that would result from proposals. This should be accompanied by figures showing the habitats pre- and post- development using UKHabs, along with a summary of how the scheme applies the BNG Best Practice Principles. If a net loss is predicted, an Offsetting Strategy will be required prior to determination.

### **Revised comments 15.06.2022**

Since our previous response dated 14th December 2021, a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment has been undertaken for the above site by Tyrer Ecological Consultants Ltd. (May 2022). Our comments on this report and the proposals are provided below:

#### Protected Species

We welcome the update PEA, undertaken in March 2022, which is well-detailed. We note that no data consultation was undertaken with the local record centre. We have checked our biological records database and, in this instance, do not consider that a consultation would change the conclusions of the PEA.

Our search did highlight the presence of common toad in the large pond to the north-west and it is possible that toads may migrate to and from the pond across the housing estate to suitable terrestrial habitat within the application site. The Trust are aware that various mitigation measures were proposed within the adjacent estate to safeguard the toad population, however these have only been partially implemented and we have received anecdotal information that the local toad population has already been negatively affected by development. The onsite habitats also have some potential to support reptiles, despite no records being held by the Trust for the locality. The PEA recommends reptile survey to provide up to date information on the status of reptiles at the site. The LPA have a duty to consider the impacts of planning decisions on common amphibians and reptiles, which are listed as Species of Principal Importance under Section 41 of the NERC Act 2006 (Circular 06/2005). Reptiles also receive additional protection against killing and injuring under the Wildlife and Countryside Act 1981 (as amended). Given the current site layout, which is almost wholly developed with very little area set aside for wildlife, we support the recommendation for further survey. This should be undertaken prior to determination.

Notwithstanding the results of a reptile survey, taking a best practice approach we advise that the site layout should make provision for reptiles and amphibians through connected habitat creation (wildlife ponds, rough grassland, hibernacula) and safeguarding measures including offset gullies in the road network. Precautionary working methods would be required for site clearance and construction (secured via condition).

With regards to other protected species, four trees were assessed to display moderate bat roost potential and two low bat roost potential. The PEA states that these are proposed to be retained, however we note that several are in very poor health and if removal becomes necessary, additional bat survey

would be required. Retention of these tree should be confirmed by the applicant at this stage, as presence/absence of roosting bats in any trees to be removed should be determined prior to a planning decision.

#### Habitats

We previously advised that a botanical survey of the grassland should be undertaken between May and August and an assessment made against the Local Wildlife Site (LWS) criteria for Derbyshire. The report acknowledges that the 2022 survey was not undertaken during this period and recommends a further grassland survey at the correct time (Section 8.2). The species recorded across 2019 and 2022 (out of season) contain seven (potentially eight)1 species listed on Table 2 of the LWS criteria – 10 species in Table 2 are required for a site to qualify. We support the recommendation for botanical survey at the optimal time of year to be able to robustly assess the grassland and advise that this is undertaken at the earliest opportunity, ideally after a cessation of grazing to allow a robust assessment of the sward composition. Robust assessment is important because Policy EQ5 of the Local Plan makes specific reference to conserving and enhancing locally designated sites. If the grassland were of LWS quality, this policy should be applied regardless of formal designation.

The extent of woodland shown on Ordnance Survey maps appears much larger, with an intact finger of woodland stretching southwards from The Heath road. It seems that over time, this woodland has been removed/degraded and OS mapping does not reflect the existing woodland cover on site. The PEA states that the remaining onsite woodland is proposed for retention, however plans appear to show a lodge located within the southern end of the woodland. Our database also indicates that a Tree Preservation Order exists for this woodland. We advise that the status of the woodland is reviewed by the LPA and given that deciduous woodland is listed as a Habitat of Principal Importance (NERC Act 2006), no further deterioration should result from the application. We do note that enhancement of the woodland is referred to in the PEA and this would be welcomed, ideally with an increase in cover.

#### Biodiversity Net Gain

We note and welcome the habitat creation proposals, including meadow grassland, wildlife ponds, hedgerow planting and green roof(s), however even when onsite opportunities are maximised, the current proposals will result in a net loss of 0.65 habitat units (9.57%). We also question the feasibility of the two southern-most ponds, located immediately adjacent to the lodges. A substantial increase in hedgerow units will be achieved (2.05 units / 2968.37%). The 'Trading Rules' for loss of Medium Distinctiveness grassland and scrub are not met, meaning that the loss of these habitats is not compensated for by the creation of the same or greater value habitats. The LPA should also be aware that if the classification of the grassland changes after the botanical survey, the metric may need to be updated, potentially altering the loss/gain figures.

