

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

20th May 2024

Application No:	HPK/2022/0474	
Location	Charlestown Works, Charlestown Works, Glossop	
Proposal	Proposed change of use from offices to 24 Apartments and associated car parking	
Applicant	Opulwood Developments Ltd	
Agent	Barraton Design Studio	
Parish/ward	Simmondley/Whitfield	Date registered: 27/04/2023
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122		

REFERRAL

The application is referred to Development Control Committee as it relates to a major development.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The 0.27 ha application site of an irregular shape but broadly level, comprises of previously developed land fronting Charlestown Road (A624). It lies within a prominent position on the southern fringe of Glossop some 1.0km south of the town centre. The majority of existing buildings on site have been demolished and footings have been constructed in relation to the office block 1 (Phase 3) consented by the mixed use reserved matters planning permission ref. HPK/2016/0520. The former employment building immediately to the south of the site falls outside of the red edge of the application site. To the west (rear) of the application site lies a container storage yard with rental units.
- 2.2 The wider consented site comprised of an established complex of mill and factory buildings bisected by the main Charlestown Road into Glossop whereby the residential aspect of the scheme for a total of 96 dwellings has been constructed and occupied.
- 2.3 The watercourse known as Long Clough Brooks runs alongside parts of the site and is culverted in places including where it crosses Charlestown Road. A band of mature trees defines the site's southern and upper northwestern boundaries.

- 2.4 Of note, the application site falls within the Charlestown Works, Glossop Policy Local Plan Policy DS3 allocation within the built up area boundary of Glossop. The site is also affected by Flood Zones 2 and 3 and partly by a risk of flooding from rivers and seas.
- 2.5 The site is identified on the Derbyshire County Council Historic Environment Record (HER) Monument record ref. MDR689 'Turn Lee Paper Mills (site of), Turnlee Road, Glossop' (Paper mill in existence by 1835, which ceased production in the 1960s).

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Full planning permission is sought for a proposed change of use from offices to 24 apartments with associated car parking.
- 3.2 Notwithstanding the development description, the site has been cleared and footings have been constructed in relation to the approved office block building 1. Following an enforcement investigation, the footings were found to be 0.45m closer to the existing apartment block to the north of the site. The applicant has, however, stated that the identified breach of the previous consent has now been regularised. The proposed design and layout of the scheme broadly follows the previously approved scheme ref. HPK/2016/0520, including vehicular site access from Charlestown Road. In these regards, two separate apartment blocks are proposed of a 3 storey scale. Facing materials would comprise of matching stone to the walls beneath a fibre glass flat roof.
- 3.3 The apartments split between the two blocks, comprises of 9 x one-bedroom and 15 x one-bedroom dwellings.
- 3.4 Revised documents and plans have been received as follows:
- Flood Risk Assessment Phase 2, Charlestown Road, Glossop Revision F1 dated 14th August 2023
 - Sales Letter submitted 31st January 2024
 - Proposed New Road Line drawing ref. 12732-5002-19H submitted 28th February 2024
 - Proposed New Road Line drawing ref. 12732-5002-19J submitted 28th February 2024
 - Site Plan 200 Apartments Rev A submitted 28th February 2024
 - Consultation Responses submitted 28th February 2024
 - Charlestown Road, Glossop Tracking Rev A submitted 18th March 2024
 - Site Plan 200 Apartments Rev B submitted 18th March 2024
 - Consultation Responses submitted 18th March 2024
 - Site Plan 200 Apartments Rev D submitted 2nd May 2024
 - Apartments Block 1 Rev B submitted 2nd May 2024
 - Viability Report submitted 7th May 2024
 - Property Internal Floor Areas submitted 7th May 2024
- 3.5 The following plans represent the revised scheme:

- Apartment Block 2 (no amendment from the submission version)
- Site Plan 200 Apartments Rev D submitted 2nd May 2024
- Apartments Block 1 Rev B submitted 2nd May 2024

3.6 The application and details attached to it, including the plans, supporting documents, representations made by residents and the responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=257775>

4. RELEVANT PLANNING HISTORY

NMA/2021/0026	Application for a non-material amendment following a grant of HPK/2016/0520. To move dwellings for plots 18 - 21 back by 5m and change parking arrangement to plots 15 - 17 and 22.	Pending
HPK/2016/0520	Application for approval of reserved matters for proposed residential development consisting of 97 dwellings and associated parking including conversion of existing office pursuant to outline planning permission HPK/2013/0597.	Approved 26/03/2018
HPK/2013/0597	Outline planning application for demolition of existing structures and erection of up to 100 dwellings including 14 in the conversion of the former office building 1,660m ² of B1 commercial floor space and including restoration of former mill pond are to create public open space.	Approved 17/03/2014
HPK/2013/0053	Outline application for proposed demolition of existing structures & erection of dwellings including 14 in the	Refused 01/05/2013.

	conversion of the former office building, 1660m2 of B1 commercial floorspace & restoration of former mill pond area to create public open space	
HPK/2012/0413	Outline application for demolition of existing structures & erection of 105 dwellings including 14 in the conversion of the former office building 1660m2 of B1 commercial floorspace and including restoration of former mill pond area to create public open space	Withdrawn 26/09/2012.
HPK/2011/0315	Outline application for demolition of existing structures & erection of 105 dwellings including 14 in the conversion of the former office building & restoration of former mill pond area to create public open space	Withdrawn 01/10/2011.
HPK/2004/0596	Outline application for residential development	Refused 29/06/2005.

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan Adopted April 2016

- S1 – Sustainable development principles
- S1a – Presumption in favour of sustainable development
- S2 – Settlement hierarchy
- S3 – Strategic housing development
- S4 – Maintaining and enhancing an economic base
- S5 – Glossopdale Sub-area Strategy
- EQ1 – Climate change
- EQ5 - Biodiversity
- EQ6 – Design and place making
- EQ7 – Built and historic environment
- EQ9 – Trees, woodland and hedgerows
- EQ10 – Pollution control and unstable land
- EQ11 – Flood risk management
- E1 – New Employment Development
- E4 – Change of Use of Existing Business Land and Premises
- E5 – Regenerating an industrial legacy
- H1 – Location of housing development
- H2 – Housing allocations
- H3 – New housing development

- H4 – Affordable housing
- CF3 – Local infrastructure provision
- CF4 – Open space, sports and recreation facilities
- CF6 – Accessibility by public transport
- CF7 – Planning obligations and community infrastructure levy
- DS3 – Charlestown Works, Charlestown Road, Glossop

Supplementary Planning Guidance

- Planning Obligations 2023
- High Peak Design Guidance 2018
- Residential Design Guide 2005

Other Evidence Base

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

National Planning Policy Framework

National Planning Practice Guidance

6. CONSULTATIONS CARRIED OUT

Site Notice	Expired.
Press Notice	Expiry date for comments: 20/06/23
Neighbours	Expiry date for comments: 23/05/23

Neighbours

Neither (2):

- These builders have to complete the houses they have built already.
- We have a flood area on a major A road, the site looks totally unfinished.
- They should be made to complete the area.
- It looks like a tip, why haven't they completed the development, or build and then go into administration leaving the area a complete mess.
- I am more than happy for the proposed development to go ahead but I feel the developers should be made to complete the new-build development over the road before proceeding with this new one.

