

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date: 13th February 2023

Application No:	HPK/2022/0350	
Location	New Mills Football Club, Church Lane, New Mills	
Proposal	Residential development comprising 20no.shared ownership dwellings with parking and associated works	
Applicant	Geraint City Heart Homes Ltd	
Agent	Geraint John Planning Ltd	
Parish/Ward	New Mills	Date registered: 28/09/2022
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 extension 4122		

REFERRAL

The above planning application is a major development.

1.0 SUMMARY OF RECOMMENDATION

REFUSE

2.0 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The 0.65 hectares irregular shaped site is comprised of an artificial grass training football pitch, parking area and telecommunication mast to the rear of New Mills Football. Access is provided via Church Lane between the football ground and St. Georges Church of England Primary School to the northwest.

2.2 A public right of way runs adjacent to the site's northwest boundary, from the point of access at Church Lane, in a northeast direction, to the edge of the woodland to link with residential dwellings on St. George's Road. A bus stop is located in close proximity to the site's access. Overall, the application site is broadly level other than its northwest boundary, which falls away to adjoining woodland.

2.3 A wooded green wedge immediately adjoins the site's northeast boundary with residential dwellings beyond. The Grade II listed Church of St. George is located opposite to the football ground to the northeast of Church Lane. Also, the Grade II listed Friends Meeting House and Nos 3 to 5 Laneside Road lie to the west and east of the site respectively.

2.4 For the purposes of the Adopted Local Plan, the application site falls within the Built up Area Boundary of New Mills within c.500 metres of the town centre. The existing vehicular driveway from Church Lane falls within the Coal Authority High Risk Area. In addition, the site and wider area is covered by a surface mining (risk plan). Church Lane also forms the route of the 'Pennine Cycleway' long distance trail.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The scheme comprises of 20 properties intended as shared ownership affordable housing units involving the loss of sporting facilities and also telecommunication mast. House types would consist of 2.0 and 2.5 storey semi-detached and terraced properties with off-street parking and rear gardens arranged within 3 individual cul-de-sacs perpendicular to a linear access driveway.

3.2 The accommodation Schedule is as follows:

- House type A - two-storey 2-bedroom x 10 units
- House Type B – two-storey 3-bedroom x 6 units
- House Type C – two-half storey 3-bedroom x 4 units

3.3 The existing vehicular point situated southwest off Church Lane would be retained with turning heads positioned at either end of the residential scheme. Residents routes to the bin collection points would be provided between the rear garden areas. A detailed hard and soft landscaping strategy accompanies the scheme.

3.4 The following revised documents have been submitted by the applicant: Drainage Strategy Report (4th January 2023); Transport Statement Addendum (December 2022); Applicant's Response to 'Loss of Community Facility' (5th January 2023); Supporting Letter from Option Holder on the Land (J&C Property Developments) and Supporting Letter from Pro Peaks Soccer Academy (7th December 2022). In addition, a New Mills Football Club Lighting Survey and Site Safety Report received on the 13th January and 31st January 2023 respectively.

3.5 The application and details attached to it, including the plans, supporting documents, representations and consultee responses can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=256476>

4. RELEVANT PLANNING HISTORY

- | | |
|---------------|---|
| HPK/2020/0399 | Certificate of lawfulness for an existing coach park. Approved 16 th November 2020. |
| HPK/2020/0397 | Certificate of lawfulness for proposed installation of security gate, barrier and bollards, replacement of the existing playing surface, and tarmac repairs/resurfacing. Approved 20 th November 2020. |
| HPK/2016/0352 | Proposed removal of the existing 19m monopole and replacement with 20m mini micro monopole with narrow open headframe with 3 no. antennas, each with 3 no. MHAs and the relocation of the existing 1 no. 0.2m transmission dish and floodlights; the retention of 1 no. |

cabinets and 1 no. new cabinet and ancillary development thereto. Approved 16th August 2018.

HPK/2008/0176 Parking for 12 x Commercial Coaches; Security fencing; and steel container. Approved 20th June 2008.

5. CONSULTATIONS

Expiry:

Site notice	29 th December 2022
Press notice	3 rd December 2022
Neighbours	26 th October 2022

Public comments

Neither (6):

- Extra properties would add to the existing traffic concerns.
- Current traffic causing safety concerns for children at the two schools on Church Lane.
- Removal of the existing football pitch would be a disappointment to those which enjoy using it, while also causing health concerns due to the removal of a leisure facility. There is already a shortage of football pitches / leisure facilities in New Mills.
- The removal of leisure facilities is in contradiction to an authority trying to promote healthy living.
- Concerns that footpath 177 will be closed during building works. Request for condition requiring this to remain open for the duration of construction.
- The proposed and granted housing developments around New Mills do not come with new additions to the town infrastructure such as doctors.
- The last major road to be built in New Mills was the New Mills to Marple Turnpike over 200 years ago, which is unsuitable for motor vehicles. The proposed development would add to existing congestion.
- Existing traffic concerns relating to March Lane, connecting Furness Vale to the A6 and being used as a 'rat run'.
- Nearby housing development between the A6015 and Sett Valley trail will already add traffic to the A6015.
- The 3 storey houses backing onto a number of houses on Low Leighton would lead to a loss of privacy.
- Loss of parking from the football club would greatly impact on Low Leighton and Church Lane surrounding roads on match days.
- Site development would be very expensive as plans are on old tip site so piling would be needed to get to firm sub strata therefore making new houses too expensive for first time buyers and these are definitely needed for the local community.

Objections (31):

Principle:

- We do not need any more houses in New Mills.

- The recently published Housing Position Statements for the High Peak renders the High Peak Local Plan out-of-date. Consequently, NPPF paragraph 11 d) (part of the NPPF's "presumption in favour of sustainable development") applies which indicates that permission should be granted. However, point ii. under 11 d) is clear that permission should not be granted if: "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."
- NPPF paragraph 92 sets out that "Planning decisions should aim to achieve healthy, inclusive and safe places".
- The application site straddles the boundary between two different lower super output areas (LSOAs) which are amongst the 20% and 40% most deprived areas in the country respectively, as measured through the indices of multiple deprivation. Both LSOAs rank in the worst 20% in relation to health deprivation and disability. The third LSOA that makes up the New Mills East ward is also within the 40% worst nationally in relation to health deprivation and disability.
- New Mills East ward is a priority area identified within the High Peak physical activity and sport strategy ("Towards an Active High Peak") (2017) in recognition of the need to "improve the health and wellbeing of residents in the areas facing multiple challenges and deprivation."

Highway Safety:

- Church Lane already has heavy use due to the football club, 2 schools and church. This will add to the existing traffic concerns.
- The nearby Church Lane / Church Road junction is already very busy making this an already dangerous junction.
- There is another development close by, which will add 37 homes to the already busy roads and junctions.
- The access road to the proposed development cannot be widened and makes visibility limits. This will create a new dangerous junction.
- The development would reduce the parking for the football club. This will lead to more cars parking on surrounding roads.
- The 36 car parking spaces proposed for the development are within the Council's guidelines, in practice there is likely to be more that 36 cars across 20 households, even before guests' vehicles are taken into consideration.
- The existing site access is unsuitable for 2 cars to pass each other safely with enough visibility and this will generate extra cars parking on Marsh Lane.
- The pedestrian crossing at the top of Church Road is a site where pedestrians who are crossing when the lights indicate red to traffic are regularly hit. The crossing is much too close to the crossroads and creates pedestrian safety concerns.
- There is also access nearby to the Sett Valley Trail and The Torrs, which generates even more parking in the area.
- The applicant has failed to support the estimated additional total of 98 return daily vehicle movements (para 4.3.3). Even if correct, this level of movement, only about 200m from the Church Lane / Low Leighton Road junction, immediately adjacent to St George's Primary School and directly opposite the often used Parish Hall would be unsafe.

- One part of the application site is currently used as a school bus park, where is it proposed that the necessary buses park safely?
- Millers Bar needs parking access for ordinary customers as it regularly brings new business and people into the High Peak.

Flood Risk:

- The site is not far (possibly 50.0m) from the nearest watercourse, to the north of the site. It is possible that increasing the hard impermeable area could increase flood risk downstream.

Amenity:

- With additional houses frequently being built in New Mills. This leads to increased pressure on the local infrastructure. For example schools, doctors and dentists.
- Plans would lead to the removal of a phone mast on site. What affect will this have on connectivity in the area? Will a suitable alternative site be available? Will any subsequent application itself be met with opposition?
- Is building new houses right next to a football ground the best place? Residents will suffer from the associated noise, disturbance, litter, traffic and light pollution from floodlights.
- This proposal will take away the well-used (5 days a week) all weather training facility. There is no plan to replace this facility, which was previously funded by the lottery.
- The air quality will be adversely affected.
- Research has repeatedly shown the health benefits of regular participation in small-side football. Groups who currently use the pitch would be left without a facility for their activities.
- Conflict with High Peak Local Plan Policies CF4 and CF5.
- The planning statement states that the facilities are in ill repair and whilst they could do with updating, the proposal does not plan any replacement facility.
- The proposed properties would directly overlook the rear of several properties on Low Leighton Rd and would remove their view of the open hills.

Nature Conservation:

- Concern for the preservation of the wooden valley adjacent to the site, and the various wildlife, which reside in there.

Miscellaneous:

- The Planning Statement discusses that the proposal is in a sustainable location as it is within half a mile of the Trian Station, however, Google Maps shows it is 0.7 miles, with the added distance of walking around the houses and football pitch this will be 1 mile. This makes it less sustainable that stated.
- The main nearby bus service, the 358, was recently earmarked for the axe and whilst it survived this time it may not in future.
- Seems ludicrous to propose a development so close to two schools.

- It is now several years since the Football Club had a similar idea of redevelopment but with a supermarket and relocation to the school sports and playing field off Quarry Road.
- We notice ground work has been undertaken and the school pavilion is to be demolished.
- We sincerely hope this does not signal a resurrection of the previous proposal in a different guise. This would also cause concern for residents on Low Leighton, Laneside, Arden Estate, Marsh Lane and Marsh Mills (if this is ever completed due to the noise echos) and also parking generated by any proposed development along those lines.
- We believe there are also plans to create a 3G all-weather pitch by the Football Club with funds from the sale of the land. This is also going to increase the volume of people using these facilities by generating more footfall and traffic. As well where will these people also park?