Considering our comments above and the predicted net biodiversity loss, we advise that the layout should be re-designed to accommodate a larger area

of semi-natural habitats, ideally with improved connectivity. This would benefit reptiles, amphibians and other local wildlife, whilst also providing scope to achieve no net loss or a small net gain. The NPPF 2021 states: “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”. If the grassland qualifies as LWS quality, the Local Plan requires that, “appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity”. Once the issues above have been addressed, we could suggest suitable condition wording. These are likely to include a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP) and any necessary condition to secure biodiversity net gain.

### **Final comments 18.10.2022**

Further to our response dated 15th June 2022 and email correspondence dated 5th September 2022, revised documents have been submitted including: a revised site plan (JBA423-PL-002 Rev. M, 27/09/22), a revised biodiversity metric (04/10/22), an updated PEA and Biodiversity Net Gain Assessment (October 2022) and a Reptile Survey Report (October 2022). Our comments are as follows:

#### Protected Species

A sufficient level of reptile survey has now been completed in line with standard guidelines. No reptiles were recorded, although a small number of common toads were noted. The proposed layout includes multiple ponds, which have the potential to boost the local toad population and benefit reptiles such as grass snake, if present in the locality. Features such as rough grassland and hibernacula should be incorporated in areas of soft landscaping and measures including offset gullies / Aco wildlife kerbs and drop-kerbs should be incorporated within the road network. This is considered an essential part of safeguarding local amphibian populations and making sure they can move across the site freely. These can be secured via condition, along with precautionary working methods for site clearance and construction.

The PEA still states that the four trees with moderate bat roost potential will be retained. As per our previous advice and that contained within the PEA, if removal becomes necessary, further bat assessment will be required prior to felling.

#### Habitats

Further botanical survey was undertaken on 30th June 2022. The two fields are assessed to comprise neutral grassland with one field in poor condition and one field in moderate condition. Neither field qualifies as grassland of Local Wildlife Site quality. We are satisfied with the grassland assessment submitted.

The PEA confirms that the existing onsite woodland will be retained in full,

although we do note that actually a minor loss will occur (expanded upon below).

### BNG

Overall, a +0.38% net gain in habitat units and a +3637.83% net gain in hedgerow units are now predicted. This is an improvement on the previous proposals, which predicted a net loss of -9.57% habitat units.

Despite an overall (minor) gain, we do note that the trading rules have not been satisfied with regards to a loss of -0.10 units of high distinctiveness woodland and -3.19 units of medium distinctiveness grassland unaccounted for. A gain in two medium distinctiveness habitats will be achieved, comprising +1.74 units of mixed scrub and +0.5 units of lake habitat.

The trading rules should be met to ensure a net gain in real terms and avoid net losses of certain habitat types without appropriate compensation. However, the BNG User Guide does state that ecological judgement should be applied when determining appropriate replacement habitats. Given that the woodland on site is not a high-quality example, assessed as in poor condition, we consider that in terms of its functionality for local wildlife, appropriate compensation will be achieved through the enhancement of the main part of the woodland and the creation of mixed native scrub across the site. It is regrettable that a larger loss of grassland will result from proposals but again this is not a high-quality example and other benefits will be secured, including diversifying the habitats onsite including introducing open water. On balance, we advise that the proposals are considered acceptable in terms of local and national planning policy regarding biodiversity net gain.

We advise that the following conditions should be attached to any permission:

- Nesting Birds
- Method Statement for Site Clearance
- Landscape and Biodiversity Enhancement and Management Plan
- Lighting strategy

### **United Utilities – 27.05.2021**

#### **Drainage**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

#### Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

#### Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

[Advice also provided on wastewater services, sustainable drainage, water supply and UU assets]

### **Derbyshire Police – Designing Out Crime**

I note the substantial objections by surrounding residents, and have some sympathy with many of them, particularly those very close to and at a lower ground level than the development in terms of their outlook, however in my view there aren't any matters of crime or disorder which couldn't be resolved by placing appropriate conditions upon approval.

There is potential for overlooking, but I think that this is a matter which can be tackled by sensitive siting of cabins and placement of boundaries.

I also note connected concerns regarding boundary definition and trespass from lodge residents.

