

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

Date 16th August 2023

<b>Application No:</b>	HPK/2022/0353	
<b>Location</b>	Former Zion Methodist Church, Simmondley Lane, Glossop	
<b>Proposal</b>	Erection of 8no. dwellings with associated landscaping	
<b>Applicant</b>	Matthew Sharp, Mellor Homes Ltd	
<b>Agent</b>	JDA Architects	
<b>Parish/ward</b>	Simmondley Ward	<b>Date registered</b> 27 <sup>th</sup> September 2022
<b>If you have a question about this report please contact:</b> James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

**1. SUMMARY OF RECOMMENDATION**

**Approve with Conditions**

**1. REASON FOR COMMITTEE DETERMINATION**

1.1 This application has been brought before the Development Control Committee because the application has generated significant local public interest.

**2. PROCEDURAL MATTERS**

2.1 The application has been the subject of repeated objections from a local resident in relation to the manner in which the application has been processed by the Council, having regards to:

- (1) Inaccuracies on Application Form
- (2) Neighbour and public consultation process
- (3) Failure to consider legal rights of access from the public highway
- (4) Failure to take enforcement action on development cited as being unlawful on site
- (5) Inaccuracies on submitted plans

2.2 It is clear from reviewing all correspondence submitted by this objector that there has been a misinterpretation of the Town and County Planning (General Management Procedure) Order 2015 as amended – the legislation that concerns the way in which an application is registered, validated and processed. The following paragraphs provide a response to the five main areas in which the objector believes the Council have failed to follow due process.

### Inaccuracies on Application Form

- 2.3 With regards to the application form, it was identified by Officers during the consultation process, that the boundary of the site, depicted by the original red edge on the location plan, did not extend to the public highway Simmondley Lane and include Adderley Place.
- 2.4 The applicant duly submitted a revised location plan showing the correct red edge and completed a revised application form that included Certificate C, dated 27<sup>th</sup> February 2023. This particular certificate is required where all owners of land are unknown. This was supplemented (as required) by a Press Advert within the local newspaper the Glossop Chronicle, dated 23<sup>rd</sup> March 2023.
- 2.5 The objector claims that the Council have not followed correct procedure as neither have been displayed on site. In line with the relevant legislation the Town and County Planning (General Management Procedure) Order 2015 as amended (GPMO) there is no requirement to display this additional information on site, although this information was uploaded to the Council's website for public view.
- 2.6 The submission of a revised location plan, revised application form, and publication of a press advert, satisfies matters of procedure in this regards.

### Neighbour and Public Consultation

- 2.7 Objections have been received in connection with the lack of consultation with local residents during the consultation process, and that the level of public consultation is insufficient.
- 2.8 Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) sets out the minimum requirements for publicising and consulting on planning applications. The Council also sets out the publicity requirements for any planning application in its Statement of Community Involvement (Consultation Draft 2023). In this case, the Council have exceeded the requirements of the GMPO with regards to consultation. Neighbours that adjoin the site were consulted as part of the original application at the point of validation. 2no. further rounds of neighbour consultation for a period of 21 days have taken place since, which includes writing to any property or member of the public that has commented on the application that wasn't written to as part of the original consultation. At the request of the objector, the latest round of consultation has included the nearby Cricket Club, albeit that this was not a statutory requirement.
- 2.9 In addition to the above, a second site notice, was erected on 6<sup>th</sup> July, providing an additional 21 days for comments to be received.

- 2.10 As such, the Council have exceeded the requirements of relevant legislation with regards to neighbour and public consultation.

Failure to consider legal rights of access from Public Highway

- 2.11 Objections have been received in relation to the access rights and protective covenants that exist on Adderley Road, which facilities access to the site from Simmondley Lane.
- 2.12 Whilst such matters would need to be resolved before any development could commence on site, they are civil matters that are not relevant to, or can be considered within, the planning system. An applicant can apply for planning permission on any parcel of land - whether it is within their ownership or not, so long as the correct procedure has been followed. The revised application form and completion of Certificate C satisfactorily addressed matters associated with land ownership.
- 2.13 Objections appear to have misinterpreted the red line which defines the site boundary. Members will note that the red line simply defines the extent of the application site, which does not have to be within the ownership of the applicant, providing all procedural requirements are correctly followed, which is the case.

Failure to take enforcement action on development cited as being unlawful on site

- 2.14 The objector has made clear that in their view, the applicant has failed to comply with Condition 2 relating to the previous application under DET/2021/0019 that granted permission to demolish the former Methodist Church, and that the site has been subject to further unlawful development where the Council has failed to take action.
- 2.15 With regards to alleged breaches of planning control relating to the application for demolition, the building has been demolished and therefore any compliance condition relating to the method of demolition is now redundant.
- 2.16 With regards to unlawful development on the site, complaints have been made to the Council's Enforcement Team, which is understood to relate to the erection of heras fencing around the perimeter of the site, and its incursion onto the public right of way. The heras fencing is positioned tightly against the existing stone wall boundary of the site and does not restrict access along the public right of way. The heras fencing is considered to be necessary in order to restrict public access onto the site given that some material following the demolition of the building is still present on the land. This is considered to be a health and safety benefit. Moreover the fencing given its permeability does not restrict the exiting visibility splays at the junction with Simmondley

Lane. The Enforcement Team have concluded that any formal action, at this stage would be disproportionate, and especially whilst there is a live planning application before the Council.