Objections (2):

- I do not consider the development business to be satisfactory in regards to building quality, nor following planning application guidelines due to the number of breaches which have taken place on the Charlestown View site given the level of environmental damage caused, breach of health and safety and disregard towards planning and building regulations

- I do not give them any consent to continue any site as to be more clear on the matter Opolwood haven't completed Charlestown View site leaving the site access road in a unsafe manner, encompassed with a unsafe public footpath with soil degradation to environmental natural animal habitat.
- Opolwood still have not completed our estate (Charlestown View) so I definitely object to the commencement of work across the road.
- Finish our estate first! Numerous complaints and enquiries made by residents yet still no work being done to complete our estate.

Support:

None.

Consultee	Comment	Officer response
AES Waste	Objection	Refer to Design & Layout Section
<p>07.05.24:</p> <p>It is my opinion that the Bin Stores are not adequate for the provision of waste storage. The split between Residual Waste and Recycling should be at least the same, if not more storage for recycling. The Council, from April 2026 must provide all properties with a weekly food waste collection service so this also needs to be factored into the equation. Therefore, it is my recommendation that the developer needs to provide adequate space for the following:</p> <p>Block 1 (9 x Apartments):</p> <p>Residual Waste – 9 x 180ltrs = 1620ltrs Recycling – 9 x 180ltrs = 1620ltrs Food Waste – 9 x 26ltrs = 234ltrs (max size for food waste bins are 140ltr)</p> <p>Block 2 (15 x Apartments):</p> <p>Residual Waste – 15 x 180ltrs = 2700ltrs Recycling – 15 x 180ltrs = 2700ltrs Food Waste – 15 x 26ltrs = 390ltrs (max size for food waste bins are 140ltr)</p>		
County Archaeology	Objection	Refer to Heritage Section
<p>09.05.23</p> <p>My colleague, in an e-mail of 7th October 2016, when commenting on reserved matters application for the site under HPK/2016/0520, outlined that archaeological</p>		

concerns were to be addressed in the condition in the outline consent of HPK/2013/0597. Consequently this office has had sight, in Nov 2016, of a draft WSI for the works and has reviewed the primary standing building record and discussed by e-mail with the contractors the pathway to project completion. This pathway included additional work, an amendment of the WSI, the excavation of evaluation trenches and other mitigation as necessary. While we note that such work was expected to commence, and see from google earth that the development of the housing to the east of the present application, is almost complete - bar this proposal for a change in use - we have yet to receive a report on any of the archaeological works undertaken and that part of the condition of the initial planning consent has not been fulfilled.

This, subsequent application, however seeks a change in use on a part of the site that was previously encumbered by buildings (recorded in 2016?) while work on the new building (that this change of use refers to) is clearly underway.

On this basis we would request a holding refusal until the applicant can provide a professionally authored Heritage Statement that outlines the state of play of the development in relation to archaeological work undertaken on the site so far, what discoveries have been made and whether or not planning conditions have been complied with.

Note - Refer to public file for full consultation response.

County (Education Authority)	Place	No education financial contributions requested.	Refer to Planning Obligations Section.
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22.05.23

Summary

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 4 secondary including post 16 pupils arising from the proposed development.

Note - Refer to public file for full consultation response.

County Flood Risk Authority (LLFA)	Conditional Response (Revised)	Refer to Flood Risk Section
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12.04.24

Summary

No objections subject to recommended conditions in relation to:

- Detailed Drainage Design & Maintenance
- Management of Surface Water Runoff during Construction
- Verification of Drainage Scheme

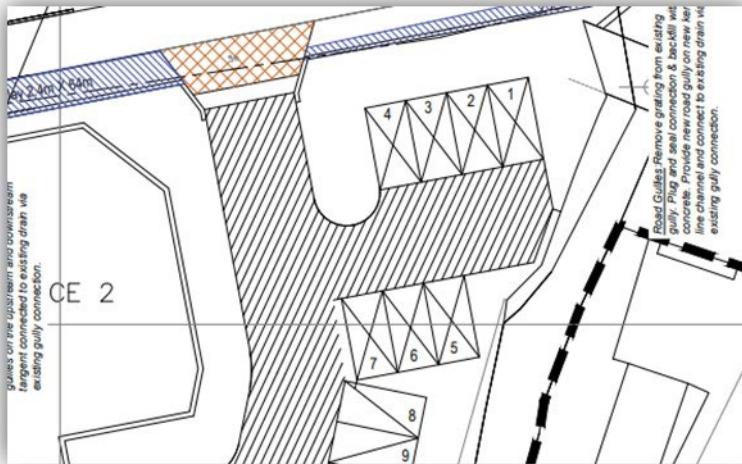
Note - Refer to public file for full consultation response.

County Highways (Local Highway Authority)	Objection	Refer to Highway Safety Section
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09.05.24:

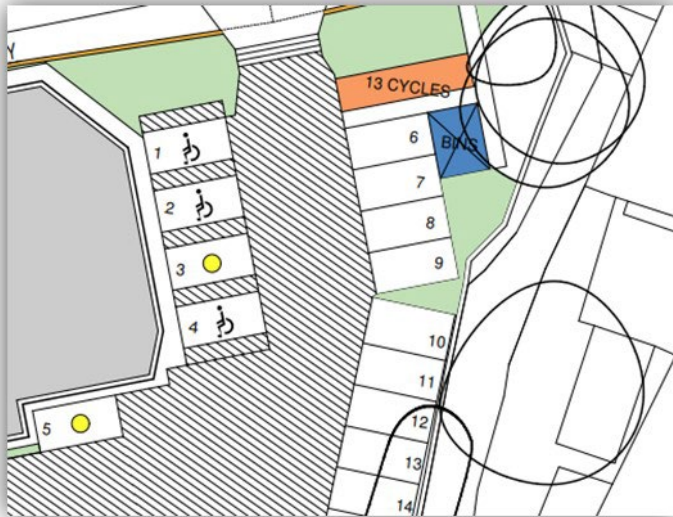
The (Highway Authority) HA response dated 25 April 2024 stated:

'Q1: Drawings numbers 12732-5002/03 Rev J and 12732-5002/19 Rev H still not provided.' I now have copies of both drawings (attached) and I note drawings 12732-5002/03 Rev J and 12732-5002/19 Rev H approved under HPK/2016/0520 (Decision Notice attached), show (see extract from 12732-5002/03 Rev J below) the parking bays (1 to 7) a safe distance for the junction allowing turning off the main proposed spine road.