There are no proposed boundaries supporting the application, and existing boundaries to the south and west whilst appearing substantially planted may require supplementary planting to achieve an appropriate separation.

Much of this boundary isn't accessible to view though.

The behaviour of those renting lodges has also been raised, and whilst you may not see this as a material consideration, I note that site management has been raised in pre-application discussions.

The 16 staff employed with 24 hour presence is welcomed, but this section of the supporting design statement doesn't go far enough to flesh this matter out in my view.

All of the various concerns regarding occupant behaviour should be addressed within a site management plan, to include security management, acceptable behaviour of occupants, with this aspect tied in to the business contract which each hirer will presumably be required to sign prior to occupation.

In summary, whilst there is potential for misuse of lodges by residents, this should be capable of being managed at an early stage by staff, and I would expect the majority of hirers to respect the amenity of existing residents, consequently an objection in principle on the grounds of crime and disorder is in my view not practical.

**Derbyshire County Council – Lead Local Flood Risk Authority**

**18.08.21:**

I have reviewed the above planning application but the developer has not submitted a Flood Risk Assessment, Drainage Strategy or Drainage Plan. We will require all these documents before we can review this application.

**20.04.2021 (after submission of flood risk assessment):**

Confirms that Flood Risk Assessment is acceptable and that drainage details can be secured by condition

## **8. POLICY AND PLANNING BALANCE**

### **Planning Policies**

- 8.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 8.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material 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 consists of the High Peak Local Plan Policies Adopted April 2016.
- 8.3 Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, and National Planning Policy Guidance (NPPG).
- 8.4 Paragraph 11 of the 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, but 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.

### **Principle of Development**

- 8.5 The site is situated outside the built-up area boundary of Glossop as defined within the adopted Proposals Map, and therefore lies in the open countryside. As such, the application is subject to Local Plan (LP) Policies EQ3 Rural Development of the Local Plan. EQ 3 notes that:

Outside the settlement boundaries and sites allocated for development as defined on the Policies Map 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 and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development, and that this will be achieved by:

- *Supporting the redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and appearance of the rural area*
- *Supporting the provision and expansion of tourist and visitor facilities in sustainable locations where identified needs are not met by existing facilities*
- *Supporting rural employment in the form of home working, commercial enterprises and live-work units where a rural location can be justified*
- *Supporting equestrian development where it does not have an adverse impact upon the character and appearance of the area*
- *Supporting development associated with recreational and open space uses in accessible and least environmentally sensitive locations*
- *Supporting proposals for agriculture and related development which help sustain existing agricultural enterprises, including small scale farm shops selling local produce, complementary farm diversification and new agricultural buildings that maintain the landscape quality and character of the countryside*
- *Ensuring that all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park*

8.6 In addition, proposals for chalet accommodation must comply with policy E7 Chalet Accommodation, Caravan and Camp Site Developments to be acceptable in principle. Furthermore, High Peak Local Plan Policies S5 and E6 seek to promote sustainable tourism which is appropriate to the countryside, its distinctive settlements and consistent with environmental objectives.

8.7 In particular, policy S5 notes that:

*The Council will seek to promote the sustainable growth of Glossopdale whilst promoting and maintaining the distinct identity of its settlements, provide an increasing range of employment opportunities, promote the growth of a sustainable tourist economy and meet the housing needs of the local community. This will be achieved by measures which include:*

- *Encouraging the growth of local employment opportunities and supporting the diversification and growth of local business by:*
  - *Encouraging the growth of tourism*

8.8 E6 Promoting Peak District Tourism and Culture notes that the Borough Council will support the development of Peak District tourism and culture and that this will be achieved by measures including:

- *Strengthening the tourism role of the Plan Area by supporting and supplementing the tourism offer of the Peak District National Park*
- *Supporting tourism and provision for visitors which is appropriate to the settlements and countryside and consistent with environmental objectives Retaining and enhancing existing serviced accommodation and supporting the provision of new serviced accommodation in towns and villages in order to encourage overnight visitor stays*
- *The provision of new visitor and cultural attractions and facilities that expand the breadth and quality of the tourism offer without prejudice to the character of the Peak District*
- *Supporting new tourist provision and initiatives in towns and villages, and in the countryside where proposals accord with Policy EQ3*
- *Requiring that caravan, camping and chalet sites are sited in locations so as not to be prominent in the landscape and can be accommodated without adverse impact upon the character or appearance of the landscape*