Support (0):

No support comments received.

Consultees

AES Waste

Awaited.

Coal Authority

24.10.22:

The Coal Authority records indicate that the western area of the site is within the influence of a coal outcrop and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

We are pleased that this application has been accompanied by a Coal Mining Risk Assessment report (6095/ VFC CMRA V1.0) prepared by GeoAssist Ltd, dated September 2022. This submission is also supported by Phase I Desk Study and Preliminary Contaminated Land Risk Assessment, prepared by GeoAssist Ltd and dated June 2022. The CMRA report has been based upon a review of Coal Authority data and geological information, and concludes that potential shallow coal mine workings are present within a coal outcrop beneath the site.

Due to the conjectured nature of the coal outcrop the report identifies that its recorded position is unproven and could therefore crop beneath the site, and may have been worked at shallow depth. Given this, the report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

The intrusive site investigations should be designed and undertaken by

competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole, including buildings and external parts of the site such as the new access road and vehicle parking areas. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SUDs

We also note that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. *No development shall commence until;*
 - a) *a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and*
 - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The Coal Authority therefore do not object to the proposed development subject to the imposition of the above conditions. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

County Archaeology

01.02.23:

The proposed development lies within 250m of St Georges Church (DDR6483), New Mills School (DDR7407), to the west with the Friends Meeting House (DDR6824) and Nos 3 – 5 Laneside Rd to the east. All are Grade II listed buildings and you should consult your own Buildings and Conservation officer for a view on the proposed development and any impacts there may be to setting.

In terms of below ground archaeology I am confident there will be no archaeological impact and as such I have no objection.

County Highways

03.02.23:

Without the TRO, it is recommended that the applicant considers a revised layout significantly reducing the scale of development to retain/replace off-street parking levels associated with the FC, with the level of off-street parking being similar to the existing levels. However, should the applicant be unwilling or unable to amend the design, I would welcome the opportunity to comment further, which could potentially include a recommendation of refusal to the proposals as submitted.

10.01.23:

I refer to the above application, revised details of which were referred to this Authority on the 10th January 2023, for further consideration.

The proposed site layout would not be considered for adoption by the Highway Authority due to the stretch of road into the site from Church Lane along the Western boundary of the football pitch not including any dwellings along the frontage. The Refuse Vehicle Swept Path Plan included in the Transport Statement Addendum demonstrates emerging visibility sightlines of 2.4m x 43m in either direction from the existing/modified vehicular access to Church Lane in line with the Highway Authorities previous comments.

The Highway Authority recommends that the footway/dropped kerb fronting the site access is resurfaced as it is currently in a poor state.

Whilst the Highway Authority previously requested that off-street parking be provided on the basis of 2no spaces per 2/3 bedroom dwelling with each parking bay measuring a minimum of 2.4m x 5.5m, it is noted on the Transport Statement Addendum that the proposed off-street parking provision of 36no spaces and the bay dimensions of 2.4m x 4.8m accord with your own Authorities Local Plan (2016). Therefore, I trust you will satisfy yourself that this is acceptable.

It is suggested that off-street parking associated with the football club that will be displaced by the proposal will be accommodated on the surrounding highway network, however, the Highway Authority has concerns that on-street parking associated with the football club would likely occur in close proximity to the football grounds on Church Lane. Therefore, in order to mitigate any negative impacts as a result of the increase in on-street parking a scheme for waiting restrictions on Church Lane, to be secured by condition, will be required i.e. Double yellow lines from the junction to the A6015 to the football ground main entrance on both sides of Church Lane, and a continuation of the double yellow lines on the Southwest side of the Church Lane to the site access and double yellow lines on the opposite side of the road from the site access to the existing keep clear road markings fronting St Georges Primary School.

As the proposed layout wouldn't be considered for adoption by the Highway Authority, it is considered that space for replacement off-street parking associated with the football club could be provided within the site, the removal one of the footways either side of the site access road would provide space to enable off-street parking for some vehicles, similar to the existing situation. Therefore, it is recommended the applicant considers a revised layout incorporating the above which should be demonstrated on a revised plan.

The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access.

I would be grateful if the applicant could consider the above comments and be given the opportunity to submit revised plans.

24.10.22:

The proposal seeks the construction of 10no two-bedroom and 10no three-bedroom dwellings with associated off-street parking and modifications to the existing access / driveway off Church Lane.

The application site is located on Church Lane which is a un-classified road subject to a 30mph speed limit. Whilst its appreciated the applicant has demonstrated emerging visibility sightlines of 2.4m x 40m in both directions from the modified vehicular access, in order to conform with current guidance for the speed limit of Church Lane emerging visibility sightlines should measure 2.4m x 43m in both directions. The area in advance of the sightlines should be clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

The submitted plans demonstrate 36no parking bays to serve the proposed development, however, off-street parking should be provided on the basis of 2 spaces per 2/3 bedroom dwelling. Therefore, it is recommended the applicant considers a revised layout to provide 2no spaces to serve each dwelling. Additionally, the dimensions of the parking bays appear to be below current requirements i.e., each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

It is noted on the application form that the site currently benefits from 10 off-street parking spaces, however, it appears that considerably more vehicles are able to park within the existing area of hardstanding in the site. In addition to the football club there appears to be a bar/public house located in the grounds (Millers Bar).

Accordingly, clarification on levels of off-street parking associated with Millers Bar and New Mills Football Club based on typical use i.e. football matches, training, deliveries etc is required to determine what would be acceptable in terms of replacement off-street parking. The submitted plans do appear to show some provision for replacement parking adjacent to Plot 20, however, this isn't included within the red outline boundary, and should be amended accordingly.

On the basis the parking area demonstrated adjacent to Plot 20 will serve the football club/bar, it is assumed that vehicles associated with the football club and bar (deliveries etc) would access the site via the modified access/road, could the applicant confirm this is the case.

It is noted that the applicant intends on the proposed access/estate street to be adopted as publicly maintainable highway. Therefore, internal consultation with colleagues in the Implementation team are underway as to whether the proposed layout would be considered for adoption. Any comments in relation to this will be provided when available.

Therefore, it's recommended that the applicant is given opportunity to submit revised details demonstrating measures to satisfactorily address the above

issues. However, if you are minded to determine the application in its submitted form, I would be grateful if you could revert back to the Highway Authority for any further comments.

County Place (Education)

31.10.22:

Summary: The analysis indicates that there would be no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests no financial contributions.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Designing Out Crime Officer, Derbyshire Constabulary

17.01.23

There are no reasons to object to the proposal from the perspective of reducing crime and disorder in isolation.

I would recommend some clarification to the boundary treatments indicated on the supporting landscape and hard materials plan.

There is no clear boundary set for any of the outer site edge adjacent to woodland and existing adjacent housing. There is though some indication of unlabelled garden boundaries on site masterplans.

The outer site edge will need to be defined from the adjacent woodland, and woodland foot access kept solely to the existing footpath on the north western site corner, to ensure that the privacy and amenity of new residents is respected, and that the hierarchy of semi-private space is not compromised.

Specifically, the parking allocation and shared turning space for plots 1-2 should be defined, (low to mid level in height acceptable), the site edge between plots 7 and 8, and plots 16 and 17 should be enclosed in a similar manner to all private garden space, and the rear garden boundary treatment for plots 17-20 should be clarified.

There are two shared rear garden access gates on site, one serving plots 1-7 and the other serving plots 8-16. The specification of these communal gates will need to include key locking from both sides to enable practical use and ease of securing these two extended corridors of enclosed shared space for resident use only.

Derbyshire Wildlife Trust

30.11.22:

We have reviewed the Preliminary Ecological Appraisal (PEA) submitted with this application, along with proposed plans and the Arboricultural Impact Assessment (Mulberry Tree Management April 2022). Whilst the PEA report is branded Mulberry Tree Management, it states that Kingdom Ecology carried out the PEA. Habitats on site are of very limited biodiversity value and protected species constraints are limited to nesting birds and bats using the adjacent woodland edge habitat.

In general, development of the site is considered fairly low impact in terms of biodiversity, however it is not quite clear whether any tree removal at the edge of the adjacent woodland will be required. The development will be constructed right up to the woodland edge and appears to encroach within the trees at the north-western corner. We advise that the development should be constructed to take account of the woodland, rather than removing any trees at the boundary to accommodate the proposed layout. Local Plan Policy EQ9 is relevant to these recommendations. If woodland removal cannot be avoided, then a biodiversity metric should be submitted to quantify losses and gains. If only a very small number of trees are required for removal, these could just be replaced at the High Peak ratio of 2:1.

The woodland slopes down, away from the site which will help to limit direct impacts and there is no proposed road adjacent to the woodland which could increase lightspill. Several roads terminate at the woodland edge and any light fixtures at the end of these roads should be directional away from the woodland, with any additional appropriate features such as shields to prevent backwards lightspill.

Bat and bird boxes should be incorporated within the new dwellings in accordance with British Standard for Integral Boxes 42021:2022 and street tree planting is encouraged.

Once impacts to the woodland are confirmed and minimised, we recommend the following conditions are attached to any consent:

Lighting Plan

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan is required to demonstrate acceptable levels of lightspill to the adjacent northern woodland. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes.
- insect bricks.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans)
summary of ecologically beneficial landscaping

Gas Pipelines and Electrical Pylon

Awaited.

High Peak Access

03.11.22:

HPA note from Design & Access Statement C (21061/PL/500/C/DAS) the intention that each property will have level access and WC at Ground Level to satisfy Building Regulation Part M. In addition, we are pleased to see that two property types are shown as having wheelchair access to ground floor WCs. We would ask that the developer confirms that the WCs will be wheelchair accessible. This meets the requirement of High Peak Local Plan policy H3e:

“Supporting dwellings designed to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended occupants in accordance with the Nationally Described Space Standard and delivered to meet accessibility standards set out in the Operational Requirement M4(2) of Part M of the Building Regulations”, which HPA supports.