The HA response dated 25 April 2024 also mentioned:

'Q2: The applicant's response below states: 'Sorted? Up-to date Drawings were provided. I presume an error regarding attachment. This was amended within the drawing number 023/021/PSP/A, that was commented on.' However, 023/021/PSP is on the planning portal, but not 023/021/PSP/A, but you have kindly provided drawing 023/021/PSP/A which you have attached (albeit titled PSP/B), but this still has parking bays (1 to 4 and 9 to 12) in close proximity to the junction with Charlestown Road (see below extract from 023/021/PSP (top extract) and 023/021/PSP/A (bottom extract), so can you explain how it has been amended?'



Also, drawing number 023/021/PSP/C (attached) has again not relocated the parking bays (see extract from 023/021/PSP/C below):



The County Council would wish to see the highway issues addressed prior to determination,

Derbyshire Constabulary

No objection

Refer to Updates Report

08.05.24

There are quite a few matters of detail which either are not clear or seem to be missing from the current application. There are no details of boundary treatment for the site. Consequently, enclosure of private space from Charlestown Road, refuse, separation from the existing adjacent apartment conversion and back of site enclosure are unclear.

There is a flight of steps shown to the rear of block 1 leading down out of site close to the nearby watercourse. The rationale for this matter is not explored in application detail.

All of these matters would need to be clarified, or could be resolved by way of a condition setting out the enclosure and associated ironmongery specification for securing any non-public space.

Cycle parking is set out on the latest site plan as 'secured' in one location, but not others. Considering that the overall provision is for the long-term storage of residents cycles, and that the theft of expensive unattended cycles is moving into the territory of organised crime groups, the approved means of storage needs to be intrinsically secure to form part of a sustainable transport regime.

Consequently, I would advise that the provision should be looking towards purpose

made secure storage, and not simply covered storage enclosed by close boarded fencing and very basic communal locking ironmongery.

There is no means of external lighting outlined for communal entrances and car parking. Considering the extent of the parking area, I would suggest column mounted solar powered units, with an accompanying lighting engineer designed scheme. Not bollards, these will not last and have low efficacy.

There is no mention of mail delivery arrangements for either block. I note that the existing apartment conversion is provided with a fairly incongruous set of bolt on mail boxes by the main entrance. Unless well specified this form of external box has a tendency to attract theft, consequently I would direct the authority towards units manufactured and specified to the Door and Hardware Federation TS009 standard for wall mounted or free standing boxes, or alternatively, through the wall provision into secure internal boxes if space allows.

Derbyshire Wildlife Trust	Conditional Response	Refer to Ecology Section
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13.07.23

Summary

No objections subject to recommended conditions in relation to:

- Nesting Birds
- Lighting
- Biodiversity Enhancement Plan

Note - Refer to public file for full consultation response.

Environment Agency	Awaited	Refer to Updates Report
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High Peak Access	Objection	Refer to New Housing Section
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08.06.23

Summary

Block 1 (Plan no. 2022/027/PEAB1): 9 apartments. No dimensions are provided. However, the three ground floor apartments appear suitable for disabled people.

Block 2 (Plan no. 2022/027/PAB2): 15 apartments. No dimensions are provided.

However, the five ground floor apartments appear suitable for disabled people.

The applicant could be asked to confirm that the dimensions of the eight ground floor apartments meet the requirements of Building Regulations M4(2), in order to satisfy the policies in the High Peak Local Plan. This would also require the removal of the step to the access doors.

N.B. We are surprised to note that no emergency access is shown in the plans. Any emergency access provided should be accessible for disabled people.

Detailed Landscape Proposals (Plan No. 3983/1): Five accessible parking bays are shown, all adjacent to Block 2. We suggest that two of these bays be provided to serve Block 1.

Note - Refer to public file for full consultation response.

HPBC Arboricultural Offer	Awaited	Refer to Updates Report
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HPBC Environmental Health	Conditional Response	Refer to Environmental Matters Section
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07.06.23:
Summary
No objections subject to recommended conditions in relation to:

- Contamination (Risk Assessment etc.)
- Noise Insulation
- Control of Construction (including hours)
- Control of Piling Activities

Note - Refer to public file for full consultation response.

HPBC Service Commissioning Officer	Awaited	Refer to Updates Report
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7. POLICY AND MATERIAL CONSIDERATIONS

Decision Making Framework

- 7.1 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan for the Borough consists of the Adopted High Peak Local Plan dated April 2016.
- 7.2 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.3 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 The Council can currently demonstrate 6.28 years supply of housing land (as at 1st April 2022). This represents a total annual housing requirement (April 2022 to March 2027) including a 5% buffer. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.
- 7.5 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 'Strategic Housing Development', S4 'Maintaining and enhancing an economic base' and Policy H4 'Affordable Housing' were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice. New evidence informing the Local Plan review is also available. For this application the High Peak Housing and Economic Land Needs Assessment (HELNA) is relevant.

Background

- 7.6 Full planning permission is sought for a proposed change of use from offices to 24 apartments with associated car parking. It represents a 'drop in' application with regard to the wider scheme consented by mixed use reserved matters planning permission ref. HPK/2016/0520 (pursuant to outline planning permission ref. HPK/2013/0597). The outline consent provided for demolition of existing structures, erection of up to 100 dwellings and 1,660sqm of B1 commercial floorspace (dated 17th March 2014) and established the principle of development for the wider site. The residential aspect of the mixed use reserved matters planning permission ref. HPK/2016/0520 for a total of 96 dwellings has been constructed and occupied. For the application site, previously identified as phase 3, the majority of existing buildings on site have been demolished and footings have been constructed in relation to office block 1. Although as noted above, these footings were found to be 0.45m closer to the existing apartment block to the north of the application site, however, the applicant confirms this matter has now been regularised onsite.
- 7.7 Following a viability exercise, a Deed of Variation was approved in respect of the Section 106 Agreement attached to outline planning permission ref. HPK/2013/0597, omitting obligations for policy compliant affordable housing but still securing the following matters:

- Play space contribution of £34,960
- Travel Plan contribution of £7,500
- Bus Enhancement contribution of £5,000
- Provision of the new commercial floor space following the occupation of a specified number of dwellings and to an agreed specification
- Submission of a detailed scheme for the provision and management of the Public Open Space and informal amenity space

7.8 To date, only contributions have been paid in respect of the travel plan and bus enhancement scheme, however, the play space contribution remains outstanding, along with a scheme for the provision and management of the Public Open Space.

Principle of development

7.9 This application raises a number of policy issues for consideration during the determination process.

Loss of Employment Land

7.10 Local Plan (LP) policies of particular relevance to this application include LP Policy S4 'Maintaining and Enhancing an Economic Base' whereby the Council will maintain and where possible enhance the economic base of the plan area by ... encouraging and making provision for office development, particularly within the main market towns".