8.9 Policy E7 Chalet Accommodation, Caravan and Camp Site Developments notes that:

*Development proposals involving chalet accommodation, caravan and camp sites will only be permitted where:*

1. *The development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and;*
2. *Any visual impact would be well screened by existing landscape features for the whole of its proposed operating season and;*
3. *Any permanent structures would not be visible even during winter months when viewed from areas outside the site to which the public has access.*

8.10 The proposed tourist lodges would comprise a form of visitor facility, providing overnight accommodation for visitors to the rural area. The site is located on the outskirts of Glossop, adjoining the existing built-up area (and surrounded on most sides by existing development) and with reasonably convenient access to facilities in the centre of Glossop, which is around a 20 minute walk from the site. There are also public rights of way in the vicinity of the site running into the countryside to the north and east. For these reasons the proposal is considered to be sustainably located, therefore complying with policy EQ3.

- 8.11 The comments from the Regeneration Officer regarding current demand levels for tourist accommodation are noted. Whilst the specific comments on the expected economic contribution and resulting employment creation were based on the slightly larger original scheme originally, the comments indicate that the (slightly reduced) proposal would help to satisfy unmet demand for tourist accommodation in the local area.
- 8.12 As noted in the following sections, it is considered that the scheme would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape. There would likely be some visibility of the permanent structures, including during winter, whilst the proposed landscaping details become established, but it is considered that once established that they would satisfactorily screen the structures from public viewpoints around the site. The proposal would therefore be satisfactory in terms of policy E7.
- 8.13 The proposed scheme is considered to be acceptable in terms of the requirements of the above policies EQ3, S5, E6 and E7 for development in the open countryside and for tourism development.
- 8.14 Public comments on the need or desire for the scheme, and the suitability of the location, are noted. Local policy clearly indicates that such tourist accommodation proposals should be located in sustainable locations.
- 8.15 Public comments on potential future expansion of the scheme or change to its use would require a further planning permission, which would be subject of assessment in terms of all relevant planning matters.
- 8.16 It is noted that a number of concerns relate to the location of the site outside the settlement boundary and the restriction of policy S2 that development in the countryside be limited to that which has an essential need to be located in the countryside. It is considered that the nature of the proposal does mean that it is essential that it be located in the countryside. Furthermore, policy EQ3 provides more specific guidance on the forms of development which will be supported in the countryside, and as set out above the proposal is considered to be supported by this policy.
- 8.17 The principle of the development is therefore acceptable subject to other relevant High Peak Local Plan Policies such as those that make provision for design, flood risk, amenity, tourism, biodiversity and highway safety.
- 8.18 Subject to these considerations, the general principle of development is supported.

### **Key Material Considerations**

- Design and Landscape Impact
- Flood Risk
- Public and Residential Amenity
- Ecology and Biodiversity
- Trees
- Access, Parking Provision and Highway Safety

### **Impact upon the character and appearance of the area – design and the landscape**

8.19 The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 130 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

8.20 Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment and challenge of climate change – whilst also contributing to local distinctiveness and sense of place.

8.21 The High Peak Design Guide notes, amongst other guidance, that:

- *In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours.*
- *The architectural style of new development should be guided through an assessment and understanding of the character and context of the area. Sites may be capable of accommodating both contemporary and traditional forms of development that are high quality and functional. Design solutions should respond to the local tradition but without slavishly copying it.*
- *New buildings should use facing materials that either match or complement those of the surroundings. Under certain circumstances, new materials can sometimes be used as a foil to more traditional materials to highlight and bring out their qualities.*
- *The form of a new building can often be a specific response to the brief or the particular setting. This may result in a form that is similar to those of the surrounding buildings but equally could also be different to meet the scheme's specific requirements. The merits of a building's*

*form would have to be judged on its individual qualities in terms of its suitability in the site's context.*

