

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

17th April 2023

Application No:	HPK/2023/0045	
Location	Land at Cemetery Road, Glossop	
Proposal	Variation of Condition 14 relating to HPK/2020/0531	
Applicant	Glossop North End Juniors AFC	
Agent	Lisa Harvey LK2	
Parish/ward	Glossop/Dinting	Date registered 3 rd February 2023
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee because it relates to major development previously approved by the Committee.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 This application relates to an 'L' shaped parcel of land measuring approximately 0.3ha to the south west of Cemetery Road, approximately 1km North West of Glossop town centre.
- 2.2 The site consists of a number of football pitches, a small single storey clubhouse building and a small area of hard standing used for car parking, operated by Glossop North End Juniors Association Football Club (AFC). Since its birth in 1989 the club has grown to operate 35 teams with over 450 children now associated with the club, ranging from Saturday School programmes up to the Under 21's and includes both male and female teams.
- 2.3 The site currently benefits from an existing access to Cemetery Road in the north eastern corner of the site. A Public Footpath crosses a part of the site running from Cemetery Road on the eastern boundary to a footpath at the southern boundary.
- 2.4 The site has been the subject of planning application under HPK/2019/0273 for the redevelopment of the sports facilities including

new football pitches, clubhouse building and car park with a new access on to Cemetery Road being created.

- 2.5 The proposal has since been the subject of minor amendments, also considered by Committee. The applicant has received approval for all details reserved by condition relating to HPK/2022/0531 and has commenced development.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Due to the presence of a public footpath running through the site, there has been a need for a temporary (and subsequently permanent) footpath diversion order for the development to be delivered, including works to the access without obstructing the public footpath.
- 3.2 The footpath diversion order was considered by the Committee on the 13th February 2023, where it was resolved to approved the footpath diversion. Given the delay in securing the footpath diversion order the applicant is unable to comply with the timings of condition 14, which in turn has had potential consequences for the delivery of the development, due to deadlines associated with funding.
- 3.3 Condition 14 relating to HPK/2020/0531 states:

14. Before any other operations are commenced, a new vehicular access shall be created to Cemetery Road in accordance with the revised application drawing (Ref: 007 Rev A03) laid out, constructed in a hard bound material and provided with 2.4m x 103m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the lifetime of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:- In the interests of highway safety in line with Policy CF6 of the Local Plan and paragraph 108 of the NPPF.

- 3.4 The wording of this condition means that at present, no development or construction works can commence on other parts of the site until such time as the access has been completed.
- 3.5 However, due to delays in securing the footpath diversion order, and deadlines regarding funding, the applicant is seeking to vary the wording of Condition 14 to read as "*prior to first occupation...*" rather than "*before any other operations are commenced...*"
- 3.6 The variation of the condition will allow construction and development works to be carried out lawfully on other parts of the site away from the site access, not affected by the public footpath (which is legally

required to remain open at all times) and ensure that the development can be delivered.

- 3.7 The application, the details attached to it including the plans, comments made by residents and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKD=259572>

4. RELEVANT PLANNING HISTORY

- 4.1 The site has been subject to the following planning history:

HPK/2019/0273	Redevelopment of existing sports facilities including new changing facilities/clubhouse and associated car parking, full-size artificial pitch. 2no. Grass pitches and relocation of vehicular access (Approved 5 th November 2019)
HPK/2020/0316	Variation of Condition 2 in relation to HPK/2019/0273 (Approved 10 th November 2020)
HPK/2020/0531	Variation of Condition 2 in relation to HPK/2020/0316 (Approved 25 th March 2021)
DOC2021/0052	Discharge of conditions 3, 4, 6, 7, 12, 13 and 15 relating to HPK/2020/00531 – Approved 02/12/2021
HPF/2022/0001	Diversion of Footpath FP110 – Committee resolved to approve the diversion – 13.2.2023

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- CF6 Accessibility and Transport

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Protecting Green Belt Land	Chapter 13
Conserving and Enhancing the Natural Environment	Chapter 15

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 7 th March 2023
Neighbour letters	Expiry date for comments: 1 st March 2023
Press Notice	Expiry date for comments: 9 th March 2023

Neighbours

- 6.1 No comments have been received from any neighbouring property or members of the public.
- 6.2 Consultee comments are set out as follows

Consultee	Comment
HPBC Environmental Health	No observations to make.
DCC Highways	There are no objections to the application to vary the wording of condition 14 to read 'prior to first occupation' rather than 'before any other operations..'

7. POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include the National Planning Policy Framework (NPPF), Supplementary Design Guidance, and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the

development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Principle of Development

- 7.4 The principle of development, including any potential impacts on the Green Belt and the immediate and wider rural landscape character was fully assessed under HPK/2019/0273. In light of the fact that this application was approved, and that the varied application HPK/2020/0531 has been lawfully implemented, following the discharge of all pre-commencement conditions, the principle of development is established.

Access, Parking Provision and Highway Safety

- 7.5 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner. The policy requires that new development shall be integrated within existing or proposed infrastructure, does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic and provides car parking provision based on an assessment of parking need and the impact on the surrounding road network.
- 7.6 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 110 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.7 The applicant is seeking a variation to Condition 14 relating to HPK/2022/0531 which was recommended by the Highways Authority to ensure that there were no adverse impacts upon highway safety.
- 7.8 The proposed variation would result in the wording of the condition being changed to read as "*prior to first occupation...*" rather than "*before any other operations are commenced...*".
- 7.9 The Highways Authority have confirmed that they have no objections to the revised wording, and for development to be carried out on other parts of the site other than the site access, providing that all works to the access are completed prior to the development first coming into use.
- 7.10 In light of these comments, the proposed variation Condition 14 is considered to be acceptable, having regard to LP Policy CF6 and paragraphs 110 and 111 of the NPPF, as it would not result in any adverse harm to highway safety.

- 7.11 Given the nature of the proposed use, Officers are of the view that a more appropriate variation of the condition should read as “*prior to the development first coming into use..*” rather than “*first occupation*”.
- 7.12 The applicant has agreed to this varied wording of the condition.

Planning balance & Conclusion

- 7.13 LP Policy S1a reflects the presumption in favour of sustainable development set out within paragraph 11 of the NPPF. For decision taking this means approving development proposals that accord with an up-to-date development without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.14 The application seeks the variation of Condition 14 attached to HPK/2020/0531 which required works to the site access to be carried out before any other aspect of development is carried out within the wider site, in the interests of highway safety.
- 7.15 The applicant has discharged all pre-commencement conditions and has made a material start on site.
- 7.16 The proposed variation would allow the development to be carried out on other parts of the site away from the site access, whilst issues surrounding a required footpath diversion order are satisfactorily resolved, due to significant pressures regarding funding deadlines, which has threatened the delivery of the development.
- 7.17 The principle of development and any potential impacts on the Green Belt and landscape character has already been fully assessed, considered and established by virtue of granting permission under HPK/2019/0273.
- 7.18 The sole planning issue relates to any potential impacts to highway safety as a result of delaying the required works to the site access. In light of positive comments from the Highways Authority, there are not considered to be any adverse impacts to highway safety as a result of the proposed variation.

7.19 In agreement with the applicant, Officers recommended that the varied wording to Condition 14 relating to HPK/2020/0531 reads as “*prior to the development first coming into use...*” rather than “*prior to first occupation...*” given the nature of the development.

8. RECOMMENDATIONS

A. APPROVE, subject to the revised wording:

14. Prior to the approved development first coming into use, a new vehicular access shall be created to Cemetery Road in accordance with the revised application drawing (Ref: 007 Rev A03) laid out, constructed in a hard bound material and provided with 2.4m x 103m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the lifetime of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

All other conditions relating to HPK/2020/0531 would be reimposed, linking to any details agreed by DOC/2021/0052.

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

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site plan