HPA also note, and support, the intention to provide appropriate dropped kerbs as this will facilitate access by disabled people. We ask that the applicant confirms that it is the intention to provide level access to the rear garden areas.

HPBC Aboricultural Officer

11.01.23:

Trees affected by development:

- Woodland backs onto northern boundary
- Development requires partial removal of a section of woodland
- Woodland is not currently protected but is worthy of TPO
- Up to 30 proposed new trees.

Tree Concerns:

- No buffer between new houses and woodland.
- End properties will be dominated by the adjacent woodland.
- Pressure will be placed on the woodland to carry out either large scale

crown reductions or tree felling.

- No details have been provided to confirm how many trees are to be removed.
- Plots 1, 2, 6, 7, 8 and 16 at least need to be removed from the scheme to provide the adequate space from the woodland.
- Masterplan, revision C's tree planting (8 trees) proposal differs significantly with the landscaping scheme (30 trees).
- Masterplan planting plan is not in keeping with government guidance to provide street trees in new streets.
- Landscaping plan shows many trees in streets in location that is likely to be in private ownership – may require TPO to secure long-term retention.
- Species choice is poor and does not provide a diverse mix of genus and family.

Discussion:

I cannot support this application due to the immediate and long-term effects on tree cover in the area.

Development adjacent woodland

The development has been proposed for immediately adjacent and also partially requiring the removal of some of the existing woodland, which is classified as a B class woodland in the applicant's 'tree survey' (which is not a suitable lee of quality to fully assess the impact on the site's trees). The woodland would be worthy of protection with a Tree Preservation Order.

The tree survey does not detail the level of tree removal required to facilitate the development and nor does it show likely root protection areas of retained trees, so it is impossible to assess the level of damage that is likely to occur as a result of the development.

Putting that aside though it is hard to support the development being created directly up against the woodland. Such a scheme will immediately place the woodland under pressure to have trees significantly crown reduced or removed to ensure they do not pose maintenance issues for future owners/tenants. Going forward this would then be an ongoing maintenance issue for these properties.

Ideally the development should allow a buffer between the end property and woodland to allow for the woodland's growth and to allow a reasonable distance to prune overhanging branches back to. Ideally this should be five metres outside of the current branch spread.

With this in mind the scheme should remove plots 1, 2, 6, 7, 8 and 16 as a minimum to reduce these pressures and ensure a sustainable space.

Tree Landscaping Plan

I will take the landscaping plan as the latest proposal for tree planting on site, due to the date of June 2022. Without knowledge of the level of tree removals involved with the site it is not possible to assess if this number is appropriate for mitigating tree losses. However the following assessment can be made:

- The species choice is very poor, providing a limited number of species that does not adhere to best practice of providing a range of genus and family types to protect against future disease impacts.
- Many of the trees appear to be located on land that is quasi-public but likely to be in private ownership, rather than street trees. Therefore it would likely be necessary to protect these trees with a TPO to ensure they reach maturity.

Tree Details

As detailed above the supplied tree report is wholly unsuitable and does not provide anywhere near the level of detail to make a full assessment of this application. As well as the supplied tree survey and landscaping plan, British Standard 5837:2012 confirms the following documents should be provided at full application stage to help with decision making:

- Tree retention/removal plan
- Retained trees and RPAs shown on proposed layout
- Arboricultural impact assessment

Decision:

I recommend that this application is refused in its current form as it goes against the following policies:

NPPF

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Local Plan

Policy EQ 9 - Trees, woodland and hedgerows

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.

Should planning decide to give consent to this application then please come back to me for suitable tree protection conditions.

HPBC Conservation Officer

Awaited.

HPBC Environmental Health

31.01.23:

The lighting report may be accepted. It demonstrates that the current lighting at the site would be too intrusive (fail the Institute of Lighting Professionals guidance - ILP Guidance notes for the reduction of obtrusive light 2021). The report suggests that an upgraded scheme of sports lighting incorporating

directional LED would be compliant.

This assumes that the development is placed within environmental zone 3

E2	Rural	Low district brightness (SQM ~15 to 20)	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations
E4	Urban	High district brightness	Town / City centres with high levels of night-time activity

I suggest you could place the site within E2, due to the wooded valley at the rear (relatively dark outer suburban). You could request the “Luminous Intensity (Cd) At Vertical Planes” appx is re-calculated for E2. At this stage I suggest:

- Upgraded sports lighting at the football pitch
- Louvred shutters for properties / rooms where illuminance is predicted above 5 lux, and for the gable properties. Garden areas may still be compromised <https://www.openshut.co.uk/controlling-light-louvred-shutters/>

11.01.23:

Noise report (with ball strike assessment) should be submitted at the application stage.

14.10.22:

Refusal of the application is recommended on the following grounds:

It's recommended that a survey of light spill from the football ground floodlights etc is submitted at application stage, as this could prejudice the viability of the proposed development.

Should you be minded to approve the application the following conditions are suggested.

Comments:

Sensitive Use

The phase 1 land contamination assessment submitted in support of the application may be accepted.

- GeoAssist, “Phase I Desk Study and Preliminary Contaminated Land Risk Assessment” (ref: 6095/VFC V1.00 PCLRA), dated June 2022

This report recommends that the assessment progress to a phase 2 intrusive investigation, as the proposed end use of the development is particularly

sensitive to the presence of land contamination, the following conditions 1 is recommended.

Construction

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 2 to 7 are suggested.

Refer to public file for detailed consultation wording.

HPBC Regeneration (Affordable Housing)

09.11.22:

The applicant is proposing a wholly affordable scheme, well above the requirements of policy H4, which requires 20% contribution on sites 5-24 units.

Whilst it is positive that the applicant wishes to deliver 100% affordable housing, I note that no delivery mechanism has been identified or Registered Provider named within the application. The authority is only able to secure a planning policy compliant contribution within the S106 of 20%. We need to be mindful, there is no legal mechanism in place to ensure that the site delivers 100% affordable housing above that secured in the S106 agreement.

In addition to concerns regarding delivery, I also note that the properties fall below our aspirations regarding NDSS and the number of bed spaces required. The Council strives where possible to ensure that new affordable homes are built as 1b2p, 2b4p, 3b5p and 4b6p dwellings to ensure a greater flexibility in the lettings and allocations process.

HPBC Service Delivery

02.02.23:

I am in complete agreement with Sport England's further updated comments and continued objection to the development, for the reasons they have set out below.

I have seen the formal response from Sport England and colleagues at the Football Foundation and would support their approach and conclusions in terms of the loss of the training facility and would re-iterate this in response to the additional information provided by the developer.

As per Sport England's Policy, there needs to be a replacement AGP provided in a suitable location and there is no reference to this, other than to send teams to another facility in a neighbouring borough which is not acceptable. That is an existing facility which will at some point reach capacity for the number of teams wanting to use it within its own catchment area and is not a new replacement facility for the loss of this one to be provided in New Mills.

In terms of the argument that the current facility is not fit for purpose and as a result is underused, is not correct. Evidence has been provided to establish its current usage by the clubs and teams which do use it on a regular basis and this is confirmed also by the Football Foundation. With regard to upgrading the existing training facility to a new 'state of the art, FA / FIFA compliant facility', this would not be financially unviable to the Football Club. In fact the Club would have plenty of opportunities to upgrade the facility through a range of funding options and support of partners.

11.11.22:

In terms of open space and recreational contributions we would not be seeking any on-site provision due to the proposed size of the development and the proximity of existing recreational facilities which could be enhanced to accommodate any new residents and therefore would be seeking off-site contributions for all 4 typologies:-

- Play contribution (£192 x 20 = £3,840) towards existing play facilities at PBakehurst Recreation Ground
- Parks and Gardens (£571 x 20 = £11,420) contribution towards infrastructure improvements at Bakehurst Recreation Ground or other key parks within one mile radius of the development
- Outdoor sports contribution (£489.40 x 20 = £9,788) towards supporting the enhancement and development of outdoor sports facilities in the town.
- Allotment contribution (£76.95 x 20 = £1,539) towards the development of Ollersett Allotments to increase usage and create more plots.

We would also like to make comment on the loss of the training pitch as part of this application. This facility is a protected playing pitch and as such its' loss will be objected to by Sport England under their Playing Fields Policy - separate comments will be provided by them.

In terms of the loss of a local facility serving the community, the training pitch is well used by local clubs, particularly junior teams who have no other such football facility in New Mills. It is also wrongly identified as tennis courts within the Planning Statement when it is in fact a football training pitch, and the identification of the nearby tennis courts at New Mills Tennis Club are solely for the use of tennis and do not accommodate any multi-sports use including football training.

Lead Local Flood Authority

17.10.22:

The LLFA are unable to provide an informed comment and recommend a holding objection until the applicant/ LPA has provided further information:

- The LLFA strongly encourages sustainable drainage systems (SuDS) to be incorporated into all planning proposals in accordance with

national guidance and the Written Ministerial Statement for Sustainable Drainage (HCWS161). This is the preferred and more sustainable approach for drainage and surface water management as it helps to slow down the water flow rate to pre-development rates, reduce pollutant loading and, where possible, reduce the volume of water flowing from developments. If above ground storage or sustainable drainage features cannot be achieved the applicant should robustly demonstrate why SuDS cannot be incorporated into the proposed development.

- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout. Underground storage tanks do not offer any other form of amenity or benefit as described in the 4 pillars of SUDS so please explain why above ground storage can not be used?
- To overcome our concerns the LLFA requires the development to consider the use of further SuDS such as: bio retention strips, rainwater gardens, rainwater harvesting, permeable paving & swales. This is to capture as much of the first 5mm of rainfall as possible and prevent the mobilisation of pollutants in line with CIRIA C753 guidance. Currently there is very little in the way of the above shown on the plans which is required at this stage of application.
- How the sustainable drainage systems integrate with the open space and green infrastructure should be described and what multifunctional benefits they provide should be stated, as per paragraph 59 of planning practice guidance (Aug 2022).
- Please note that in the High Peak, the site will have to accommodate all the surface water for a 1 in 30 year +35% allowance for CC and all surface water should be contained on site in the 1 in 100 +45% cc without causing internal flooding. [Climate change allowances for peak river flow in England \(data.gov.uk\)](https://data.gov.uk/dataset/c753-climate-change-allowances-for-peak-river-flow-in-england)
- An appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites'. A 10% allowance is usually acceptable to the LLFA. Has this been included in the greenfield run off calculation?
- Have any infiltration tests been carried out to date? If not can you confirm that this will be carried out for the next stage of application?
- As stated with C753 it is practical to discharge at a minimum of 2l/s with modern controls, so the LLFA require you to change the drainage strategy to so that the maximum discharge is the QBAR rate which is 4.1l/s. Including updating your storage allowance and layout.
- The FRA does not indicate how the current risk of surface water flooding will be mitigated on the West of the site which has been modelled for both the 1 in 30 and 1 in 100 year event.

Peak and Northern Footpaths Society

Awaited.

Ramblers Association

Awaited.

Sport England

02.02.23:

The additional information relates to the submission of a site safety report produced by SkW Construction Consultancy in relation to the artificial turf pitch on the application site. This pitch was inspected from outside the fence as access was not available on 24 January.

Information has also been submitted of a replacement facility available for the club to use at Disley Amalgamated Sports Club.

Assessment of the additional information against Sport England Policy/NPPF

The proposal would involve the loss of an artificial grass pitch (AGP). Sport England's Active Places Power database record this pitch as being operational for community use. This database was updated by the club on 5 January 2023. The site safety report produced by SkW Construction Consultancy also confirms that the AGP is in use. Whilst the pitch does require refurbishment as it was a facility constructed in 1999, it continues to meet the definition of a playing field as defined in the NPPF being:

“the whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.”

The proposal would result in the loss of a playing field as defined in the NPPF and the 2015 Order. The loss of this playing field therefore needs to be considered against the exceptions in Sport England's policy which accord with the specified justifications included in paragraph 99 of the NPPF which both seek to protect playing fields from development.

Of Sport England's playing field policy's five exceptions – two could potentially cover the proposed development:

Exception 1:

Exception 1 allows the loss of playing field where a robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which would remain the case should the development be permitted.

The High Peak Playing Pitch Strategy (January 2018) provides the evidence base as required by paragraphs 98 and 99 of the NPPF. The PPS confirms that there is little spare capacity for existing and the growth of football in the area and that there is an identified shortfall of two full size 3G pitches across the Borough. One of the recommendations in the PPS is to protect the existing quantity of football pitches (unless replacement provision is agreed upon and provided). As such, the PPS does not show a surplus of playing field provision in the area to meet exception E1 of Sport England's policy

exceptions or paragraph 99 a) of the NPPF.

Exception 4:

Exception 4 of the Sport England's Playing Fields Policy states:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.'*

It is therefore necessary to assess the existing and proposed playing fields against the above policy to determine whether the proposal would meet Exception 4. To meet E4, replacement must represent a genuine replacement i.e. creation of a new playing field. Improvements to existing playing field do not represent a genuine replacement because the quantity element of the exception has not been addressed only the quality element. The quantity element can be addressed by bringing into use areas of an existing playing field that are currently incapable of supporting a pitch or pitches without significant works, or creating new playing field on land that is not currently playing field. These areas must be assessed by a suitably qualified sports turf specialist/agronomist to provide the evidence required to show these areas will represent a genuine replacement of playing field.

From the additional information submitted, the alternative facility being offered is an existing facility at Disley Amalgamated Sports Club, Stockport. The AGP on this Disley site was constructed in 2000 and so is not a new facility. Therefore, it cannot be classed as replacement playing field as it does not relate to the creation of new playing field which would meet the criteria in exception 4 of Sport England's Playing Fields Policy and in Paragraph 99 b) of the NPPF. The facility in Disley is also a 3 mile drive from the application site and located within Cheshire East and would not meet the criteria in paragraph 99 b) of the NPPF of being in a suitable location.

Conclusion

Given the above assessment, Sport England continues to object to this application which would lead to the loss of playing field in an area where there is a deficiency in the provision of playing fields. The proposed development is not considered to accord with any of the exceptions in Sport England's playing fields policy or any of the specified justifications in Paragraph 99 of the NPPF or Policy CF4 in the High Peak Local Plan (2016) in that the proposal would lead to the loss of playing field and non-playing land and would prejudice the use of land being used as a playing field for the reasons outlined above and outlined in Sport England's previous responses dated 20 January 2023 and 27 October 2022.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction

2021, the application should be referred to the Secretary of State via the Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

In providing any further information, Sport England would ask that the applicant submits this to the local planning authority and not to Sport England directly. That way it forms part of the planning application submission and its associated audit trail. The local planning authority can then consult Sport England on receipt of this information.

20.01.22:

Sport England has previously raised concerns about this proposal in its consultation response dated 27 October 2022 (copy below).

Assessment of the additional information against Sport England Policy / NPPF

The additional information relates to a supplementary letter from Geraint John Planning along with letters from the Option Holder on the Land and Pro Peaks Soccer Academy. The evidence submitted is mainly centred around Local Plan Policy CF5 (Provision and Retention of Local Community Services and Facilities) in the High Peak Local Plan (2016).

As included in our consultation response below, Policy CF 4 (Open Space, Sports and Recreation Facilities) in the High Peak Local Plan (2016) is relevant for this proposal. This policy seeks to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and wellbeing of local communities. The wording of Policy CF4 is consistent with the wording in paragraph 99 of the NPPF and with Sport England's Playing Fields Policy and Guidance Document. This proposal would lead to the loss of playing field and non-playing land and would prejudice the use of land being used as a playing field.

As part of the assessment of the additional information submitted, Sport England has sought the views of the Football Foundation (FF) and Derbyshire FA. They act as Sport England's technical advisor in relation to football and its facilities. They confirm that they continue to object to the development for the reasons previously outlined in the consultation response below.

Conclusion

Sport England maintains its objection to the application which is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraph 99 of the NPPF or Policy CF4 in the High Peak Local Plan (2016) in that the proposal would lead to the loss of playing field and non-playing land and would prejudice the use of land being used as

a playing field.

Sport England would be pleased to comment on any further documents/amended plans which address the above comments. In providing any further information, Sport England would ask that the applicant submits this to the local planning authority and not to Sport England directly. That way it forms part of the planning application submission and its associated audit trail. The local planning authority can then consult Sport England on receipt of this information.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

27.10.22:

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular paragraph 99 and the presumption that playing fields should not be built on) and against its own playing fields policy, which is presented within its 'Playing Fields Policy and Guidance Document:' www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all/part of a playing field. Exceptions to this policy are contained in the Playing Fields Policy Document.

Policy CF 4 (Open Space, Sports and Recreation Facilities) in the High Peak Local Plan (2016) also seeks to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and wellbeing of local communities.

The Proposal and Impact on Playing Field

The proposal would involve the construction of 20 residential properties along with parking, landscaping and associated works. Accessed from Church Lane, the units would be grouped into five blocks.

As shown in the google aerial imagery below (2020) the proposal would result in the loss of an existing small sided artificial grass pitch and car parking used by New Mill Football Club. The Sand Filled Artificial Grass Pitch (AGP) which would be lost is included on Sport England's Active Places Database as having an area of some 1850m.² The Database records the AGP as being operational, available for use by the sports club/community association and having a car park available for use.



The proposal would result in the loss of playing field. The planning definition of playing field is the whole of the site that contains a pitch. Sport England's Playing Fields Policy covers the entire playing field site and not just the areas currently marked out with pitches. This is because playing field is seen as a resource for pitches to be marked out on, repositioned to allow areas of the playing field to rest from over play, and to change from one pitch sport type to another to meet demand.

The proposal would also result in the loss of non-playing field land which in this case would be the loss of car parking for the sports club. Sport England's Playing Fields Policy does apply to this non-playing field land as the proposed development would prejudice the use of land being used as a playing field.

In accordance with paragraph 187 of the NPPF new development should be integrated effectively with existing businesses and community facilities such as sports clubs. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. As such the applicant, (or 'agent of change'), should include details of measures to protect the operation of New Mills Football Club from any significant adverse effect arising from the new development.

The application is accompanied by a Planning Statement. Sport England has previously been involved in a pre-application enquiry for a residential proposal at the site and so it is disappointing that the Planning Statement does not make any reference to the loss of playing field in particular to the requirements of paragraph 99 of the NPPF and Policy CF4 in the High Peak Local Plan (2016) on the need to protect playing fields from development. From the information submitted with the planning application there is no reference to either the loss of playing field, the loss of car parking for the Football Club or whether these facilities are to be replaced. There is also no reference to paragraph 187 of the NPPF and the measures incorporated into the development to protect the operation of New Mills Football Club. The application submission does not include a Noise Impact Assessment, a Lighting Assessment or a Ball Strike Assessment to enable the proposal to be assessed against paragraph 187.