#### Inaccuracies on submitted plans

- 2.17 Objections have been received with regards to inaccuracies on the submitted plans and in some cases that the plans are not acceptable as they are unclear.
- 2.18 It is acknowledged that some versions of the revised plans have contained very minor inaccuracies, for example inaccurate references to the names of roads, or minor errors on the title and reference number of plans. These matters have been satisfactorily resolved with regards to the latest plans subject to consideration, as set out within Section 4 of this report, and therefore such matters have been adequately addressed.

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

- 3.1 The application relates to a parcel of land that contained the former Zion Methodist Church and associated buildings, which were demolished following the granting of permission under DET/2022/0019.
- 3.2 The site lies adjacent to Simmondley Lane on its eastern side, whilst the southern boundary is shared with Adderley Place, which is a designated public footpath (HP12/50/1). The latter comprises a single track that extends north-westwards which provides access to 5no. properties (Nos.1-5 Adderley Place), a Scout Hut, and Cricket Ground. The area of Adderley Place that is situated closest to Simmondley Lane is characterised by cobbled stones.
- 3.3 The northern boundary of the site is shared with a pair of two storey terraced houses (Nos.10 and 12 Simmondley Lane) and their respective rear gardens. The rear elevations of these properties face towards the general direction of the rear part of the site in a north-easterly direction.
- 3.4 On the opposite side of Adderley Place to the south west sits a row of two storey terraced properties that extends uphill along Simmondley Lane, with No.16 being the corner plot.
- 3.5 The parcel of land west of the former buildings associated with the Zion Methodist Church is characterised by scrub land with natural vegetation separating the site from neighbouring land. At its most northern point, the site is within close proximity to a cluster of trees which have recently been the subject of a Tree Preservation Order (TPO).

- 3.6 For the purposes of the Local Development Plan the site lies within the built-up area boundary, with the area west of the former Zion Methodist Church located within the 'Settled Valley Pastures' Landscape Character Area (LCA). The site is extremely well connected to local shops, services, facilities and public transport links and is thus situated in a highly sustainable location.
- 3.7 The site has previously benefited from outline planning permission for the demolition of a number of buildings to the rear of the site and the erection of 2no. dwellings under HPK/2013/0001, although this has not been implemented.

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

- 4.1 Following the approved demolition of the former Zion Methodist Church and its associated buildings, this application seeks full planning permission for the erection of 8no. residential dwellings with associated access, parking provision, and gardens.
- 4.2 The application has been the subject of a number of revisions since its original submission following ongoing discussions with Officers. The plans and technical documents that are the subject of consideration are listed as follows:

##### Plans

- Location Plan (Ref: 1283-A-DR-000 Rev B)
- Site Plan (Ref: 1283-A-DR-001 Rev I)
- House Type A Plans (Ref: 1283-A-DR-002 Rev A)
- House Type A Elevations (Ref: 1283-A-DR-004 Rev A)
- House Type B Plans (Ref: 1283-A-DR-005 Rev B)
- House Type B Plans (Ref: 1283-A-DR-006 Rev B)
- House Type B Elevations (Ref: 1283-A-DR-007 Rev B)
- House Type C Plans (Ref: 1283-A-DR-008 Rev A)
- House Type C Plans (Ref: 1283-A-DR-009 Rev B)
- House Type C Elevations (Ref: 1283-A-DR-010 Rev B)
- Street Scene Elevations (Ref: 1283-A-DR-011 Rev F)
- House Type D Plans (Ref: 1283-A-DR-012 Rev B)
- House Type D Plans (Ref: 1283-A-DR-013 Rev C)
- House Type D Elevations (Ref: 1283-A-DR-014 Rev B)
- Access Footpath (Ref: 1283-A-DR-015 Rev C)
- House Type E Plans (Ref: 1283-A-DR-016 Rev A)
- House Type E Elevations (Ref: 1283-A-DR-017 Rev A)

##### Technical Documents/Reports

- Design and Access Statement
- Transport Statement (May 2023)
- Traffic, Speed, Volume and Junction Review (May 2022)
- Ecology Survey (July 2022)

- Tree Survey Report (July 2022)
- Arboricultural Impact Assessment and Method Statement (June 2023)

4.3 The final version of the scheme presented to Committee amounts to 8no. dwellinghouses (shown as Plots No.1-8), which contain 5no. different house types (A-E). The accommodation schedule is shown below:

<b>Plot</b>	<b>House Type</b>	<b>Bedrooms</b>	<b>Occupancy</b>
1	A	3	5
2	A	3	5
3	E	4	7
4	E	4	7
5	B	4	7
6	D	3	6
7	D	3	6
8	C	5	9

4.4 The layout of the scheme shows a pair of semi-detached properties adjacent to Simmondley Lane facing eastwards, with a second pair of semi-detached properties fronting Adderley Place. The remaining properties are set out in a linear form at the rear end of the site with principal elevations facing eastwards.