- 8.22 The proposed scheme is considered to be acceptable in terms of building design. The scheme would be characterised as an arrangement of moveable timber-clad and glazed structures, with partly flat roofs.
- 8.23 Whilst such structures are generally not characteristic of the local area including in terms of traditional building forms and facing materials, it is noted that these design aspects are largely determined by the nature and function of the development as a scheme of tourist lodges and ancillary support and leisure facilities, an approach recognised by the design guidance noted above. It is also noted that the partly-flat roofed form of the buildings would limit their overall height and scale, reducing their visual impact and helping to ensure that the structures would appear as ground-hugging elements, as recommended by the design guidance for edge of settlement locations.
- 8.24 With this in mind it is considered that the proposal would achieve an acceptable response to the requirements of local design policy and guidance as set out above.
- 8.25 Policies EQ2 'Landscape Character' and EQ3 'Rural Development' are considered relevant. The site is within the 'Settled Valley Pastures' Landscape Character Area. This landscape character type is typified by densely scattered small woodlands of oak-birch with hazel, mixed species hedgerows and buildings of Gritstone with Welsh slate or stone slate roofs.
- 8.26 The site comprises a field and area of scrub/small trees divided by the residential driveway serving Heath Barn. The site is generally of an open nature and is visible most directly from The Heath which forms the north boundary of the site and along which runs a public right of way. The site is likely also visible in long views from the surrounding countryside, from elevated positions to the east and south of Glossop.
- 8.27 The setting of the site is largely characterised by the existing development located to the south, west and north of the site (being residential areas) and the lower-density business uses at the immediate east and north-east. In any long views, the proposed development would be seen in this context.
- 8.28 Whilst the proposals will result in a degree of change to the character and appearance of this part of the countryside, it is considered that the impact would not be significantly detrimental due to the setting and the proposed landscape planting around the site, which would comprise native hedgerow planting, new trees, and wildflower planting, as well as the use of green roofs to most of the buildings.

- 8.29 Whilst it is acknowledged that elements of the landscaping proposals would likely take a period of several years to become established and fully effective, it is not considered that the landscape impact would be severe during this intervening period, which is likely to be short relative to the total time over which the scheme can be expected to operate.
- 8.30 The proposed landscaping details should be taken as indicative due to subsequent amendments to the proposed site layout, but in the event of approval revised landscaping details consistent with the final site layout can be sought and controlled via condition, which would secure details of specific species, planting and maintenance heights, soft and hard surface materials, and maintenance details.
- 8.31 It is noted that the Arboricultural Officer has raised no objections in principle but recommends a more comprehensive tree planting scheme. This can be secured by way of a condition.
- 8.32 Given the amended scheme, the impact on long range views and views from the adjacent public highways and rights of ways would not be significantly detrimental. From long distance views to the east (including views from the Peak District National Park), the development will be seen largely within the context of development on the south side of Cemetery Road.
- 8.33 For the reasons set out above the impact on the character of the countryside is considered to be acceptable and to accord with the advice contained in Policies EQ2 and EQ3 of the Local Plan.

### **Public and Residential Amenity**

- 8.34 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 8.35 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 8.36 The proposal as originally submitted and subsequently amended was considered to be unacceptable in terms of impacts upon the amenity of some adjacent residents.
- 8.37 The concerns were particularly in regard to residences to the immediate south of the site at 6 to 9 Bowden Road, as well as Heath Barn which is enclosed on three sides by the development.

- 8.38 The proposal would also be positioned adjacent to other residences at the west (The Mews and Heath Farm), and to the north on the far side of the access track, at Heath Fold and on Hawthorn Drive. Due to the separation distances, the scale and nature of the proposal, and the relative layout of the scheme and these neighbouring properties, it is not considered that the proposal would have any significant detrimental impacts on the occupants of these dwellings in terms of loss of privacy, overlooking, loss of light or overshadowing, or visual intrusion and loss of outlook.
- 8.39 Lodges along the west side of the site would be placed closer to dwellings to the west of the site (The Mews, Heath Barn, Heath Farm, Heath Farm Lodge), but owing to the scale of the units and the separation distance, it is not considered that any harm would arise in terms of these same matters. None of the units would have windows oriented directly towards the neighbouring houses, and whilst the units would include decks elevated slightly above ground levels, the rear extent of these would (following feedback during determination) would include 1.7m obscured screens to minimise elevated views towards the neighbouring properties.
- 8.40 Elements of the scheme along the east side of the site (the reception building and parking, and the spa lodge) would be adjacent to parts of the neighbouring garden centre and an open field and as such would not give rise to any impacts on residential amenity.
- 8.41 The scheme would also share a boundary with houses at 7, 10, 11 and 12 Bowden Road, but due to the larger depth of these properties' rear gardens, together with much denser existing tree and shrub cover along the shared boundary, it is not considered that any significant amenity impacts upon the occupants of these properties would arise.
- 8.42 It was considered that the original submission (and initial amendments) would result in a harmful loss of privacy and overlooking, as well as unacceptable visual intrusion and disruption, to the occupants of residents at 6 to 9 Bowden Road at the south, as well as Heath Barn, particularly due to the close proximity of the lodges as originally laid out, the open aspect of the southern boundary where it adjoins the houses on Bowden Road, and the slightly higher elevation at the application site.
- 8.43 The final revised scheme has significantly modified the proposed layout in the southern part of the site, removing one of the two units close to the southern boundary and repositioning and reorienting the other to set it further away from the boundary, allowing for a greater separation distances to the adjacent houses and more landscape planting between the unit and the boundary.
- 8.44 Together with proposed boundary planting which will become established over time, and the addition of 1.7m high privacy screens