Prior to preparing this response Sport England has sought the views of the Football Foundation (FF) on this planning application. The FF act as Sport England's technical advisor in relation to football and its facilities. Their comments are summarised as:

- *The 5-a-side football pitch is important for training for both New Mills FC and New Mills Juniors as well as offering recreational opportunities for the sport. The PPS highlights the need for facilities to support New Mills Juniors; this facility provides important training space.*
- *The loss of car parking would have a significant negative impact on the Club.*
- *As the club play in the National League Step 4 car parking is a vital ancillary element to support match day football at the site from spectators.*
- *As noted in the FA Ground-Grading Guidance For National League System – Men's (Steps 1-6) Season 2022/23 in terms of adjoining parking "At Grades 1 and 2: There must be adequate car parking facilities at or adjacent to the ground. Car parking within the boundary of the ground on matchdays may not be acceptable if the control or admission of spectators is not deemed suitable or the safety of spectators is compromised."*
- *In view of the proximity of the housing to the football pitch there would be a need for light and noise impact surveys.*
- *Given the proximity of the access road ball strike netting would be required due to the risk of ball strike.*
- *This residential proposal would heavily limit any further development of the site and given the club's ambitions for development of the site this would be to the detriment of the Club.*
- *The Football Foundation objects to the development for the reasons outlined above.*

Assessment against Sport England Policy/NPPF/Development Plan Policy

The proposal would lead to the loss of playing field and non-playing field land. The High Peak Borough Council Playing Pitch Strategy and Action Plan (2018) (PPS) identifies the need to ensure that New Mills FC can progress if the opportunity arises through ensuring FA ground grading requirements are met. The PPS also looks to ensure that New Mills Juniors FC can access adequate playing pitch provision in its locality. The Strategy confirms that there is little spare capacity for existing and growth of football in particular for youth formats. As such, the PPS does not show a surplus of playing field provision in the area to meet exception E1 of Sport England's policy exceptions or guidance in paragraph 99 of the NPPF.

The proposal therefore needs to be considered against Exception 4 of the Sport England's Playing Fields Policy which states:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*

- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.'*

It is therefore necessary to assess the existing and proposed playing fields against the above policy to determine whether the proposal would meet Exception 4. To meet E4, replacement must represent a genuine replacement i.e. creation of a new playing field. Improvements to existing playing field do not represent a genuine replacement because the quantity element of the exception has not been addressed only the quality element. The quantity element can be addressed by bringing into use areas of an existing playing field that are currently incapable of supporting a pitch or pitches without significant works, or creating new playing field on land that is not currently playing field. These areas must be assessed by a suitably qualified sports turf specialist/agronomist to provide the evidence required to show these areas will represent a genuine replacement of playing field.

From the information submitted with the planning application there is no reference to the AGP or car park being replaced. As such the proposal would be contrary to exception 4 of the Sport England's Playing Fields Policy.

There is the potential for significant adverse effect arising from this residential development which would adjoin the football pitch. The application submission does not include a Noise Impact Assessment, a Lighting Assessment or a Ball Strike Assessment to enable the proposal to be assessed against paragraph 187 of the NPPF which seeks to protect sports club from having unreasonable restrictions placed on them as a result of development permitted after they were established. As such, based on the lack of evidence presented in the application submission it is Sport England's opinion that this proposed development would prejudice the use of the remaining land being used as a playing field.

Conclusion

Given the above assessment, Sport England objects to this application which is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraph 99 of the NPPF or Policy CF4 in the High Peak Local Plan (2016) in that the proposal would lead to the loss of playing field and non-playing land and would prejudice the use of land being used as a playing field.

Sport England would be pleased to comment on any further documents/amended plans which address the above comments. In providing any further information, Sport England would ask that the applicant submits this to the local planning authority and not to Sport England directly. That way it forms part of the planning application submission and its associated audit trail. The local planning authority can then consult Sport England on receipt of this information.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us

of the outcome of the application by sending us a copy of the decision notice.

United Utilities

12.10.22:

We request the following drainage condition is attached to any subsequent approval:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

Refer to public file for detailed consultation wording.

6. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan Adopted April 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S6 Central Sub-area Strategy
- EQ1 Climate Change
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

EQ8 Green Infrastructure
EQ9 Trees, Woodlands and hedgerows
EQ10 Pollution Control and Unstable Land
EQ11 Flood Risk Management
EQ6 Promoting Peak District Tourism & Culture
H1 Location of Housing Development
H3 New Housing Development
H4 Affordable Housing
CF4 Open Space, Sports and Recreational Facilities
CF5 Provision and Retention of Local Community Services and Facilities
CF6 Accessibility and Transport
CF7 Planning Obligations and Community Infrastructure Levy

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

Supplementary Planning Documents (SPDs)

High Peak Design Guide 2018
Housing Needs in the High Peak 2007
Residential Design Guide 2005
Planning Obligations 2005

“Draft” Planning Obligations (January 2023)

7. POLICY AND MATERIAL CONSIDERATIONS

Planning Policy Context

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

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan for the borough consists of the Adopted High Peak Local Plan dated April 2016.

7.3 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types

is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well being; and,
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.4 Section 5 of the Framework relates to delivering a sufficient supply of homes. Paragraph 60 identifies that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

7.5 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 The Council can currently demonstrate 6.28 years supply of housing land (as at 1st April 2022). This represents a total annual housing requirement (April 2022 to March 2027) including a 5% buffer. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.

7.7 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 ‘Strategic Housing Development’ and Policy H4 ‘Affordable Housing’ were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning

applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice.

Principle of Development

7.8 Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at LP Policy S2 'Settlement Hierarchy'. In accordance with the settlement hierarchy, New Mills is regarded as a 'Market town' "and will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance". In particular, LP Policy S6 'Central sub-area Strategy' seeks: "to promote the sustainable growth of the Central Area such that it reflects the historic character of the settlements, provides increasing range of employment opportunities, promotes the growth of a sustainable tourist economy and meets the housing needs of the local community". This would include supporting the development of new housing on sustainable sites within the built up area boundary, including New Mills and other market towns.

7.9 LP Policy H1 'Location of Housing Development' seeks to ensure provision is made for housing taking into account all other policies in the Local Plan. This will be achieved by, amongst other mechanisms, promoting "the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose".

7.10 NPPF Paragraph 60 states: "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Open Space, Sports and Recreation Facilities

7.11 LP Policy CF4 'Open Space, Sports and Recreation Facilities' states that: "The Council will seek to protect, maintain and where possible enhance existing open spaces, sport and playing fields in order to ensure their continued contribution to the health and well-being of local communities. This will be achieved by: (*first bullet point*) Resisting any development that involves the loss of a sport, recreation, play facility or amenity green-space, except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location, or the loss is associated with an alternative sports provision that would deliver benefits that would clearly outweigh the loss, or an assessment has been undertaken to demonstrate the facility is surplus to requirements".

7.12 Paragraph 99 of the NPPF also states: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: (*first bullet point*) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; (*second bullet point*) the loss would be replaced by equivalent or better provision"

Local Community Services and Facilities

7.13 LP Policy CF5 'Provision and Retention of Local Community Services and Facilities' seeks to maintain and improve the provision of local community services and facilities, supporting proposals which protect, retain or enhance existing community facilities. Proposals which involve the loss of community assets and facilities (including health facilities) will be resisted unless it can be demonstrated that the existing use is no longer financially or commercially viable and there are no other means of maintaining the facility or an alternative is available in an accessible location. If permission is given for change of use or redevelopment, preference will be given to premises retaining some form of community or employment use so long as it does not affect traffic, amenity, environmental or conservation problems.

7.14 The preamble to LP Policy CF5 discusses that "The availability of local services and facilities is an important factor in ensuring the sustainability and vitality of communities. The loss of such facilities can have severe consequences, particularly when there is no alternative provision nearby. This issue is particularly pertinent in rural areas where presence of services may be sparse". LP Plan Policy S6 'Central Sub Area Strategy' further supports the provision of indoor and outdoor sports facilities having regard to the Council's Sport and Recreation Strategies. Whilst paragraph 93 of the NPPF confirms that: "to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services" amongst other matters.

7.15 In accordance with paragraph 187 of the NPPF, new development should be integrated effectively with existing businesses and community facilities such as sports clubs. In this context, Sport England state existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

7.16 The scheme for residential development at New Mills football ground would involve the loss of an operational artificial grass training pitch and car parking area for use by the sports club and community association. It is understood the football training pitch is well used by local clubs, particularly junior teams who have no other such football facility in New Mills. Furthermore, the pitch has been wrongly identified as tennis courts within the applicant's Planning Statement. The identification of the nearby tennis courts at New Mills Tennis Club for multi-sports use including football training is also incorrect and are solely for the use of tennis.

7.17 The artificial grass training pitch is deemed to be a protected playing pitch and as such requires an assessment by Sport England as a statutory consultee within the context of paragraph 99 of the NPPF, its own Playing Fields Policy and also the views of the Football Foundation. Sport England also refer to the Council's PPS (Playing Pitch Strategy) and Action Plan 2018, which identifies the need to ensure New Mills FC (Football Club) can progress (if the opportunity arises) through ensuring Football Association ground grading requirements are met and New Mills Juniors FC can access adequate playing pitch provision in its locality. As well, the strategy also

confirms there is limited spare capacity for existing and also growth of football in particular for youth formats.

7.18 Sport England confirm the Football Foundations objection to the proposal as summarised below:

- “The 5-a-side football pitch is important for training for both New Mills FC and New Mills Juniors as well as offering recreational opportunities for the sport. The PPS highlights the need for facilities to support New Mills Juniors; this facility provides important training space.
- The loss of car parking would have a significant negative impact on the Club.
- As the club play in the National League Step 4 car parking is a vital ancillary element to support match day football at the site from spectators.
- As noted in the FA Ground-Grading Guidance For National League System – Men’s (Steps 1-6) Season 2022/23 in terms of adjoining parking “At Grades 1 and 2: There must be adequate car parking facilities at or adjacent to the ground. Car parking within the boundary of the ground on matchdays may not be acceptable if the control or admission of spectators is not deemed suitable or the safety of spectators is compromised.
- In view of the proximity of the housing to the football pitch there would be a need for light and noise impact surveys.
- Given the proximity of the access road ball strike netting would be required due to the risk of ball strike.
- This residential proposal would heavily limit any further development of the site and given the club’s ambitions for development of the site this would be to the detriment of the Club”.

7.19 Accordingly, Sport England conclude there is no surplus of playing field provision in the area for the scheme to accord with Exception E1 of its playing field policy or paragraph 99 of the NPPF. As a consequence, Sport England confirms it is necessary to assess the existing and proposed playing fields against Exception 4 of its policy as follows requiring: “The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: (1) of equivalent or better quality, and (2) of equivalent or greater quantity, and (3) in a suitable location, and (4) subject to equivalent or better accessibility and management arrangements”.