7.11 Of further relevance, LP Policy S5 'Glossopdale Sub-area Strategy' seeks to promote sustainable growth by ... ensuring the redevelopment of industrial legacy sites reflects their historic character; supporting the development of new housing within the mixed redevelopment of industrial legacy sites; ensuring the growth of local employment opportunities and supporting the diversification and growth of local business by ... supporting the retention and provision of employment within mixed redevelopment of the industrial legacy sites.

7.12 Furthermore, LP Policy E4 'Change of Use of Existing Business Land' and Premises' states development proposals for non-employment uses will only be permitted where:

1. The continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development and the proposed use is compatible with neighbouring uses; or
2. An appropriate level of enabling development is required to support improvements to employment premises or supporting infrastructure. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements. Mixed use proposals should not create any environmental, amenity or safety issues.

Proposals that would result in an under-supply of suitable employment land in relation to identified need will not be permitted.

- 7.13 In addition, LP Policy E5 'Regenerating an Industrial Legacy' lists Charlestown Works as one of the industrial legacy sites to which this policy applies with a cross reference to LP Policy DS3 'Charlestown Works, Charlestown Road, Glossop'. It seeks to maximise potential of constrained employment sites where their infrastructure / premises are no longer suited to meeting the needs of modern businesses in their present form. LP Policy DS3 allocates the wider site (3.9 hectares) for business / industry and residential development of approximately 100 dwellings.
- 7.14 Paragraph 85 of the NPPF states: "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".
- 7.15 As set out above, strategic LP Policy S4 'Maintaining and Enhancing an Economic Base' is focussed on maintaining and enhancing an economic base in the Borough including making provision for office development, particularly within the market towns, like Glossop. In addition, strategic LP Policy S5 'Glossopdale Sub-area Strategy' relating to the area, supports the retention and provision of employment within mixed redevelopment of the industrial legacy sites. Furthermore, LP Policy E5 'Regenerating an Industrial Legacy', relating to the regeneration of industrial legacy sites, encourages mixed use developments, which retain or create employment opportunities on site.
- 7.16 Significant weight was attributed to the social, economic and environmental benefits of the consented mixed use development, including its contribution to the Borough's employment land supply, which met with the above policy framework. This application seeks to remove the mixed use element from the wider consented scheme resulting in an entirely residential development only.
- 7.17 The Borough's employment land supply is illustrated within Table 9 (p.109) of the Local Plan. Delivery rates rely on a number of strategic development sites, including Charlestown Works @ 0.27ha. Within Glossopdale, the land available within industrial legacy sites clearly forms part of the supply in addition to Woods Mill and Ferro Alloys. Erratum – the figure for industrial legacy sites for Glossopdale should read 0.965 not -0.965.
- 7.18 Consequently, the scheme proposal should comply with the policy tests in LP Policy E4 'Change of Use of Existing Business Land'. In these circumstances, part 1 of the policy applies i.e. if the land is considered no longer suitable or commercially viable for industrial or business use, marketing evidence should demonstrate the applicant's claims commensurate with the size and scale of development. The supporting policy text refers to ... "conducting a comprehensive marketing exercise".
- 7.19 Furthermore, in supporting a more effective use of land, the Planning Practice Guidance (PPG) advises that: "When considering whether there is a realistic

prospect of an allocated site being developed for its intended use, it may be relevant to take into account factors such as:

- the length of time since the site was allocated in the development plan;
- the planning history of the site including any planning applications or pre-application enquiries;
- whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and
- whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely.

Where an alternative use for the allocated site is proposed, it will also be relevant to consider the extent to which evidence suggests the alternative use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies” (Paragraph: 001 Reference ID: 66-001-20190722).

7.20 In these regards, the applicant’s planning statement outlines the following matters: “Prior to and since the outline application the site has been marketed for commercial use with no substantive interest shown. The office element of the development has therefore been available for around 8 years and it is reasonable to conclude at this time that office development is not a realistic end use for the site” (pg. 8 para 5.3). In addition, page 2 of the Design and Access Statement also states: “Due to the current economic climate and working from home the offices are no longer viable in today’s market, apartments can provide accommodation to encourage working from home and regenerate the area, rather than have empty office space”.

7.21 Clearly, these statements amount to insufficient information to adequately meet the policy tests contained within LP Policy E4 and therefore the applicant was invited to conduct a robust marketing exercise addressing the following matters:

- A minimum of 6 (but ideally 12) months of comprehensive marketing.
- Marketing through a recognised, independent property agent covering the local area.
- Advertised continually, twice a month for at least a 6 month period following the date of the first advertisement.
- Advertisements should be online including in the local press (and regional press depending on the scale).
- Advertisement should be for a range of tenures, i.e. freehold / leasehold / rental and include building details with internal customisation options to suit the end user (to prevent over restriction of the market).
- ‘Sales particulars’ should be produced and displayed in the agents office(s).
- Ideally a ‘for sale’ board should be erected on the site.

7.22 Following the marketing exercise undertaken, the applicant was advised to provide a ‘Property Agents Report’ to the Council evidencing the following matters:

- Type of property: how, where and when marketed, tenure offered, general / specific level of enquiry shown.
- Commercial property agent's view regarding the commercial viability of the building / site.
- A copy of the sales particulars.
- Photograph(s) of the building / site (and showing the 'sale board' if used).
- Copies of all advertisements placed throughout the exercise including unambiguous dating.
- Reference to the relevant website(s) used.
- A schedule of the numbers of enquiries received, including any firm offers, whether they are conditional or unconditional, with the relevant evidence where necessary.

7.23 On the 7th February 2024, the applicant submitted a brief marketing report to the Council consisting of a 'Sales Letter' from Simple Lettings and Sales, Glossop dated 26th January 2024 together with email correspondence reference 'Marketing Report A' and 'Marketing report B' and raised a number of queries as follows:

- There are two electronic marketing 'reports' embedded in the two emails. One refers to £460pcm, the other £2760pcm. The outline scheme approved two separate office blocks. It is unclear if these two reports are referring to the same office block, or to both.
- It is unclear which element of the office block(s) the per calendar month (pcm) rental relates to (i.e. just one office, or storey, or block?) with fair market value queried.
- It is unclear whether a prospective tenant / purchaser could acquire one of the offices / or office floors as opposed to the whole block(s).
- Freehold purchase is queried as an available option?
- The electronic reports refer to the approved office use, however LP Policy E4 allow for demonstration through marketing, of continuation of use for any B use classes.
- The Sales letter refers to 120 days marketing as of January 2024, however, at least 6 months of marketing is required in any event.
- Evidence of advertisement display within the estate agent office, or erected on site including dates occurring within the last 6 months at the frequency expected is also queried.