added to the raised decks, it is considered that the revised scheme would be acceptable in terms of the amenity impacts upon the residents of 6-9 Bowden Road.

- 8.45 Landscaping maintenance details should be secured to control the height of the proposed boundary planting, to ensure that the boundary treatment does not result in harmful visual intrusion or overshadowing.
- 8.46 The proposed lodge at plot 12 in the north-west part of the site would be close to the northern boundary of the residence at Heath Barn, and on land slightly elevated above the front garden and front elevation of that dwelling. The lodge would be oriented at an angle with the front elevation and an area of raised deck facing south-east over the garden of the house. Whilst there is some existing boundary screen provided by mature trees and bushes, as originally proposed it was considered that the layout of this unit would have resulted in unacceptable overlooking of the front elevation and garden space of Heath Barn, due to the proximity and slightly higher elevation. The revised scheme indicates that a 1.7m hawthorn hedge would be planted along the shared boundary with Heath Barn, and whilst this would likely achieve sufficient screening to avoid a harmful loss of privacy once grown to this height, this would likely take a significant number of years to have this effect. As such, it is recommended that a solid boundary treatment is necessary to be installed along part of the boundary, at least at long as the hedgerow is becoming established, in order to avoid an unacceptable loss of privacy to the occupants of Heath Barn. Subject to such details being indicated on an updated landscape plan (to be approved via condition), it is considered that the impacts on of Heath Barn in terms of privacy and overlooking would be acceptable.
- 8.47 The southernmost part of the development would also be adjacent to the southern and east boundaries of Heath Barn. The lodges, including the raised decks, in these parts of the site would be set sufficiently far away from the boundary that they would not give rise to significant harm in terms of privacy, visual intrusion, or overshadowing.
- 8.48 In general, it is not considered that the proposed layout, or the operation of the site would result in significant harm to residential amenity in terms of noise and disruption. The operation of the site would clearly be apparent to neighbouring residents, particularly those at properties adjacent to the site, including in terms of noise arising from guests staying in lodges partaking in leisure activities, socialising, outdoor dining, from comings and goings, vehicle noise, and public comments raising concerns in these regards are noted. However, it is not considered that the level of noise arising is likely to be significantly harmful to neighbouring residents. It is noted that the Environmental Health officer has not raised any concerns relating to noise impacts or any other form of statutory nuisance.

- 8.49 In particular it is noted that the prospect of large disruptive parties occurring on a frequent basis appears unlikely given the scale of most of the lodges, comprising at most three bedrooms and therefore not particularly well-suited to large groups. It would also appear unlikely that the operation of a tourist lodge development would be particularly likely to give rise to risks related to crime and personal safety to nearby residents.
- 8.50 In any case, it is considered that the impacts of the operation of the site on neighbouring residents can be reasonably controlled through the approval and conditioning of a detailed site management plan, as suggested by the liaison officer at Derbyshire Police. Such a management plan could set out details including limits on sizes and composition of groups, curfew hours, amplified music, barbecues and fires and contact details for site management. A management plan could also include details of waste management and disposal arrangements, and guest arrival and departure times.
- 8.51 Subject to a condition requiring approval of and compliance with a site management plan, it is considered that the operation of the proposal would not give rise to an unacceptable level of disruptive noise to neighbouring residents.
- 8.52 Comments were also received from occupants of two houses in the vicinity of the site, noting that they and/or their family members live with specific mental / learning disabilities which would exacerbate the impact of the scheme upon them. Further details have been received but are being treated in confidence.
- 8.53 Members should note that the Council has an obligation to have due regard to section 149 of the Equality Act 2010 in exercising its functions, and that this extends to planning decisions. The Act requires public authorities to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not, and to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- 8.54 Relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.55 Public authorities must also have due regard to the need to the steps involved in meeting the needs of persons who have a protected characteristic that are different from the needs of others, for example to take account of a person's disabilities.
- 8.56 In the case of the current application, it is accepted that the proposal, including the construction phase, may cause some disadvantage to people with disabilities, potentially due to heightened sensitivity to

changes in and around their living environment, and that due to a protected characteristic (in this case, disability) the proposal may impact on them more than others. Approval of the development could therefore result in some disadvantage to people with protected characteristics.