4.5 All properties are served by rear gardens, off-street parking provision, and bin storage areas.

## **5. RELEVANT PLANNING HISTORY**

5.1 The site has been subject to the following planning history:

HPK/0002/1810 Change of use of controlled Primary School to Church Hall (Approved 30/08/1994)

HPK/0002/4498 Sheltered Housing – Warden Controlled Flats for the Elderly – 15 x 1no. bedroom flats (Refused 18/12/1986)

HPK/2012/0374 Outline Application for demolition of school building to facilitate new parking area and 2no. dwellings (Withdrawn)

HPK/2013/0001 Outline Application for proposed demolition of the existing school building, vestry, and toilet block to facilitate new parking area and 2no. new dwellings (Approved 11/03/2013)

## **6. LOCAL AND NATIONAL PLANNING POLICIES**

- 6.1 Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.
- 6.2 The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in the determination of this application.

## **HIGH PEAK LOCAL PLAN 2016**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S5 Glossopdale Sub-area Strategy
- EQ2 Landscape Character
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ9 Trees, Woodland and Hedgerows
- EQ10 Pollution Control and Unstable Land
- EQ11 Flood Risk Management
- H1 Location of Housing Development
- H3 New Housing Development
- CF6 Accessibility and Transport

## **SUPPLEMENTARY PLANNING DOCUMENTS**

- Residential Design Guide SPD (2005)
- Landscape Character Assessment SPD (2006)
- Design Guide SPD (2018)

## **NATIONAL PLANNING POLICY FRAMEWORK 2021**

- Achieving Sustainable Development Chapter 2
- Delivering a Sufficient Supply of Homes Chapter 5
- Promoting Sustainable Transport Chapter 9
- Achieving Well Designed Places Chapter 12
- Conserving and Enhancing the Natural Environment Chapter 15

## **6. CONSULTATIONS CARRIED OUT**

<b>Site notice (1)</b>	Expiry date for comments: 12 <sup>th</sup> January 2023
<b>Site Notice (2)</b>	Expiry date for comments: 27 <sup>th</sup> July 2023
<b>Neighbour Letters (1)</b>	Expiry date for comments: 27 <sup>th</sup> December 2022
<b>Neighbour Letters (2)</b>	Expiry date for comments: 15 <sup>th</sup> May 2023
<b>Neighbour Letters (3)</b>	Expiry date for comments: 25 <sup>th</sup> July 2023
<b>Press Notice</b>	Expiry date for comments: 5 <sup>th</sup> January 2023

6.1 The following comments have been received from relevant consultees

<b>CONSULTEE</b>	<b>COMMENTS</b>
<b>DCC Highways Authority</b>	<p>You will be aware of the previous consultation response which raised a number of issues in connection with Public Right of Way which runs adjacent to the site, the internal layout and visibility splays onto Simmondley Lane, and in the intervening period a number of discussions have taken place to try and resolve the issues which has culminated in the recently submitted revised drawing (A-0015-Rev C) so from a Highways aspect the drawings are now considered acceptable in principle, although it should be noted that in order to implement the scheme a separate construction approval process with the Highways Authority for the “new demarked 1.5m wide footpath” and private internal road layout will need to be progressed – this scrutinises construction details and will be necessary in order for the Highways Authority to agree any works.</p> <p>The access road and turning areas will remain private, but the Highways Authority will still need to ensure the streets are appropriately constructed and maintained to a satisfactory standard to protect future residents and to ensure they have a satisfactory access to their properties. The Authority would need to approve an appropriate construction for the private streets and would look for a Management Company to be set up to take on the future maintenance requirements for the private street(s). The construction of the works will inevitably lead to considerable disruption in the area which will affect a number of existing dwellings, so a Construction Management Plan will therefore be an essential element to be secured by Condition.</p> <p>Therefore, it is considered that the remaining issues may be addressed by appropriate conditions appended to the consent issued for this development and as the principle of development has already been accepted from a Highways Authority/PRoW aspect and, as</p>



	<p>highlighted above, notwithstanding the information submitted, further minor modifications could well be required as part of the subsequent construction approval process with the Highways Authority.</p> <p>No objections subject to conditions.</p>
<b>County Public Rights of Way (PRoW)</b>	<p>Having had access to the revised Transport Statement May 2023, I can confirm that it now concurs with the revised Footpath Access plan Rev C, in that the full width of the cobbled area of Adderley Place will be retained. In addition, the applicants have made improvements to the visibility splays of two of the parking accesses, and they intend to erect appropriate safety signage which, in addition to the proposed footway, addresses my other comments dated 04.05.23.</p> <p>Based on these revised plans, the Rights of Way Section has no objection to the proposals, on condition that the road surface, including the retained cobbled surface, is left in a good state of repair following any construction works, so that it will remain suitable for path users even with increased vehicular use.</p>
<b>Environmental Health</b>	No objections subject to conditions
<b>Derbyshire Wildlife Trust</b>	No objections subject to conditions
<b>AES Waste</b>	<p>Collection point for all properties would be from the road. We would not enter the cul de sac to service plot nos 5-8.</p> <p>2. All properties need to ensure that they have adequate storage for a minimum of 3 x wheel bins</p>
<b>Tree Officer</b>	<p>There are still concerns over the potential for those trees neighbouring the site being excessively pruned or removed due to pressure from shade, leaf drop etc. and whilst it is appreciated that trees are outside of the future</p>