7.24 The applicant had attempted to respond to the above concerns, however, the following matters remained outstanding as follows:

- Demonstration that values sought were "fair market value" and flexibility of accommodation offered. In these regards, it was unclear whether a prospective purchaser could make an approach to acquire say, only a part of the future development (such as a single office, suite, or storey of one of the blocks),

- Evidence of flexibility in seeking interest from parties, including for a range of tenures i.e. whether freehold disposal was possible (in addition to rental options), and,
- Confirmation of public adverts onsite i.e. whether the site was actively marketed with a physical 'for sale/let' sign actually upon the site.

7.25 In addition, the marketing particulars should have included the wider reference to employment use class uses, which may have been deemed appropriate under local planning policy. Consequently, there may have been further enquiries for commercial / employment use of the site had the marketing been conducted in a broader and less restrictive matter.

7.26 Following on, the applicant has responded to the above concerns by confirming: marketing for individual suites / floors and as an entire block; a continuous marketing of the development openly as a commercial opportunity and a board displayed on the hoarding advertising a commercial opportunity available. Critically, however, no evidence has been provided by the applicant to substantiate such claims.

7.27 Accordingly, the applicant has not satisfactorily demonstrated that the application site has been appropriately marketed for both continued commercial / employment use.

7.28 Of further relevance, LP Policy E4 states "Proposals that would result in an under-supply of suitable employment land in relation to identified need will not be permitted". As stated above, industrial legacy sites including this one contribute to the supply of employment land across the Borough.

7.29 Accordingly, the scheme would conflict with LP Policies SS1, S4, S5, E4 and DS3. This matter will be returned to within the conclusion section of the report below.

New Housing Development

7.30 Strategic LP Policy H2 'Housing Allocations' allocates sites for housing or for mixed use development. It identifies Charlestown Works, Glossop* (G31) [Policy DS3] for 100 dwellings and clarifies sites marked * are industrial legacy sites identified in LP Policy E5 'Regenerating an Industrial Legacy' for redevelopment including housing. As discussed above, LP Policy DS3 is the strategic development site policy for Charlestown Works. It allocates the site (3.9 hectares) for business / industry, residential development of approximately 100 dwellings and lists specific requirements for development of the site.

7.31 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.

7.32 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.

7.33 The study provides an updated analysis of the housing mix required across the Borough as well as providing a more fine grained assessment of the recommended housing mix across each of the Local Plan Sub-Areas. For Glossopdale, the HELNA recommendations in relation to the mix of housing for both the Borough and Glossopdale are outlined alongside the proposed housing mix from the scheme and existing housing stock within the Simmondley Ward. Recommendations with a market adjustment are also provided for. This results 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 or more bed (%)
2022 HELNA High Peak	10	37	41	9	3
2022 HELNA High Peak (with market adjustment)	8	32	44	13	3
2022 HELNA Glossopdale	7	37	46	9	1
2022 HELNA Glossopdale (with market adjustment)	6	31	49	12	1

% of existing housing stock in Simmondley Ward (2021 Census)	1.7	8.6	45	44.7 (4 bed +)	n/a
Proposed mix	37.5% (9)	62.5% (15)	0%	0%	0%

7.34 Comparing the Borough proportions with Glossopdale, Glossopdale has a lower proportion of 1-bed properties than High Peak as a whole, both with and without the market adjustment. Glossopdale has the same proportion of two-bed and 5-bed plus properties as High Peak and a similar proportion of 4-bed properties. There are modestly higher levels of 3-bed properties in Glossopdale than the Borough.

7.35 The Census data showing existing housing stock in Simmondley ward shows there is a much lower proportion of 1-bed properties in the ward than Glossopdale and High Peak. There is an even greater difference in the proportion of 2-bed properties in Simmondley ward than High Peak and in Glossopdale it is much lower. Consequently, the proposed scheme housing mix would bring the proportion of 1 and 2 bed properties in the ward closer to the proportions in Glossopdale and High Peak and the HELNA recommendations for market housing as well as ward levels.

7.36 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.

7.37 Notwithstanding the provision of ground floor apartments, 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. In addition, High Peak access note the provisions of steps to the apartment access doors, omission of an emergency access accessible for disabled people and the five accessible parking bays are shown to Block 2 only. The provision of Proposed Site Plan D attempts to address some of these matters highlighted by High Peak Access with regard to the re-siting of disabled car parking spaces and omission of external

stepped accesses. Notwithstanding this, however, 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.

7.38 Furthermore, 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 property requirements.

7.39 For Block 1, the scheme provides for 3 different floor layouts, comprising of two bedroom apartments on the ground floor, which are replicated on the first and second floors of the building. The 2nd bedroom has also been demarcated as “bedroom / office”.

7.40 For Block 2, the scheme provides for 5 different floor layouts, comprising of two bedroom apartments on the ground floor, which are replicated on the first and second floors of the building.

7.41 Critically, scheme house types do not meet overall minimum property standards as detailed in the table below. Furthermore, a genuine one-bedroom apartment has not been provided for with reference to the further “bedroom / office” room as indicated. In these circumstances, the applicant has been advised to remove the reference to bedroom on the relevant floor plans.

	No.Bed Spaces	Double Bedroom >11.5sqm	Single Bedroom >7.5sqm	Storage >2sqm	GIA Sqm	NDSS Sqm
Block 1						
1	2b3p	No	Yes	No	60.1	61
2	2b3p	Yes	No	No	47.8	61
3	2b3p	No	-	No	45.4	70
Block 2						
1	2b3p	No	No	No	51.2	61
2	2b3p	No	No	No	50.4	61
3	2b3p	Yes	Yes	No	60.8	61
4	2b3p	Yes	Yes	No	51.9	61
5	2b4p	No	-	No	78.7	70

7.42 In addition, the scheme does not demonstrate how the internal spaces for each individual dwelling achieve specialist housing need requirements (or could be adapted to) or meet with the NDSS minimum property standards.

7.43 Accordingly, the scheme would conflict with the internal space and accessibility requirements of LP Policies SS1, S5 and H3, the Planning Obligations SPD and the HELNA as well as the NPPF. This matter will be returned to within the conclusion section of the report below.