- 8.57 However, as noted above, the proposed development would contribute towards the objectives of the local plan, particularly in terms of economic development and the promotion of the tourist economy.
- 8.58 Where a proposed development contributes to the objectives of the local plan, it is considered that limited weight should be afforded to potential impacts upon specific individuals that arise from their particular circumstances, and that to give significant weight to such considerations would be contrary for the generalised support within the planning system in favour of sustainable development.
- 8.59 It is considered that the Council would fulfil its obligation to have due regard to the specific individuals with protected characteristics in this case, and to ensure to a balanced degree that their needs are met, by ensuring that noise and disruption resulting from the construction phase are managed through the approval and implementation of a construction management plan, and from the operation of the proposed development through the approval and implementation of a site management plan, as noted above.
- 8.60 The comments from the Environmental Health officer regarding noise arising from the nearby stonemasons yard are noted. Whilst the issues raised are understood, it is not considered that the position of the stonemasons business would result in an unacceptable harm to amenity in planning policy, noting that any noise experienced by visitors to the development would be experienced in the relatively brief periods of individual holiday stays.

### **Ecology and Biodiversity**

- 8.61 LP Policy EQ5 refers to Biodiversity and requires all new developments to conserve and enhance any statutory designation and ensure that appropriate mitigation measures are implemented to ensure that any protected species and habitats are protected. Chapter 15 of the NPPF provides the national policy framework for conserving and enhancing the natural environment.
- 8.62 Following submission of a biodiversity net gain assessment (including amendments to the site layout to incorporate wildlife ponds to provide biodiversity gains) and updated ecological survey undertaken after submission of the application, Derbyshire Wildlife Trust (DWT) provided updated comments in terms of impacts on protected species. A reptile survey of the site was also subsequently undertaken and submitted.

- 8.63 The updated comments provided feedback on the likely effectiveness and practicality of proposed measures to achieve biodiversity benefits. The proposed layout was amended again to address this feedback, with a corresponding updated biodiversity net gain assessment provided.
- 8.64 Following these, the final comments from the Wildlife Trust advise that the surveys, assessments and proposed improvements are acceptable in terms of impacts on protected species, habitats, and biodiversity net gain. DWL recommends that approval be subject to conditions relating to nesting birds, approval of a method statement for site clearance, approval and implementation of a landscape and biodiversity enhancement and management plan, and approval of a lighting strategy. It appears that a condition relating to potential further loss of trees and further impacts on bats is also required to control address this matter.
- 8.65 Public comments on wildlife and ecological matters are noted, but on the basis of the advice from the Wildlife Trust it is considered that the proposal would, subject to matters to be addressed by condition, comply with local policy EQ5 and chapter 15 of the NPPF.

### **Trees and Landscaping**

- 8.66 Policy EQ9 notes 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, and that this will be achieved by resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.
- 8.67 There are a number of mature trees around the site, including to the north and east side of the site which is subject of a group Tree Preservation Order. Within the TPO mature trees are limited to a group at the site entrance and a larger, linear group along the eastern boundary.
- 8.68 The application is supported by an Arboricultural Impact Assessment, which includes proposed tree protection measures and notes that no trees will need to be removed to undertake the development.
- 8.69 The AIA assesses the proposed scheme as originally laid out and doesn't reflect the amendments subsequently made. However, the amendments changed to the layout within and near to the TPO are minor, comprising one accommodation lodge near the north-east corner of the site being substituted for an additional ancillary building, not resulting in any additional impacts upon trees.

8.70 The comments from the Arboricultural Officer (which were in response to the original proposal and the associated AIA) are noted and in accordance with their advice it is considered that the development would be acceptable in terms of impacts on trees, subject to conditions to secure implementation of the proposed tree protection measures.

### **Highway Safety and Public Safety**

8.71 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.