	<p>dwelling's ownership this will not necessarily stop those pressures from being directed at the landowner.</p> <p>For this reason we believe that a TPO in conjunction with the changes are the best approach to make the scheme viable. It will ensure that only appropriate tree management that are in the best interests of the trees and those living next to them will be granted consent.</p> <p>The tree protection plan is appropriate for the protection of the trees for the period of the development, therefore there is no outstanding objections to this site.</p>
<p><b>County Archaeologist</b></p>	<p>The proposal site is just to the north of the postulated line of the Melandra to Brough Roman road as suggested by Peter Wroe (Derbyshire Archaeological Journal 1982).</p> <p>The line shown on Derbyshire HER (MDR11569) is indicative and the line suggested by Wroe is more properly on the line of the lane to Adderley Place which lies just south of the proposal site and can be seen to be embanked as it runs further west. Wroe has recently reviewed his work however and is of the opinion that the true line may lay slightly to the north, and that there may be two alignments – one earlier and one later – either of which could potentially run across the current proposal site.</p> <p>The paddock to the rear of the former Zion church has not been previously developed and may therefore retain archaeological remains of the Roman road.</p> <p>As the proposal site is relatively small and the alignment currently untested I recommend that this archaeological interest is best addressed through a conditioned scheme of work in line with NPPF para 205. This would comprise evaluation trenches to establish presence/absence, followed by more extensive excavation and recording should the Roman road be identified.</p>

	No objections subject to conditions
<b>United Utilities</b>	No objections subject to conditions

6.2 The application has been the subject of an extensive consultation process with neighbours and members of the public.

6.3 A total of 8no. neutral representations have been received, the issues contained within summarised as follows:

- Potential for occupiers to be hit by cricket balls from nearby Cricket Club – developer should build a 15m high fence to eliminate the risk and be responsible for its maintenance
- Request for S106 Agreement to retain historical heritage of the site (original stone Celtic Cross and foundation/date stone) and to secure an annual service charge to be applied to all properties as a contribution to upkeep, repair and maintenance of the private road named Adderley Place
- Questions how can the LPA grant permission for access from a road they do not maintain which the applicant neither owns nor has any right of access.
- Consideration must be given to parking and highway safety issues associated with junction with Simmondley Lane and Adderley Road

6.4 A total of 24 objections have been lodged throughout the extended consultation with neighbours and the general public, a sizeable proportion of which amount to multiple representations from the same person. The grounds of objection are summarised as follows:

- No legal access from Simmondley Lane to the site
- Adderley Place is privately maintained by residents with no access rights from Zion Methodist Church
- Safety issues for users of the public right of way
- Highway Safety issues with Simmondley Lane junction caused by increase in volume of traffic and substandard visibility splays
- Lack of off-street parking provision and/or ancillary garages
- Lack of cycle parking provision
- Potential issues with refuse and delivery vehicles
- Overbearing impact on neighbouring properties
- Houses and footpaths should be designed to accommodate elderly and disabled
- Severe disruption to residents of Adderley Place during construction and throughout lifetime of development

- The Historic Environment Record showing the line of the Roman Road is a projection and has not been accurately transcribed. High probability of the survival of archaeological remains
- Integrity and safety of cobbles on Adderley Place needs to be secured
- Application must be considered in conjunction with application HPK/2022/0456 for 92 houses on Adderley Place

## **7. OFFICER ASSESSMENT**

### **Principle of Development**

- 7.1 The application seeks full planning permission for 8no. open market dwellings on a site that lies within the built-up area boundary of Glossop, one of the larger Market Towns in the Borough that contains the majority of services, facilities, educational institutions, and employment opportunities. Local Plan (LP) Policy S2 sets out that Glossop is one of the settlements in the borough, which will be the focus for new housing and economic growth.
- 7.2 LP Policy S3 sets out the strategic location of housing development in the Borough over the plan period and states that 27-35% of the total housing requirement (at least 7000 dwellings) will be located within the Glossopdale sub-area.
- 7.3 LP Policy H1 relates to the location of new housing development and supports housing development on unallocated sites within the defined built-up area boundaries of the towns and villages.
- 7.4 Chapter 5 of the NPPF contains relevant policies designed to ensure that a sufficient supply of homes is delivered throughout England. Paragraph 69 emphasises that small and medium-sized sites can make a positive contribution to meeting the housing requirement of an area, and that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for new homes.
- 7.5 The application would see the introduction of 8no. dwellings on an unallocated site that lies within the built-up area boundary of Glossop in a highly sustainable location, on what is predominantly previously developed (brownfield) land. Having regard to the above policy context, the principle of development is supported and actively encouraged subject to a detailed assessment of all relevant planning considerations.