Affordable Housing

- 7.44 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. Ordinarily, the requirement for the application site would be 20% (between 5-24 units or a site >0.16ha) equating to 5 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. In exceptional cases, the Council may allow provision off-site or a financial contribution of broadly equivalent value.
- 7.45 Notwithstanding the above requirements, the current scheme would be increasing the number of residential units on the wider Charlestown Works site by 25% (from 96 to 120) whereby significant s106 concessions have already been permitted. Accordingly, LP Policy H4 requires 30% of affordable housing on sites of 25 units or more ordinarily equating to 36 onsite units. In addition, where the provision of affordable houses proposed is below the requirements set out above, Policy H4 requires applicants to provide evidence by way of a financial appraisal to justify a reduced provision as reflected within paragraph 58 of the NPPF.
- 7.46 As already outlined, no affordable housing units were included within the reserved matters consent scheme for viability reasons. At that time, the applicant's independently assessed Viability Report demonstrated the inclusion of affordable housing and s106 contributions secured as part of the outline consent would make the reserved matters scheme unviable with a significant developer loss. Critically, the omission of affordable housing provision from the residential aspect of the development was justified on the basis of allowing for a cross subsidy of the commercial / employment element in relation to Phase 3 of the consent.
- 7.47 In particular, employment provision was acknowledged as making a significant contribution to the provision of new commercial floor space in the Borough, including the delivery of 100 plus new jobs. Phase 3 was required to be delivered following the occupation of a specified number of dwellings and to an agreed specification to realise the economic benefits of the wider scheme. These matters were secured as per the approved Deed of Variation to the original s106 attached to the outline consent, which has not been complied with as discussed above. In addition, a restriction to the reserved matters consent was imposed as a planning condition (Condition 11) to avoid any future change of use to residential uses under permitted use rights to ensure the economic benefits of the scheme were delivered as promised.
- 7.48 Notwithstanding loss of employment land / premises matters raised above, consideration by the applicant should be given to the impact of an additional 24 market dwellings (as sought by this proposal) to the viability of the reserved matters consent given the omission of affordable housing from the consented scheme previously. Accordingly, an updated financial viability appraisal to

determine whether policy compliant affordable housing provision (or a reduced amount) should be provided by the applicant as a result of the increased number of market dwellings being incorporated into the wider Charlestown Works development.

- 7.49 The applicant has now submitted a financial viability appraisal on the 7th May 2024, however, only seeks an extension of time agreement (EoT) to the 30th June 2024. In these circumstances, the proposed EoT would be insufficient to allow for the independent assessment of the viability appraisal and thereafter presentation to DC Committee. These matters amount to unreasonable behaviour by the applicant. In addition, given marketing concerns attempting to justify loss of employment land / premises, and other issues raised, it is considered such matters should be addressed within a fresh planning application submission.
- 7.50 Consequently, insufficient information has been provided by the applicant in relation to viability matters concerning the wider scheme consented to determine whether any affordable housing provision would be required as a result of the proposed development for an additional 24 market dwellings.
- 7.51 Accordingly, the scheme would conflict with the requirements of LP Policies SS1, DS3, H4 and CF7, Planning Obligations SPD as well as the NPPF. This matter will be returned to within the conclusion section of the officer report below.

Heritage

- 7.52 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. In particular, LP Policy EQ7 'Built and Historic Environment' seeks to protect the historic environment and conserve heritage assets in a manner appropriate to their significance.
- 7.53 In relation to heritage matters, paragraph 200 of the NPPF states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".
- 7.54 In addition, paragraph 209 of the NPPF states: "The effect of an application on

the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

- 7.55 The site is identified on the Derbyshire County Council Historic Environment Record (HER) Monument record ref. MDR689 ‘Turn Lee Paper Mills (site of), Turnlee Road, Glossop’ (Paper mill in existence by 1835, which ceased production in the 1960s).
- 7.56 With regard to archaeological matters, paragraph 200 of the NPPF states: “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.
- 7.57 At the reserved matters stage, the County Archaeologist had no comments to make on the submission given archaeological and built heritage recording were addressed by conditions attached to the outline consent. The County Archaeologist has subsequently confirmed the submission and review of a draft Written Scheme of Investigation (WSI) in 2017 for the development works in relation to the wider Charlestown works consent. Whereby additional work, an amendment of the WSI, the excavation of evaluation trenches and other mitigation as deemed necessary was discussed with the site contractor. These matters are, however, confirmed as outstanding in relation to conditions attached to the outline consent in relation to the build out of the wider Charlestown Works development. In relation to the scheme, however, the site has been cleared and footings have been constructed in relation to the approved office block building 1.
- 7.58 Further discussions held with the County Archaeologist confirm an objection to the application as submitted, which does not meet the threshold of paragraph 200 of the NPPF. In these regards, the applicant has not set out the significance of the heritage assets to be affected in the form of a Heritage Statement submitted in support of the application scheme as a pre-determination matter.
- 7.59 Accordingly, the scheme would conflict with the requirements of LP Policies SS1 and EQ7 as well as the NPPF. This matter will be returned to within the conclusion section of the officer report below.

Design / Layout

- 7.60 In relation to achieving high quality design, NPPF paragraph 135 of the states: “Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

7.61 Furthermore, paragraph 139 of the NPPF advises: “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

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

7.63 LP Policy EQ9 of the adopted Local Plan seeks to protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. This will be achieved by:

- Requiring that existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss;
- Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1;
- Resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.

7.64 Positively, the former office building immediately to the north of the application site has been converted therefore preserving some linkages to the history of the former paper mill. The broad demolition of the wider Charlestown site was supported on the basis of vacant buildings which were in a poor state of repair and no longer fit for purpose. It was considered the re-development of the wider site as proposed could restore the townscape contribution experienced while travelling along Charlestown Road, which would be lost through the

demolition of the buildings and therefore enhance this gateway site into Glossop town. In these regards, the planning balance favoured the demolition and re-development of Charlestown Works due to the social, economic and environmental benefits of the scheme put forward at the reserved matters stage.

- 7.65 Of relevance to the application proposal, the scale and design of the proposed new build office blocks (and the building conversion to apartments north of the application site) is viewed as contextually appropriate and sympathetic to the industrial historical legacy of Charlestown Works. Consequently, there are no objections to the full submission broadly replicating this aspect of the consented scheme.
- 7.66 The submitted landscape plan (although not updated to accord with the latest site plan rev D) indicates the trees alongside the watercourse would be retained and some new tree planting would take place within the site, which would together serve to soften the visual impact of the development to a degree. The external space of the scheme, however, is presented as a parking court with limited landscaping and residents communal space thereby creating a poor sense of place and therefore objections to the layout.
- 7.67 The comments of the Council's Arboricultural Officer are awaited and Members are directed to the Updates Report in these regards.
- 7.68 With regard to the latest site layout plan, the Council's Alliance Environmental Services Team highlight the proposed bin storage areas would be insufficient for the number of apartments as proposed therefore raising scheme objections in these regards.
- 7.69 The comments of Derbyshire Constabulary's Design Out Crime Officer concerning detailed matters in relation to enclosure, cycle storage and lighting in particular could be dealt with by planning conditions should the scheme be approved.
- 7.70 LP Policy EQ6 'Design and Place Making' also stipulates that development should achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity.
- 7.71 With regard to the proposed residential apartment building (block 1), the consented reserved matters scheme for office block 1 forms a fallback position to some degree regarding the amenity relationship with the opposing building (now converted to dwellings), which lies immediately to the north of the application site boundary. In these regards, the separation distance of 8.5 metres (at its closest point) between the side elevations of the proposed residential block (north side) and the now converted residential building (south side) had been accepted for the consented mixed use scheme.
- 7.72 Notwithstanding the above approved position, the proposed change of use

from commercial to residential is likely to present different patterns of occupation, with the office use likely being unoccupied during evenings and weekends.