7.20 Critically, the application submission, however, does not reference either the replacement of the Artificial Grass Pitch or car parking, which Sport England confirm as contrary to its policy requirement Exception 4. This is despite the further correspondence submitted by the applicant, comprising of a letter from Geraint John Planning along with letters from the Option Holder on the Land and Pro Peaks Soccer Academy, which he summarises as follows: “an alternative facility of a better quality is to be offered and provided as part of the planning application, in conjunction with Pro Peaks Soccer Academy and Disley Amalgamated Sports Club. This state of the art facility will be offered to ‘offset any lost sessions that arise through application ref. HPK/2020/0350’ (refer to letter from Pro Peaks Academy). A significant number of previous objectors, including New Mills Junior FC have since

made contact with ProPeaks Academy, and will now be switching to use their facility in Disley, due to the vastly improved facility. This facility is to be provided in an equally accessible location, less than 3km (or 10 minute drive) to the west of the site. As such, we consider that the proposals meet all of the necessary local policy provision as requested by Sport England”.

7.21 In addition, the applicant has recently submitted a Health and Safety report, which states the current facility is a health and safety hazard, given surfacing and enclosure concerns and therefore is not safe for sporting use to warrant its retention. Sport England has been consulted on such further commentary from the applicant, including this report and state:

“The proposal would involve the loss of an artificial grass pitch (AGP). Sport England’s Active Places Power database record this pitch as being operational for community use. This database was updated by the club on 5th January 2023. The site safety report produced by SkW Construction Consultancy also confirms that the AGP is in use. Whilst the pitch does require refurbishment as it was a facility constructed in 1999, it continues to meet the definition of a playing field as defined in the NPPF”.

“From the additional information submitted, the alternative facility being offered is an existing facility at Disley Amalgamated Sports Club, Stockport. The AGP on this Disley site was constructed in 2000 and so is not a new facility. Therefore, it cannot be classed as replacement playing field as it does not relate to the creation of new playing field, which would meet the criteria in exception 4 of Sport England’s Playing Fields Policy and in Paragraph 99 b) of the NPPF. The facility in Disley is also a 3 mile drive from the application site and located within Cheshire East and would not meet the criteria in paragraph 99 b) of the NPPF of being in a suitable location”.

7.22 The Council’s Leisure and Recreation Officer confirms her agreement with Sport England’s continued objection to the development as they have set out above. She further considers there would have been opportunities for New Mills Football Club to upgrade the facility to a new ‘state of the art, FA / FIFA compliant facility’ through a range of funding options and support of partners.

7.23 Sport England also consider the loss of non-playing field land i.e. car parking for the sports club would prejudice the use of the retained land being used as a playing field. Given FF comments, Sport England discuss there are currently no substantive measures to protect the continued operation of New Mills Football Club from any significant adverse amenity effects arising as a result of proposed new residential development regarding light, noise and ball strike impact assessments to enable the proposal to be properly assessed against paragraph 187 of the NPPF.

7.24 Whilst a Light Spill Survey has been latterly submitted by the applicant, it demonstrates the current sports pitch lighting at the football ground would be too intrusive to proposed residential development as confirmed by the Council’s Environmental Health Officer. In these circumstances, the report suggests an upgraded sports lighting scheme incorporating directional LED would be compliant within environmental zone 3. However, officers consider the application site falls within environmental zone 2 owing due to the

wooded valley at the rear i.e. 'dark outer suburban' therefore necessitating the report to be amended in these regards. Notwithstanding this, it is highly probable there would be a requirement for an upgraded sports lighting scheme for the football club and louvred shutters for scheme properties rooms where illuminance is predicted above 5 lux as advised by Environmental Health. However, garden areas may still be compromised by such adverse lighting impacts. The application submission is not accompanied by a Noise / Ball Strike Impact assessment and therefore is considered to be insufficient in these regards.

7.25 Fundamentally, Sport England continue to object to this scheme which would lead to the loss of playing field in an area where there is a deficiency in the provision of playing fields. Furthermore, it confirms that the submitted evidence does not fundamentally address the loss of playing field and non-playing land whereby the scheme would prejudice the use of land being used as a playing field.

7.26 In these regards, there is particular conflict with LP Policies CF4 and CF5 whereby the scheme does not seek to protect, retain and enhance existing community facilities within local context nor has it been demonstrated such sporting facilities are to be surplus to requirements or the loss would be replaced by equivalent or better provision to achieve non-compliance in these regards both with local plan and national planning policy.

Housing Type / Size

7.27 The NPPF seeks mixed and balanced communities. Paragraph 62 of the NPPF states the size, type and tenure of housing needed for different groups should be reflected in planning policies. In these regards, LP Policy S1 'Sustainable Development Principles' sets out the sustainable development principles for the area whereby new development should provide for a mix of types and tenures of quality homes. LP Policy S6 'Central Sub area Strategy' also seeks to provide for the housing needs of the community including the delivery of appropriate levels of affordable housing and supporting the development of new housing on sustainable sites within the built-up area.

7.28 LP Policy H3 'New Housing Development' requires all new residential development to address the housing needs of local people, including the provision of affordable housing as set out in LP H4 'Affordable Housing'. LP Policy H3 Criteria b) states proposals should provide for a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs, based on evidence from the Strategic Housing Market Assessment (SHMA) or successor documents. The HELNA (High Peak Housing and Economic Land Needs Assessment) dated September 2022 includes the Council's latest analysis of the housing mix required across the Borough and is a successor document to the 2014 SHMA.

7.29 The recommendations from the 2022 HELNA in relation to the mix of market housing for both High Peak as a whole as well as the Central Area are outlined in the table below alongside the existing housing stock in New

Mills East Ward and proposed housing mix from the scheme. The recommendations in the HELNA for New Mills include a market adjustment to reflect the need for larger properties precipitated by the pandemic and shift towards home working. This has resulted in a 15% reduction in the number of smaller (1-2 bed) dwellings and a commensurate increase in the number of 3 and 4 bedroom properties to reflect “the very pronounced socio-economic shock precipitated by the pandemic and the strong (and what appears to be a permanent) shift towards homeworking and the need for larger properties to accommodate this” (HELNA, para 12.34).

	1-bed	2-bed	3-bed	4-bed	5+ bed
2014 SHMA	10%	45%	35%	10%	n/a
2022 HELNA HPBC	10%	37%	41%	9%	3%
2022 HELNA HPBC (market adjustment)	8%	32%	44%	13%	3%
2022 HELNA Central Area	8%	45%	32%	11%	4%
2022 HELNA Central Area (market adjustment)	7%	39%	36%	15%	4%
% of existing housing stock in New Mills East ward	12%	36%	44%	8%	1%
Social Housing (market adjustment)	45%	22%	26%	7%	0%
Scheme Units	0%	50%	50%	0%	0%

7.30 The number of two-bedroomed and three-bedroomed dwellings provided by the development would not closely align with the HELNAs recommended percentages for New Mills (with market adjustment). The scheme’s emphasis on 2 and 3-bedroomed dwellings at 50% each of the proposed overall contrasts with the 39% (2-bedroom) and 35% (3-bedroom) proportion of the mix recommended in the HELNA. Furthermore, the HELNA recommends 7% of the housing mix should be 1-bedroomed dwellings and 15% should be for 4-bedroom dwellings whereas no properties of this type are proposed within the scheme. It is acknowledged that in the New Mills East Ward 12% of the existing housing stock are one-bedroomed properties (45% social housing). However, as the proposal would not provide any 1-bedroomed or 4-bedroom units, it would not reasonably meet nor contribute towards the wider housing need across New Mills and would cause friction with LP Policy H3 in these regards.

7.31 In addition, parts c) and e) of LP Policy H3 require all new residential development to contribute positively to the promotion of an inclusive community by supporting dwellings designed to provide flexible accommodation capable of future adaption by seeking to achieve adequate internal space for the number of internal occupants in accordance with the NDSS (National Described Space Standards) and to be delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This requirement is further endorsed by the

evidence in the HELNA which recommends 50% of new housing should meet these accessibility standards, However, the scheme does not appear to provide for any specialist housing need including its scoring against accessibility standards as set out in the Optional Requirement M4 (2) of Part M of the Building Regulations. As a consequence, no detailed evidence has been put forward to demonstrate how the dimensions, capacity or shape of internal spaces for each individual dwelling could be adapted to achieve this requirement.

7.32 Statutory Guidance in the form of ‘Technical Housing Standards – nationally described space standards’ sets out minimum gross internal floor area standards, amongst other more internal detailed property requirements. Scheme house types A and B do not meet overall minimum property sizes as detailed in the table below.

House Type	Capacity	Size	NDSS
A	2-bed 4 person	70.0sqm	79.0sqm
B	2-bed 4 person	70.0sqm	79.0sqm
C	3-bed 6 person	117.0sqm	108.0sqm

7.33 The scheme would not provide for an appropriate housing mix given the omission of both 1 and 4-bedroomed units, together with adequate size and accessibility issues identified above. As a consequence, it would conflict with the housing mix and accessibility requirements of LP Policies SS1, S5, H3 and H4 and NPPF. This matter will be returned to the conclusion section below.

Affordable Housing

7.34 LP Policy H4 ‘Affordable Housing’ requires all new residential development to meet the requirements of local people by providing affordable housing within the overall provision of new residential development. The requirement for the application site is 20% (between 5-24 units or a site >0.16ha) equating to 4 onsite units. The affordable housing provision should seek to achieve a target of 80% rented accommodation with the 20% balance falling to intermediate ‘shared ownership’ housing.

7.35 Whilst the applicant wishes to deliver 100% affordable housing, the Council could only secure a planning policy compliant contribution of 4 affordable housing units onsite to meet with LP Policy H4, which would need to be secured within a s106 legal agreement. Of concern, no delivery mechanism or Social Registered Provider has been detailed within the submission despite the proposal for a wholly affordable housing scheme. As identified above, some scheme dwellings fail to meet with NDSS / bed spaces requirements to conflict with the Council’s requirements to ensure new affordable homes are fit for purpose and provide for greater flexibility in the lettings and allocations process.