### **Design, Character and Appearance**

- 7.6 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible, enhance the environment.
- 7.7 LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape. Development should be sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.
- 7.8 LP Policy EQ6 states that all development should be well designed to respect and contribute positively towards the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 7.9 The High Peak Design Guide (2018) contains useful guidance on the most appropriate way to design new housing developments having regard to the existing context of the site and its surroundings. Guidance pertinent to the assessment of this application are set out below:
- 3.4 *Settlements contain a variety of building forms ranging in scale from two to four storeys. The relationship of one to the other creates a sense of rhythm, balance and good neighbourliness that should be maintained.... New roofs should normally fit in with the existing roofscape of an area by respecting these traditional characteristics.*
- 3.5 *New development, be it a single building or a group, must respect the 'grain' of the settlement. By this is meant the relationship buildings have to the street and to each other...*
- 3.8 *A new building should respect the scale of those surrounding it. Jumps in scale can sometimes be acceptable and can be justified if the development occurs at key locations such as on corners or at the end of vistas.*
- 3.10 *Where possible new buildings should pick up on the proportions of neighbouring buildings in some way.*
- 3.11 *There are some basic principles that need to be respected if the new is to harmonise successfully with the old*
- *A balance of proportions between the overall shape of the walls and the openings they contain*
  - *A high solid to void ratio in which the wall dominates*

- *Simple arrangement of openings...*

7.10 The Landscape Character Assessment SPD (2006) identifies that the open land to the rear of the chapel lies within the Settled Valley Pastures LCA and contains important guidance for new development with regards to form and detail. Building details that are characteristic of this area are stated as follows:

- Plain elevations with doors and windows recessed into walls
- Properties should have broad front elevation with narrow sides and steep roof pitch following distinctive traditional form
- Simple and robust building form with minimal detailing
- Consideration should be given to design and proportions of windows, lintels and sills
- Roofs should be flush to the walls with plain verges
- Downpipes and guttering should be discreet, black, and located close to eaves of house
- Windows should be set below the roofline and not break the continuity of the eaves. Dormer windows are not appropriate.
- Materials, colour and textures should reflect local traditional buildings
- Chimney breasts should be low and robust

7.11 Paragraph 130 of the NPPF states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and are sympathetic to the surrounding built environment.

7.12 Paragraph 133 goes on to state that development that is not well designed should be refused, especially where it fails to reflect 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.

7.13 The original and first revisions of the scheme attracted significant concerns with regards to the scale, height, massing and visual appearance of all house types. Officers have, through positive and proactive discussions, worked with the applicant on a continuous basis to secure the desired revisions that are shown in the latest plans.

## Layout

- 7.14 The layout of the scheme is logical and is considered to respond well to the existing pattern of development. Plots 1 and 2 reads as a rational continuation of the street scene, having principal elevations that face on to Simmondley Lane, with off-street parking accessed from Adderley Place.
- 7.15 Similarly, Plots 3 and 4 are laid out at right angles to Plots 1 and 2, facing Adderley Road, and is considered to act as an appropriate link between the front and rear portions of the site.
- 7.16 To the rear, four detached larger properties would be laid out in a linear pattern, with the two semi-detached properties in the centre of this row flanked by detached properties, all of which have principal elevations that face eastwards.

### Scale and Height

- 7.17 In its latest form, House Type A is of a scale and height that respects the 'grain' of the existing pattern of development, being of a simple two storey height that reads as a logical continuation in scale and height between the semi detached houses to the north and the row of terraced houses on the opposite side of Adderley Road.
- 7.18 House Type B which comprises a corner plot with Adderley Road situated to the south, is a modest two storey detached dwellinghouse that has been reduced significantly in scale following discussions with Officers, and in its final revised form, is considered to be of an appropriate scale and height that respects the existing pattern of development.
- 7.19 The other detached House Type (House Type C) which is positioned to the far northern side of the site, has been amended so that despite having an additional 5<sup>th</sup> bedroom in the roof space, is considered to be appropriate with regards to its scale and height, alongside the pair of semi-detached properties (House Type D), with a logical rhythmic ridgeline which can be seen on the Street Scene Elevations (Rev F).

### Appearance

- 7.20 Since its original submission, all properties have been shown to be constructed in a traditional natural stone, which is welcomed, and accords with relevant supplementary design guidance.
- 7.21 Throughout the consultation process, Officers have worked with the applicant to secure essential amendments to address the initial concerns regarding some of the architectural features and characteristics of each house type, some of which bore no relationship with either the immediate context of the wider characteristics of the Settled Valley Pastured LCA.

- 7.22 As shown on the latest Street Scene Elevations (Rev F) and Elevation Plans associated with each House Type, the scheme in its latest version contains many of the architectural features that are commonplace within both the LCA and the High Peak more generally, whilst still presenting a degree of variation and originality.
- 7.23 It is recommended that standard conditions are imposed which require the submission and approval of details relating to external materials, boundary treatment and landscaping in the interests of ensuring a high quality design. Subject to these conditions, Officers are satisfied that the proposed scheme amounts to a high quality development that would contribute positively to its immediate and wider context, in accordance with LP Policies S1, EQ2 and EQ6, the Landscape Character Assessment SPD (2006), Design Guide SPD (2018) and relevant paragraphs under Chapter 12 of the NPPF.