- 7.73 To overcome privacy / overlooking concerns, the applicant has submitted revised plans for proposed apartment block 1, which illustrate a reduction in glazing to its northern elevation, however, the corresponding floor plans do not appear to have been updated. Given that this distance is substantially below the Council's privacy standards (21m), the development would cause harm to the amenities of the adjacent apartment block to the north. The revised elevations still retain windows serving habitable rooms (bedrooms, lounge areas) on the northern elevation of proposed apartment block 1. The greater separation distance of 18.0 metres, whilst just below the Council's privacy standards (at its closest point) between the side elevations of proposed residential block 1 (south side) and block 2 (north side) would, on balance, constitute an acceptable 'privacy' distance between opposing windows serving habitable rooms.
- 7.74 In these regards, the scheme proposals do not accord with the amenity standards outlined in the Residential Design Guide SPG in respect of overlooking / privacy issues in particular. As such, the existing amenity standards enjoyed by the residents of surrounding properties and future occupiers are considered to be significantly harmed.
- 7.75 Accordingly, the scheme would conflict with the requirements of LP Policies SS1 and EQ6 alongside with guidance contained within the Council's High Peak Design Guide and Residential Design SPDs, as well as the NPPF. This matter will be returned to within the conclusion section of the officer report below.

Pollution and Unstable Land

- 7.76 LP Policy EQ10 'Pollution and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary. 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".
- 7.77 The Council's Environmental Health Department have confirmed no objection to the proposed development subject to recommended planning conditions. In these regards, the preliminary contaminated land risk assessment submitted in support of the application has been accepted (GeoAssist, "Phase I Desk Study and Preliminary Contaminated Land Risk Assessment" (ref: 6114/VCW V1.00 PCLRA) dated February 2023) and should be progressed to a phase 2 intrusive investigation.
- 7.78 Of note, the application site lies adjacent to industrial / storage use uses to its west and south boundaries. Previously, the application site fronting onto Charlestown Road was proposed for re-development to a B1 office use. In

these regards, there are insufficient separation distances between the proposed apartments and the neighbouring industrial premises to ensure a satisfactory standard of amenity for future residents without securing suitable noise mitigation measures. Consequently, details of a sound insulation scheme for all residential units would need to be agreed to protect the amenity of future occupants with regard to noise matters from the adjacent industrial estate as well as other environmental noise sources, including road traffic.

7.79 In addition, it would be important to protect the amenities of neighbouring properties during the construction phases of the development, including the requirement for a Construction Method Statement and a restriction on construction activities to reasonable hours.

7.80 Consequently, the proposal would be in accordance with LP Policies EQ6 and EQ10 as well as the NPPF subject to the imposition of planning conditions to address the above matters. This matter will be returned to within the conclusion section of the officer report below.

Highway Safety / Access

7.81 LP Policy CF6 'Accessibility and Transport' seeks to ensure new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. It aims to ensure that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of it.

7.82 In addition, NPPF paragraph 115 advises: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.83 The vehicular access to the proposed apartment blocks would be retained as approved leading from Charlestown Road into a private parking court. The latest proposed site plan (rev D) shows a total of 42 car parking spaces, 5 of which would be for disabled provision, indicative cycle storage provision alongside 2 communal bin storages areas. Of relevance, LP Appendix 1 Parking Guidance requires 1.5 spaces per unit for one and two-bed properties and also a single cycle parking space per unit if no garage or shed is provided. In these regards, there is considered to be an over provision of car parking spaces.

7.84 The Local Highway Authority have raised particular concern with regard to car parking spaces shown positioned in close proximity to the junction with Charlestown Road to allow safe turning off the main spine road and maintain these objections with regard to the provision of the latest site plan (Rev D).

7.85 In relation to the submitted travel plan, the County Council consider the main opportunity to influence modal shift for this scheme would be in relation to design and layout matters including addressing pedestrian access, EV charge

points and cycle storage provision. Furthermore, upgrading works should be carried out to nearby bus stops as specified within their response. The travel plan document is stated as requiring additional work and therefore confirmed by County as unacceptable in its current form requiring the imposition of a planning condition in the event the scheme is approved. In addition, the Travel Plan monitoring fee is confirmed as £1,265.00 per annum over a five year period (totalling £6325.00) and would need to be secured via a s106 agreement.

7.86 Accordingly, the scheme would conflict with the requirements of LP Policies SS1, EQ6 and CF6 as well as the NPPF. This matter will be returned to within the conclusion section of the officer report below.

Ecology

7.87 LP Policy EQ5 states that the biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests. The policy then goes on to identify how this will be achieved, specifying a number of criteria.

7.88 The application site is not designated under any statutory ecological designation, including local designation. The wording of LP Policy EQ5 requires that development proposals should conserve biodiversity by ensuring no significant harm to these interests. With regards to the site there is no requirement under the policy to achieve an overall biodiversity net gain, albeit the supporting text does seek this where possible.

7.89 NPPF paragraph 186, however, identifies amongst other matters that 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”.

7.90 A number of planning conditions were attached to the outline consent relating to protection, mitigation and enhancement of biodiversity on the wider Charlestown site, including the requirement for a Landscape Management Plan, an Ecological Management Plan, a method statement for the removal of invasive species, mitigation measures for bats, no vegetation removal or demolition of buildings during the bird breeding season, and a requirement for a detailed lighting strategy.

7.91 Derbyshire Wildlife Trust (DWT) have reviewed the Preliminary Ecological Appraisal (PEA) dated January 2023 submitted with the application scheme. The PEA confirms the application site is dominated by bare ground and forms an active construction site. A building (B1) is present immediately adjacent to site, which spans Bray Clough and was considered to have high bat roost potential. The offsite portion was also considered to have hibernation potential as confirmed by DWT. Currently no works / demolition of this building are proposed as part of this application scheme and therefore no further surveys

are required. In addition, the applicant has confirmed the building is not within their ownership and is unregistered despite being included within the red edge location plan for previous consents.

7.92 DWT state other site constraints are limited to nesting birds in existing trees and the presence of the watercourse. In these regards, the submitted landscape plan indicates the trees alongside the watercourse would be retained. Accordingly, DWT advise sensitive lighting, together with biodiversity enhancements, and no vegetation removal during the bird nesting season are secured through appropriate planning conditions to ensure there are adequate safeguards in place to protect biodiversity interests. No further surveys are advised as being required at this time.