7.36 As a consequence, there would be further friction with the housing mix and affordable housing requirements of LP Policies SS1, S5, H3 and H4 and the NPPF. This matter will be returned to the conclusion section below.

Highway Safety

7.37 LP Policy CF6 'Accessibility and Transport' sets out the need to ensure that development can be safely accessed in a sustainable manner, whilst minimising the need to travel particularly by unsustainable modes of transport.

7.38 Section 9 of the NPPF states transport issues should be considered from the earliest stages of development proposals to identify and pursue opportunities from existing or proposed walking, cycling and public transport infrastructure and patterns of movement, streets, parking and other transport considerations are integral to the scheme design and contribute to making high quality places with priority first to pedestrian and cycle movements within the scheme and with neighbouring areas.

7.39 NPPF paragraph 110 states development proposals should meet with the criteria: "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree".

7.40 NPPF paragraph 111 states "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.41 The application scheme proposes modifications to the existing access point off Church Lane, leading to an L-shape driveway. The main street would provide for a linear driveway / turning arrangement serving 3 individual residential cul-de-sacs, which are positioned perpendicular to it. The scheme would accommodate 10 two-bedroom and 10 three-bedroom dwellings with associated off-street car parking.

7.42 A Transport Statement and further addendum accompanies the revised application submission. Following on, the Refuse Vehicle Swept Path Plan now demonstrates appropriate emerging visibility sightlines from the proposed access to Church Lane therefore overcoming the Local Highway Authority's previous concerns. The footway / dropped kerb fronting the site access is recommended for resurfacing owing to its poor state.

7.43 Guidance within the Local Plan notes that new residential development should be provided with minimum levels of off-street spaces for car and cycle parking at the following ratios: 2-bed dwellings: 1.5 car spaces per unit, 3-bed dwellings: 2 car spaces per unit and 1 cycle space per unit in all cases. The proposed off-street car parking provision of 36 spaces to serve the scheme dwellings and bay dimensions of 2.4m x 4.8m is considered to be acceptable, although, parking bays measuring a minimum of 2.4m x 5.5m would be more desirable.

7.44 Whilst the application form states the site currently benefits from 10 off-street car parking spaces, it is clear there is a significantly greater capacity for more vehicles to park within the site's existing area of hardstanding in relation to the use of both New Mills Football Club and Millers Bar. As a consequence, clarification on levels of off-street parking associated with the typical use of the bar / club was sought by the Highways Authority in relation to: football matches, training, deliveries etc. to help determine an acceptable level of replacement off-street parking.

7.45 The Local Highway Authority, however, consider such on-street car parking associated with the football club would be likely to occur in close proximity to the football grounds on Church Lane. It considers the applicant's Transport Statement Addendum has addressed this matter, which considers any off-street parking associated with the football club displaced by the scheme would be accommodated within the surrounding highway network: A6015, Church Lane, Marsh Lane, St Georges Road and Peak Road, but subject to a TRO (Traffic Regulation Order) on Church Lane. In order to mitigate any negative impacts as a result of the increase in on street parking, the Local Highway Authority therefore have recommended a scheme for waiting restrictions on Church Lane.

7.46 In such circumstances, a financial commuted sum towards a TRO would need to be secured via a legal agreement. Although, the TRO process carries a degree of uncertainty and therefore would need to be secured prior to application determination. Without a TRO, the Local Highway Authority confirm the requirement for a revised layout to retain / replace off-street parking levels associated with the football club. As a consequence, there would be a requirement for the provision of displaced off-street parking spaces for use by New Mills Football Club within the application site to overcome highway safety issues resulting from an increase of on-street parking on Church Lane.

7.47 The proposed site layout would not be considered for adoption by the Highway Authority. In these circumstances, it considers some replacement off-street parking associated with the football club could be provided within the site access road through the provision of a single footpath to allow for off-street car parking opposite, but would necessitate a revised layout to consider some of the football's club off-street car parking requirements.

7.48 The views of the Council's Waste Department have been sought to ascertain the suitability of the scheme regarding means of access and refuse storage. An update will be provide via the Late Letters Sheet.

7.49 Fundamentally the scheme proposals would result in a severe impact on the existing highway network therefore raising highway safety issues, which would justify a recommendation of refusal in the context of NPPF paragraph 111.

7.50 As a consequence, the scheme would conflict with the highway safety requirements of LP Policies SS1, EQ6 and CF6 and NPPF. This matter will be returned to the conclusion section below.

Design and Layout

7.51 LP Policies S1 'Sustainable Development Principles, EQ6 'Design and Place Making' and EQ7 'Built and Historic Environment' all seek to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and a sense of place by taking account of the distinct character, townscape and setting of the area.

7.52 Paragraph 134 of the NPPF advises: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (Contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

7.53 A D&A (Design and Access Statement) accompanies the application submission. It confirms the scheme's local context is typified by 2 storey dwellings with pitched slate roofs, but with a varying facing wall material palette, including brick, render and stone. Contrary to the D&A, the site layout would not connect with the adjoining woodland green wedge rather it would lead to its erosion as discussed below. The dwellings are orientated perpendicular to the access driveway therefore presenting a dead frontage and inactive street scene. Cul-de-sacs would be dominated by in-plot frontage car parking space. These matters combine to create a poor sense of place. The proposed 3-storey dwellings and overall use of buff brick for facing walling would be out of character within the site's locale. Overall, these matters raise significant concern and the scheme is considered to constitute poor design.

7.54 Derbyshire Constabulary's 'Force Designing Out Crime Officer' confirms there would be no reason to object in principle to the scheme from the perspective of reducing crime and disorder. The adjacent woodland should be suitably retained to the site's northwest boundary to the point of the existing public right of way to ensure both the privacy and amenity of new residents is respected whilst maintaining the hierarchy of semi-private space as advised by the Designing Out Crime Officer. Similarly, the site edges, parking allocation, shared turning space and rear garden boundary treatments for those identified plots should be clarified. Whilst communal gates to the two shared rear garden access gates site should be lockable from both sides and for resident use only. These matters may be appropriately dealt with via suitably worded planning conditions.

7.55 Notwithstanding, the scheme's compliance with reducing crime and disorder, it does not seek to provide for high quality design. As a consequence, it would conflict with the design and layout requirements of LP

Policies SS1 and EQ6 and the NPPF. This matter will be returned to the conclusion section below.

Heritage

7.56 LP Policy EQ7 'Built and Historic Environment' states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings, including conservation areas.

7.57 Paragraph 199 of the NPPF states "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

7.58 The following heritage assets have been identified within a 250 metre zone of the application site. These include the Grade II listed Church of St. George, which is located opposite to the football ground to the northeast side of Church Lane. In addition, there is the Grade II listed 'Friends Meeting House' and Nos 3 to 5 Laneside Road, which lie to the west and east of the site respectively. The Council's Conservation Officer comments on the scheme are outstanding and an update will be provided in the Update Sheet. In terms of 'below ground archaeology', County Archaeology confirm no objection to the scheme.

7.59 Should no objections be raised by the Council's Conservation Officer, then the proposal would be deemed as acceptable in terms of effects on heritage assets to achieve compliance with LP Policy EQ7 and the NPPF.

Trees & Woodland

7.60 LP Policy EQ8 'Green Infrastructure' provides a framework for developing, protecting and enhancing networks of Biodiversity and Green Infrastructure, which will be achieved by matters including (*first bullet*) "Requiring that development will not have a detrimental effect on the amount or function of existing green infrastructure unless replacement provision is made that is considered to be of equal or greater value than that lost through development; taking particular account of appropriate levels of mitigation where development would result in habitat fragmentation".

7.61 In addition, LP Policy EQ9 'Trees, woodland and hedgerows' also sets out "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".

7.62 Paragraph 174 of the NPPF states: “Planning policies and decisions should contribute to and enhance the natural and local environment by: ... b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

7.63 A wooded green wedge (Church Street) immediately adjoins the site’s northeast boundary, which is defined as ‘Green Infrastructure’ within LP Policy EQ8. The Arboricultural Implications Assessment, Arboricultural Method Statement and associated landscaping proposals has been reviewed by the Council’s Arboricultural Officer. He considers the woodland (green wedge) to be worthy of protection via a TPO (Tree Preservation Order). The scheme layout shows properties abutting the woodland edge. However, the application submission is confirmed as not complying with British Standard 5837:2012 requiring a tree retention / removal plan, retained trees and root protection areas (to be shown on the proposed layout) to be provided at the application stage and the scheme therefore is considered to be insufficient in these regards.

7.64 Notwithstanding this viewpoint, the Officer considers the scheme’s proximity to woodland would probably lead to significant crown reduction or tree removal. In these circumstances, he recommends the incorporation of a 5.0 metre buffer (outside of current branch spread) to the nearest property alongside the woodland edge. This would reasonably allow for woodland growth, but, would require the removal of scheme plots: 1, 2, 6, 7, 8 and 16 as a minimum to reduce such pressures and ensure a sustainable space as confirmed by the Council’s Arboricultural Officer. The scheme’s landscaping plan attracts further criticism regarding its limited number of species and lack of street trees. Despite further submissions from the applicant, the Council’s Arboricultural Officer maintains his objections to the scheme as outlined above.

7.65 As a consequence, the scheme would conflict with the environmental requirements of LP Policies SS1, EQ6 and CF6 and NPPF, which seeks to protect the natural environment. This matter will be returned to the conclusion section below.

Amenity

7.66 LP Policy EQ6 ‘Design and Place Making’ stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Similarly NPPF para 130(f) requires a high standard of amenity for existing and future users’.

7.67 The adopted SPD on ‘Residential Design’ states the distance between habitable room windows should be 21.0 metres. The interrelationship between existing residents and proposed scheme dwellings is considered to be satisfactory to provide for a good standard of amenity with regard to LP EQ6.

7.68 Notwithstanding this, owing to the site's well-wooded edge to the northeast boundary, the Council's Arboricultural Officer has confirmed those plots within the site where there would be a long-term conflict with trees regarding overhanging and shading to cause some friction with LP Policy EQ6 in these regards.