### **Amenity**

- 7.24 LP Policy H3 relates to new housing development and requires that all housing developments provide a high standard of living and amenity for future occupiers, by demonstrating compliance with Nationally Described Space Standards (NDSS).
- 7.25 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes the residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.26 LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.
- 7.27 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.28 Paragraphs 183-185 of the NPPF requires local planning authorities to ensure that a site is suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination, including risk arising from natural hazards. Authorities should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

### Public Amenity



- 7.29 The comments received from the Environmental Health Officer identifies that the proposed development is adjacent to an historical landfill site, and typically these sites contain ash infill/level fill from the boilers. Given the proposed end use of the development (residential) is particularly sensitive to the presence of land contamination, a condition relating to land contamination is recommended.
- 7.30 It is also identified by the Environmental Health Officer that the development has the potential during the construction stage to lead to potential impacts to neighbouring amenity of residential properties, justifying the need for additional conditions.
- 7.31 Whilst some of the conditions recommended by Environmental Health are covered by legislation outside of the planning system and are thus not required, conditions relating to land contamination, and restricting the times at which construction can take place are recommended, in the interests of public amenity.

### Residential Amenity

- 7.32 The Nationally Described Space Standards (NDSS) require a single bedroom to have a minimum width of 2.1m and an overall minimum floor area of 7.5m<sup>2</sup>. A double bedroom is required to have a minimum width of 2.75m and overall minimum floor area of 11.5m<sup>2</sup>. The latest floor plans show that every bedroom in each house type exceeds these standards and provides a high quality of amenity for future residents.
- 7.33 The table below presents the total overall floor area for each house type and compliance with NDSS with regards to the number of bedrooms and occupancy rates

House Type	No. Bedrooms	Storeys	Occupancy	NDSS Minimum	Total Floor Area
A	3	2	5	93sqm	135sqm
B	4	2	7	115sqm	124sqm
C	5	2.5	9	N/A	191sqm
D	3	2	6	102sqm	127sqm
E	4	2	7	115sqm	122sqm

- 7.34 There is no specific guidance for a minimum floor area for a 5no. bedroom 9no. person dwellinghouse. In the absence of such guidance Officers are satisfied that the internal floor area which is just short of 200sqm is more than adequate to provide a high standard of amenity of the occupiers of House Type C.
- 7.35 All other house types are shown to have a floor area in excess of the minimum standards and as such the application is considered to be compliant with NDSS and thus LP Policy H3.

- 7.36 Turning to potential impacts on the amenity of neighbouring properties, the site is bounded to the north-east by two semi detached residential properties (Nos. 10 and 12 Simmondley Lane) which have rear elevations that face in the general direction of the site, although orientated at a slight angle towards the A57.
- 7.37 These neighbouring properties are orientated in a similar manner to Plots 1 and 2. Due to a broadly consistent building line and that the side gable contains a single first floor bathroom window to Plot 1 which would be obscure glazed, it is considered that the amenity of these neighbouring properties would not be adversely affected, subject to appropriate boundary treatment being approved by way of condition.
- 7.38 Plots 3 and 4 would have rear elevations that face towards the rear gardens of Nos.10 and 12 Simmondley Lane and would not directly face any habitable windows. As such, Officers are satisfied that the introduction of Plots 3 and 4 would not adversely affect the residential amenity of these neighbouring properties.
- 7.39 Lastly with regards to the five residential units that are situated towards the rear of the site to the west, the rear elevations of No.10 and 12 Simmondley Lane, with the former having a first floor balcony, lies some 37m from the principal elevation of these properties at its nearest point. As such, the scheme far exceeds the Council privacy standards of 21m between habitable windows. Therefore, these properties would not be adversely affected by any plot with regards to overbearing impacts, overlooking, loss of privacy, or loss of sunlight.
- 7.40 Due to the siting, orientation and relationship with the proposed development, users of the Scout Hut, Cricket Club or occupiers of any other residential property would not be adversely affected.
- 7.41 As such, subject to the recommended conditions, it is considered that matters of public and residential amenity have been satisfactorily addressed, in accordance with LP Policies EQ6 and EQ10, Residential Design Guide SPD (2018) and relevant paragraphs under Chapters 12 and 15 of the NPPF.

### **Parking Provision and Highway Safety**

- 7.42 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network. Off-street parking provision should be provided in accordance with the guidelines set out under Appendix 1 of the Local Plan.
- 7.43 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.

- 7.44 Paragraph 111 of the NPPF 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.
- 7.45 The Site Plan (Rev I) shows all off-street parking spaces to be accessed via Adderley Road, or via the internal access road off Adderley Road.
- 7.46 Parking guidelines in Appendix 1 of the Local Plan require a 3no. bedroom property to provide a minimum of 2 off-street parking spaces, and properties with 4+no. bedrooms to provide a minimum of 3 spaces. The site plan shows that each property is served by the appropriate level of off-street parking provision having regard to guidance in the Local Plan. Secure cycle provision will be secured by an appropriate condition.
- 7.47 The scheme has been the subject of ongoing discussions with the Highways Authority to ensure that the means of access and internal layout is acceptable, with regards to exit visibility splays. The plans show that Adderley Place would be retained at a width of 4.3m, with a 1.5m wide footway and pedestrian visibility splays provided to all access points onto the road. Repairs would be made to the section of road beyond the cobbles, subject to consultation with the highway authority. The latest comments from the Highways Authority confirm that subject to a number of conditions, there are no objections with regards to highway safety.
- 7.48 It is therefore considered that the application would not adversely affect highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

## **Ecology**

- 7.49 LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within a site will not be adversely affected. Development proposals should seek to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.
- 7.50 Chapter 15 of the NPPF contains the relevant national policies that require the conservation and enhancement of the Natural Environment.
- 7.51 The application relates to a site that lies within the built-up area boundary and whilst predominantly previously developed, contains an area of more natural habitat and trees to the far western and northern parts of the site.