7.93 Accordingly, the scheme would meet with the requirements of LP Policies SS1 and EQ5 as well as the NPPF. This matter will be returned to within the conclusion section of the officer below.

Flood Risk / Drainage

7.94 LP Policy EQ11 'Flood Risk Management' states that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development.

7.95 In addition, NPPF paragraph 165 states: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

7.96 Furthermore NPPF paragraph 175 states: "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits".

7.97 The application site falls within Flood Zone 3. A revised Flood Risk Assessment and Drainage Strategy (FRA) latterly accompanies the submission to overcome objections from the Lead Local Flood Authority (LLFA). In these regards, it now includes the sequential / exception tests, mitigation measures, including elevated building levels and has investigated the existing culvert to the western boundary of the site proposed for site

surface water run-off.

7.98 Following further consultation in respect of the revised FRA, the LLFA confirm no objections to the scheme subject to recommended planning conditions in relation to securing a detailed drainage scheme with associated management plan, appropriate management of surface water during construction and verification of the approved drainage scheme once implemented.

7.99 The comments of the Environment Agency, however, are awaited and Members are directed to the Updates Report in these regards.

Planning Obligations

7.100 LP Policy CF7 'Planning Obligations and Community Infrastructure' requires development proposals to provide planning obligations where relevant and necessary to mitigate against the impact of the development. The consultation responses above have identified the following financial contributions based on the scheme for 24 units would be required as follows:-

Public Open Space

7.101 The comments of the Council's Service Development Officer regarding public open space requirements generated by the scheme are awaited and Members are directed to the Updates Report in these regards.

Affordable Housing Provision

7.102 This matter has been considered in the relevant part of the report above.

County Education (School Facilities)

7.103 No financial contributions are sought towards the provision of additional education facilities concerning the revised response from the County.

County Highways (Travel Plan)

7.104 The Travel Plan monitoring fee is confirmed as £1,265.00 per annum over a five year period (totalling £6325.00).

7.105 Accordingly, officers are satisfied that the above requirements arising from the development can be secured within a s106 agreement for the scheme to accord with LP Policy CF7 'Planning Obligations' in particular. The provisions made within the s106 agreement also meet the relevant tests at NPPF paragraph 56 and Regulation 122 of the CIL Regulations.

Other Matters

7.106 Enforcement investigations are ongoing with regard to breaches of the relevant planning permissions and s106 agreements.

PLANNING BALANCE & CONCLUSION

- 8.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. 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 currently consists of the High Peak Local Plan 2016.
- 8.2 The proposed scheme raises a number of significant issues amounting to scheme harm as summarised below. Firstly, no substantive evidence has been provided by the applicant to justify the loss of employment land and premises. Furthermore, insufficient information has been provided by the applicant to determine the level of affordable housing provision which would be required as a result of the proposed development proposing additional market dwellings.
- 8.3 In addition, the scheme would not provide for an appropriate range of housing types 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. The requirement to comply with NDSS are also not provided for.
- 8.4 Furthermore, insufficient information has been submitted with the application to describe the significance of any heritage assets affected by the scheme to be able to understand the potential impact of the proposal on their significance.
- 8.5 Also, the scheme would not provide for a sense of place and well-being integral to securing high quality design with particular regard to design, layout and landscaping matters. In addition, the proposals do not accord with the amenity standards in respect of overlooking / privacy issues.
- 8.6 Finally, the Local Highway Authority have raised particular concern with regard to car parking spaces shown positioned in close proximity to the junction with Charlestown Road.
- 8.7 Members are directed to the Updates Report concerning outstanding matters in relation to flood risk matters.
- 8.8 Overall, other considerations, including the significant social and economic benefits of housing provision do not clearly outweigh the harm identified above.
- 8.9 Accordingly, the development is contrary to the provisions of the development plan as a whole, relevant supplementary planning documents / guidance as well as the National Planning Policy Framework and should be refused.

9. RECOMMENDATIONS

A. REFUSE as follows:

- 1. No substantive evidence has been provided by the applicant to demonstrate the consented B1 (office) units are no longer required for the purposes of offices and other business uses (formerly use class B1) to justify the loss of employment land and premises. Accordingly, the proposal is contrary to Policies SS1, S4, S5, E4 and DS3 of the Adopted High Peak Local Plan 2016 as well as the National Planning Policy Framework.**
- 2. Insufficient information has been provided by the applicant concerning viability matters in relation to the wider Charlestown Works consented development to determine the level of affordable housing provision which would be required as a result of the proposed development proposing 24 additional market dwellings. Accordingly, the proposal is contrary to Policies SS1, H3, H4 and CF7 of the Adopted High Peak Local Plan 2016, the 'Developer Contributions' 2023 Supplementary Planning Guidance (SPG) 2023 and the National Planning Policy Framework.**
- 3. The development proposal would not provide for appropriate range and size of housing types 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 High Peak Housing and Economic Land Needs Assessment (HELNA) (or successor documents) and the National Described Space Standards (NDSS). Accordingly, the proposal is contrary to Policies SS1, S5 and H3 of the Adopted High Peak Local Plan 2016 and the National Planning Policy Framework.**
- 4. Insufficient information has been submitted with the application to describe the significance of any heritage assets affected to be able to understand the potential impact of the proposal on their significance, including below ground archaeology. Accordingly, the proposal is contrary to Policies SS1 and EQ7 of the Adopted High Peak Local Plan 2016 and the National Planning Policy Framework.**
- 5. The development would not provide for a sense of place and well-being integral to securing high quality design with particular regard to layout and landscaping matters, including adequate refuse storage provision to meet the service needs of future occupiers. Accordingly, the proposal would be contrary to Policies SS1 and EQ6 of the Adopted High Peak Local Plan 2016, Residential Design Guide Supplementary Planning Document (SPD) 2005, High Peak Design Guide SPD 2018 and the National Planning Policy Framework.**
- 6. The development does not accord with the amenity standards outlined in the Residential Design Guide SPG in respect of overlooking / privacy issues. As such, the existing amenity standards enjoyed by the residents of surrounding properties and future occupiers are considered to be**

significantly harmed. Accordingly, the proposal would be contrary to Policies SS1 and EQ6 of the Adopted High Peak Local Plan 2016, Residential Design Guide Supplementary Planning Document (SPD) 2005 and the National Planning Policy Framework.

7. The development would not provide for safe turning from Charlestown Road with particular regard to the positioning of car parking provision shown in close proximity to the junction of the main spine road. Accordingly, the proposal would be contrary to Policies SS1, EQ6 and CF6 of the Adopted High Peak Local Plan 2016 and National Planning Policy Framework.

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 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.

Informative(s)

1. The applicant is advised that revised elevations to Proposed Block 1 (Rev) do not accord with the corresponding floor plans.

Location Plan