Environmental Matters

7.69 LP Policy EQ10 broadly seeks to protect people and the environment from unsafe, unhealthy and polluted environments. NPPF paragraph 174(e) of the NPPF states "*new and existing development should not contribute to, or be put at an unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*".

7.70 The application submission has been accompanied by a Coal Mining Risk Assessment report and is also supported by Phase I Desk Study and Preliminary Contaminated Land Risk Assessment dated June 2022. Part of the site falls within the defined Development High Risk Area. The Coal Authority confirm the reports' recommendations for site ground investigations to establish the extent of any unrecorded shallow mine workings, as well as informing any remedial works and mitigation measures required to ensure the site is safe and stable.

7.71 As set out above, there are currently no substantive measures to protect the continued operation of New Mills Football Club from any significant adverse amenity effects arising as a result of proposed new residential development adjoining it regarding light, noise and ball strike impact assessments. The Council's Environmental Health Department have assessed the potential environmental impacts of the scheme. As set out, the latterly submitted Light Spill Survey would need to be suitably amended to correctly consider environmental zone 2 owing to the wooded valley at the rear. Notwithstanding this, it is highly probable there would be a requirement for an upgraded sports lighting scheme for the football club and louvred shutters for scheme properties rooms where illuminance is predicted above 5 lux as advised by Environmental Health. However, garden areas may still be compromised by such adverse lighting impacts.

7.72 The application submission is not accompanied by a Noise / Ball Strike Impact assessment and therefore is considered to be insufficient in these regards.

7.73 Planning conditions would ensure the protection of public health and the wider environment in relation to site contamination matters, land instability, as well as the protection of local amenity during the construction stage of the proposal. Notwithstanding this, objections are raised to the scheme in relation to potential significant adverse amenity effects arising as a result of proposed new residential development adjoining the football club regarding light, noise and ball strike impacts.

7.74 As a consequence, the scheme would conflict with the environmental requirements of LP Policies SS1, EQ6 and EQ10 and NPPF. This matter will be returned to the conclusion section below.

Local Flood Risk / Drainage

7.75 LP Policy EQ11 'Flood Risk Management' states the Council will support development proposals which avoid areas of current or future flood risk and do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development. Paragraph 159 of the NPPF states development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

7.76 The application site falls within Flood Zone 1 (low risk). A revised FRA (Flood Risk Assessment) has been submitted during the course of the application, which seeks to address issues as raised by the LLFA (Lead Local Flood Authority) principally relating to the incorporation of a SuDS (Sustainable Urban Drainage System) into the scheme unless there is clear evidence, which indicates otherwise.

7.77 Comments have also been received from United Utilities who raise no objection to the scheme subject to a suitably worded planning condition securing details of sustainable surface water and foul water drainage scheme.

7.78 The LLFA have been reconsulted and the Update Sheet should be consulted in these regards.

Nature Conservation

7.79 LP Policy EQ5 'Biodiversity' advises both biodiversity and ecological resources should be conserved. It states development will not be permitted which would have an adverse impact upon protected species. Para 180 (a) of the NPPF states: "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused" and "(c) development whose primary objective is to conserve or enhance biodiversity should be supported; while 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 or enhance public access to nature where this is appropriate".

7.80 DWT (Derbyshire Wildlife Trust) have reviewed the submission in relation to the PEA (Preliminary Ecological Appraisal), alongside the Arboricultural Impact Assessment and scheme application drawings. The PEA report notes the site is of very limited biodiversity value and protected species constraints are limited to nesting birds and bats using the adjacent woodland edge habitat. Whilst DWT consider development of the site to be low impact in terms of biodiversity, concern is raised in view of the scheme properties abutting the woodland edge with potential encroachment within the north-western corner. With potential for tree removal, DWT advise the development layout should be constructed to take account of the woodland, rather than removing any trees at the boundary to accommodate the proposed layout. DWT advise a biodiversity metric should be submitted to quantify losses and gains should woodland loss be deemed as acceptable.

7.81 The scheme's proximity to woodland would be likely to lead to significant crown reduction or tree removal and therefore erosion of the local plan designated green wedge. This in turn raises ecology concerns regarding mitigation requirements and the scheme is considered to be insufficient in these regards.

7.82 As a consequence, the scheme would conflict with the ecology requirements of LP Policies SS1, EQ5 and the NPPF. This matter will be returned to the conclusion section below.

Planning Obligations

7.83 LP Policy CF7 'Planning Obligations and Community Infrastructure' requires development proposals to provide planning obligations where relevant and necessary to mitigate the impact of the development.

7.84 The consultation responses above have identified the following contributions are required in relation to offsite public open space as follows:

- Play contribution (£3,840) towards existing play facilities at Bakehurst Recreation Ground
- Parks and Gardens (£11,420) contribution towards infrastructure improvements at Bakehurst Recreation Ground or other key parks within one mile radius of the development
- Outdoor sports contribution (£9,788) towards supporting the enhancement and development of outdoor sports facilities in the town.
- Allotment contribution (£1,539) towards the development of Ollersett Allotments to increase usage and create more plots.

7.85 Subject to payment of these contributions, it is considered that the proposed development would satisfy the requirements of LP Policies CF4 and CF7 to be acceptable in terms of maintaining and enhancing open spaces, sports and recreational buildings and land.

Other matters

7.86 The application submission proposes the removal of a TV Mast, which appears to be a commercial decision and a civil matter between the site owner and the operator of the mast and therefore would not be a matter for planning policy to determine. Neighbour comments received concerning loss of view would not form a material consideration in the determination of the scheme.

8.0 PLANNING BALANCE & CONCLUSIONS

8.1 The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

8.2 The proposal would increase the supply and choice of housing in the Central Area within a sustainable location. The omission of both single and four-bedroom accommodation, non-compliance with minimum floor space standards, as well as a lack of evidence on accessibility issues and any specialist residential accommodation within the proposal would, however, result in a failure to provide wholly for housing needs of local people to reduce scheme benefits in these regards. Jobs would be created during the construction phase of the scheme and additional revenue created through Council Tax, and together with residents local spend would support the local economy.

8.3 Of significance, Sport England continue to object to this scheme, which would lead to the loss of playing field in an area where there is a deficiency in the provision of playing fields. Furthermore, the submitted evidence does not fundamentally address the loss of playing field and non-playing land whereby the scheme would prejudice the use of land being used as a playing field.

8.4 In addition, the scheme proposals would result in a severe impact on the existing highway network therefore raising highway safety issues, which would justify a recommendation of refusal in the context of NPPF paragraph 111.

8.5 Overall, the scheme does not seek to provide for high quality design. In addition, the scheme's proximity to woodland would likely lead to significant crown reduction or tree removal and therefore erosion of the local plan designated green wedge. This in turn raises ecology concerns regarding unknown mitigation requirements. The application submission is not accompanied by a Noise / Ball Strike Impact assessment and therefore is considered to be insufficient in these regards.

8.6 In conclusion, the scheme proposal would not be a sustainable form of development as it would conflict with the development plan and the NPPF when taken as a whole, and as there are no other material considerations that indicate planning permission should be granted. Neither would the scheme be made acceptable through the imposition of reasonable planning conditions.

8.7 Accordingly, the scheme is recommended for refusal.

9. RECOMMENDATIONS

A. REFUSE for the following reasons:

1. The proposal would lead to the loss of a playing field in an area where there is a deficiency in the provision of playing fields. The submitted evidence does not seek to address the loss of the playing field and non-playing land. Furthermore, it has not been demonstrated that the scheme for residential development would not prejudice the use of the retained land being used as a playing field. The scheme does not seek to protect, retain and enhance existing community facilities within the local context nor has it been demonstrated such sporting facilities are surplus to requirements or such loss would be

replaced by equivalent or better provision contrary to Policies SS1, S6 CF4 and CF5 of the Adopted Local Plan as well as the National Planning Policy Framework.

2. The omission of both single and four-bedroom accommodation, non-compliance with minimum floor space standards, as well as a lack of evidence on accessibility issues and any specialist residential accommodation within the proposal would, result in a failure to provide wholly for housing needs of local people. The scale and type of development proposed therefore represents an unacceptable use of land. Accordingly, the proposal is contrary to Policies SS1, S6, H3 and H4 of the Adopted High Peak Local Plan 2016 as well as the National Planning Policy Framework.

3. The scheme would not be well related to the existing pattern of development and surrounding land uses nor is it of an appropriate scale for this area of New Mills. The scheme would therefore constitute poor design and fails to respond to the site's defining characteristics with particular regard to the woodland edge. Furthermore, the scheme's layout would result in shading impacts to an unacceptable level of amenity to be enjoyed by the future occupiers of those plots adjoining the woodland edge. Accordingly, the proposal is contrary to Policies S1, S6, H1, EQ6, EQ8 and EQ9 of the Adopted High Peak Local Plan 2016, Residential Design Guide SPD (Supplementary Planning Document) 2005; High Peak Design Guidance SPD 2018 as well as the National Planning Policy Framework.

4. The scheme proposals would result in a severe impact on the existing highway network in relation to on-street car parking on Church Lane as a result of displaced parking from within the site therefore raising highway safety issues. Accordingly, the proposal is contrary to Policies SS1 and CF6 of the Adopted High Peak Local Plan 2016 as well as the National Planning Policy Framework.

4. Insufficient information has been submitted with the application to show that the proposed scheme would protect the amenity of future occupiers from adverse impacts of light and noise pollution with regard to the operation of New Mills Football Club. The scale and type of development proposed therefore represents an unacceptable use of land. Accordingly, the proposal is contrary to Policies SS1 and EQ10 of the Adopted High Peak Local Plan 2016 as well as the National Planning Policy Framework.

5. Insufficient information has been submitted with the application to show that the proposed scheme would conserve or enhance biodiversity. The scale and type of development proposed therefore represents an unacceptable use of land. Accordingly, the proposal is contrary to Policies SS1 and EQ5 of the Adopted High Peak Local Plan 2016 as well as the National Planning Policy Framework.

Informative(s)

1. Prior to the determination of the application, the Council advised the applicant that the principle of such development is unsustainable and did not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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

Location Plan