- 7.52 An Ecology Survey prepared by Dunelm Ecology has been reviewed by Derbyshire Wildlife Trust, who have confirmed that there are no objections to the proposed development, subject to the recommendations contained within Section 4 secured by conditions relating to nesting birds, lighting and a biodiversity enhancement plan.
- 7.53 In light of these comments, Officers consider that the application has demonstrated compliance with LP Policy EQ5 and relevant policies contained under Chapter 15 of the NPPF.

## **Trees**

- 7.54 LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of the development clearly outweigh their loss.
- 7.55 The initial consultation response received from the Council's Tree Officer confirmed that the site supports a number of good to high quality trees which are worthy of protection but which are currently not protected.
- 7.56 The initial response raised a number of concerns which culminated in an objection which are summarised below:
- Western boundary hedge will dominate gardens of Plots 5-8
  - Plot 8 backs directly on to the line of the woodland causing pressure for heavy reduction or tree removal of high quality trees with long life expectancy
  - Tree planting appear poorly thought out with trees proposed for locations just 2-3 metres from building lines
  - New trees will lead to excessive shading, dominance of the properties and will be either heavily pruned or removed before reaching maturity
- 7.57 In response to these comments, the applicant has submitted an Arboricultural Impact Assessment and Method Statement (June 2023) which follows on from the Tree Survey submitted with the original application.
- 7.58 During the consultation phase, the Council have confirmed that the trees within the site at its north-western point are now subject of a Tree Preservation Order (TPO) which offers protection to these trees, and as such any pruning of any individual tree would require consent in its own right.
- 7.59 The Site Plan (Rev I) shows an overlay of proposed landscaping, which together with commentary from the applicant's agent, has been reviewed by the Tree Officer.

- 7.60 In light of latest comments from the Tree Officer which shows the withdrawal of the original objection, Officers are satisfied that subject to a compliance condition that requires the implementation of the Method Statement including precautionary measures in full, the application would not result in any adverse harm to trees, in accordance with LP Policy EQ9.

## **Other Matters**

### Archaeology

- 7.61 As identified by the County Archaeologist, the site lies a short distance to the north of the postulated line of the Melandra to Brough Roman road. The line shown on Derbyshire HER (MDR11569) is indicative and the line suggested by Wroe is more properly on the line of the lane to Adderley Place which lies just south of the proposal site and can be seen to be embanked as it runs further west. Wroe has recently reviewed his work however and is of the opinion that the true line may lay slightly to the north, and that there may be two alignments – one earlier and one later – either of which could potentially run across the current proposal site.
- 7.62 The area of land to the rear of the former Zion church has not been previously developed and as such may retain archaeological remains of the Roman road.
- 7.63 In line with comments from the County Archaeologist, Officers are satisfied that the proposed development would not result in any adverse harm to any archaeological remains subject to compliance with the recommended conditions.

### Public Rights of Way

- 7.64 Adderley Place is a designated Public Right of Way (PRoW). It is a single track road that rises upwards from its junction from Simmondley Lane, and for the first 50-100m is characterised by attractive cobbled stones.
- 7.65 Officers have engaged with the County PRoW team throughout the consultation process. Their latest comments confirm that having regard to the revised Transport Statement (May 2023) it does concur with the revised Footpath Access Plan (Rev C) which makes clear that the cobbled area will be retained. The latest comments from the County PRoW team also confirms that the improvements to the visibility splays from parking access, and the intention to erect appropriate safety signage have satisfied previous concerns. Accordingly the PROW officer confirms that there are no objections subject to the condition that the road surface, including the retained cobbled surface, is left in a good state of repair following construction works.

- 7.66 In light of the above, Officers are satisfied that subject to compliance conditions that require the cobbled stones to be retained and that the surface of the PRow is retained in good condition, there would be no adverse impacts to Adderley Place for all users of this track, including pedestrians and vehicle users.

#### Flood Risk & Drainage

- 7.67 The site is located within flood zone 1, an area which has the lowest threat from flooding, and thus the application is not required to be accompanied by a Flood Risk Assessment.
- 7.68 In light of comments provided by United Utilities, it is recommended that pre-commencement conditions are applied which require foul and surface water drainage details to be submitted and agreed. Subject to such conditions, it is considered that matters relating to drainage and flood risk have been satisfactorily addressed.