8.72 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.73 Public comments in terms of the suitability of the access track, impacts of additional traffic on the highway network, and on-site parking provision are noted.

8.74 The highways officer at Derbyshire County Council initially raised concerns about the intensification of the access point onto the public highway network at Cemetery Road, in relation to the visibility for drivers emerging onto the main road and the typical traffic speed. An updated response following a change of Highways officer raised further queries including in terms of potential improvements to the track surface and provision of on-site parking.

8.75 Following further consideration of the local traffic conditions, records of accidents associated with the access onto Cemetery Road, and the anticipated level of additional traffic associated with the proposal, the Highways officer has updated their recommendation in terms of highways safety issues associated with the proposal. Their final comments and advice are noted above.

8.76 In terms of parking provision, each unit would have sufficient space for two cars, which is considered to be appropriate to the sizes of the proposed units, comprising two or three bedroom lodges, and the proposal would include a separate car park which would provide staff parking. Some groups of guests may arrive at the site in more than two cars per lodge, but it is not considered likely that such instances would frequently give rise to significant problems related to parking overspill from the site.

8.77 Whilst public comments on the suitability of the access track, and potential impacts on other users of the lane are noted, having regard to the finalised comments from the Highways Authority that raise no objections to the proposal, it is considered that the application does not raise any highway safety concerns and would comply with LP Policy CF6 and paragraph 110 of the NPPF.

### **Drainage / Flood Risk**

8.78 EQ11 Flood Risk Management notes 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.

8.79 The site is not within an area identified as being at an elevated risk of flooding (Flood Risk Zones 2 and 3) but owing to the size of the site and classification as major development, the submission and assessment of a Flood Risk Assessment was required.

8.80 This has been reviewed by the Lead Local Flood Authority (LLFA) at DCC. Following their initial comments, the LLFA has confirmed that the assessment is acceptable and has indicated they have no objection to approval in terms of flood risk, subject to approval of further details of drainage arrangements by condition.

8.81 Following subsequent amendments to the scheme including the addition of wildlife ponds, the flood risk officer was reconsulted and raised no concerns in terms of these additions, subject to being compatible with any drainage or flood management arrangements on-site.

8.82 Accordingly, it is considered that approval would be consistent with policy EQ11 outlined above.

### **Other Matters**

8.83 It is noted that a number of objectors are concerned about the impact of any lighting on the visual character of the open countryside and wider landscape. It is recommended that a condition be imposed to secure these details prior to any installation. As set out above, the applicant has indicated that the spa facilities will be for the use only of patrons staying at the site. This matter can be included within the management plan, which will be the subject of a planning condition.

### **Planning balance & Conclusion**

8.84 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

8.85 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- 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

- 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.

8.86 In the case of the application under consideration, the proposed development is considered to be an appropriate form of development in the open countryside which would support the objectives of the local plan in relation to economic development and in particular development of the tourism economy. The proposal would therefore satisfy and support the requirements and objectives of local plan policies S2, S5, EQ3, E6 and E7, and therefore would be acceptable in principle.

8.87 Following amendments to the layout and detail of the proposed development, it is considered that it would be acceptable in terms of all material planning considerations (subject to some further details to be secured by condition), including in terms of impacts on residential amenity, highway safety, landscape character and the character of the local area, protected trees, ecology and biodiversity, and surface water management and flood risk.

8.88 It is therefore recommended that the application for planning permission should be approved.

## **9. RECOMMENDATIONS**

**A. That planning permission be granted subject to the following conditions:**

- 1. Accord with approved plans**
- 2. Standard time limit**
- 3. Specify number of units**
- 4. Holiday accommodation only. Register of owners/occupiers to be maintained.**
- 5. Facilities only to be available to overnight guests**
- 6. Construction management plan**
- 7. Approval of site management plan.**
- 8. Design of obscured screens**

9. Parking and turning details in accordance with approved plans
10. Approval and implementation of cycle parking facilities
11. Tree protection implementation
12. Landscape details – to include hard and soft surface materials, boundary treatments, and to reflect tree officer comments
13. Landscape implementation and maintenance
14. Pond construction details
15. Nesting Birds
16. Method Statement for Site Clearance
17. Landscape and Biodiversity Enhancement and Management Plan
18. Lighting strategy
19. Bat surveys and mitigation measures if any trees to be removed
20. Drainage plan and strategy
21. Separated foul and surface water drainage

**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.**