#### Cricket Club

- 7.69 Issues of safety have been raised by the nearby Cricket Club with regards to the potential for nearby occupiers to be hit by cricket balls. The Cricket ground is situated to the south of Adderley Place. The nearest property within the development would be situated between 60-80 metres from the confines of the actual cricket pitch (wicket) and as such, it is considered unlikely that the safety of residents would be adversely affected.
- 7.70 In any event, the level of risk would be no different to that associated with pedestrians or indeed vehicles being hit with cricket balls on Adderley Place which is a public right of way, with no protective fencing currently in place.
- 7.71 In the highly unlikely event of a member of the public or local resident being hit by a cricket ball, this would be a civil matter.
- 7.72 It is therefore considered that there is no reasonable justification for the installation of a 15m high fence as requested by the Cricket Club, which in its own right would likely cause a degree of harm to the character and appearance of the immediate area, given its prominence from the public right of way.

#### S106 Agreements

- 7.73 Representations have been received that request that a S106 agreement be secured to protect historic/archaeological assets on site, and to secure a maintenance and management plan for the upkeep of the private internal roads within the development.

- 7.74 The condition recommended by the County Archaeologist requiring a Written Scheme of Investigation (WSI) satisfactorily deals with the first point, whilst a condition requiring the submission of arrangements for future management and maintenance of the proposed street within the development recommended by the Highways Authority satisfactorily deals with the second point.
- 7.75 Due to the scale of the proposed development (minor application) there is no requirement for any Affordable Housing provision or any other on or off-site contribution and as such no S106 Agreement is neither reasonable or indeed necessary.

#### Consideration of HPK/2022/0456

- 7.76 Representations have been received noting an application within the vicinity of the site for 92no. dwellings which is currently being considered and assessed by Officers under HPK/2022/0456, and that transport and highway safety impacts associated with this scheme should take account of this larger scheme.
- 7.77 A review of the plans associated with this application shows that the primary access to this development would be from the A57 (Dinting Vale) with Adderley Place being shown as a pedestrian linkage. The eastern fringes of this larger site terminate some 200 yards north west of this application site.
- 7.78 The modest scale of this proposal, when combined with the distance between the two sites and the main access to this larger scheme coming from the A57 and not Adderley Place, it is considered, that cumulatively, the development does not raise any highway safety concerns.

### **8. Planning balance & Conclusion**

- 8.1 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.
- 8.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.3 The application seeks full planning permission for 8no. open market residential dwellings on a site that is partially previously developed (brownfield) land that lies within the built-up area boundary of Glossop in a highly sustainable location, which, aside from the recently approved Tree Preservation Order (TPO) in the far northern part of the site, is not constrained by any sensitive statutory designation.
  - 8.4 Having regard to LP Policies S2, S3 and H1, the principle of housing development in this location is acceptable, subject to an assessment of all relevant planning considerations.
  - 8.5 Further to an extensive consultation process, and the submission of revised plans to address initial concerns over the design and appearance of the house types and other associated technical considerations, it is considered that the scheme in its revised form amounts to a well-designed high quality development. The layout of the development would not harm highway safety, residential amenity or any ecological matters.
  - 8.6 In light of the above, Officers recommend that the application amounts to a sustainable form of development and in line with LP Policy S1 and paragraph 11 of the NPPF, is recommended for approval subject to the conditions as set out below.

## **9. RECOMMENDATIONS**

### **A. Approve with conditions**

1. Time Limit 3 Years
2. Approved Plans
3. Detailed schedule of all facing materials to be submitted and approved prior to any work commencing above foundation level
4. Details of Boundary Treatment to be submitted and approved prior to any work commencing above foundation level
5. Finished Floor Levels to be submitted and approved
6. Obscure glazing on all bathroom windows
7. Drainage Details to be submitted to and approved prior to commencement of development
8. Nesting Birds
9. Lighting
10. Biodiversity Enhancement Plan
11. Written Scheme of Archaeological Investigation
12. Condition of PROW
13. Contaminated Land
14. Construction Times of Operation



15. Development to be carried out in full accordance with Arboricultural Method Statement
16. No development to commence until access has been laid out in accordance with approved plans and visibility sightlines to be retained
17. Timescales for construction of access to be agreed in writing prior to commencement
18. Notwithstanding information submitted, no development to commence until construction details of turning head and footways submitted and agreed
19. Carriageways and footways construction in accordance with details approved (above condition)
20. Dwellings not to be occupied until space has been provided within site for parking and manoeuvring of residents and visitors vehicles in accordance with approved plans
21. No gates including opening arc permitted to open out over public highway limits. Gates to be set 5m back from carriage edge
22. No development to commence until details of proposed arrangements for future management and maintenance of internal road within development submitted and agreed
23. Except for investigative works, no excavation or other groundworks or the depositing of material on site connected to construction of road or any structure or apparatus beneath road must take place on any phase or road construction until full engineering drawings of all aspects of roads and sewers and a programme for delivery has been submitted and approved
24. No development to commence until Construction Management Plan has been submitted and approved
25. Removal of PD under Classes A and E (to preserve residential amenity)
26. Retention of cobbled stones along Adderley Place, any stone which are damaged to be replaced.
28. Secure cycle provision

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services be 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

