

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 16th September 2024

Application No:	HPK/2024/0235	
Location	Former Zion Methodist Church, Simmondley Lane, Glossop	
Proposal	Variation of Condition 2 relating to HPK/2022/0353	
Applicant	Matthew Sharp, Mellor Homes Ltd	
Agent	JDA Architects	
Parish/ward	Simmondley Ward	Date registered 3 rd June 2024
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve

1. REASON FOR COMMITTEE DETERMINATION

1.1 This application has been brought before the Development Control Committee because the original application was determined by the committee.

2. PROCEDURAL MATTERS

2.1 It was identified during the consultation period that the applicant had failed to complete and sign the correct Certificate of Ownership to accurately reflect the fact that part of the land subject of the application (Adderley Place) is not within the control/ownership of the applicant.

2.2 Upon identifying this issue, the correct Certificate (Certificate C) has been completed, signed and forwarded to the Local Planning Authority. In addition, the application has been advertised in the local press for a period of 21 days. As a consequence, the application is compliant with relevant matters set out within the Town and Country Planning (General Management Procedure) (England) Order 2015 as amended.

2.3 Both the updated signed Certificate and the Press Advert are available to view online within the planning application file.

2.4 Furthermore, it was also identified that the site boundary as shown on the location plan depicted by a red line did not align with that approved under the extant (original) planning permission (HPK/2022/0353). A revised location plan has been received which shows the correct red

edge that is consistent with that approved under the previous application.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application seeks to vary condition 2 to HPK/2022/0353. This condition contains the approved plans that the development is required to be in accordance with.

3.2 The proposed variation of condition 2 amounts to the substitution of the approved site plan and elevations of all House Types (A-E) with revised amended plans.

3.3 The original (approved) drawings to be replaced are as follows:

Proposed Site Plan	(Ref: 1283-A-DR-001 Rev I)
House Type A	(Ref: 1283-A-DR-004 Rev A)
House Type B	(Ref: 1283-A-DR-007 Rev B)
House Type C	(Ref: 1283-A-DR-010 Rev B)
House Type D	(Ref: 1283-A-DR-014 Rev B)
House Type E	(Ref: 1283-A-DR-017 Rev A)

3.4 In its latest form, these plans are sought to be replaced with the following:

Proposed Site Plan	(Ref: 1283-JDA-XX-XX-DR-A-0100 P04)
House Type A	(Ref: 1283-A-DR-004 Rev P05)
House Type B	(Ref: 1283-A-DR-007 Rev P05)
House Type C	(Ref: 1283-A-DR-010 Rev P06)
House Type D	(Ref: 1283-A-DR-014 Rev P05)
House Type E	(Ref: 1283-A-DR-017 Rev P05)

4. RELEVANT PLANNING HISTORY

4.1 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)

HPK/2022/0353 Erection of 8 residential dwellings with associated landscaping (Approved 23/08/2024)

5. LOCAL AND NATIONAL PLANNING POLICIES

- 5.1 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.
- 5.2 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 determining applications.

HIGH PEAK LOCAL PLAN 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

NATIONAL PLANNING POLICY FRAMEWORK 2021

- Achieving Sustainable Development Chapter 2
- Promoting Sustainable Transport Chapter 9
- Achieving Well Designed and Beautiful Places Chapter 12

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 2 nd August 2024
Neighbour Letters	Expiry date for comments: 28 th June 2024
Press Notice	Expiry date for comments: 15 th August 2024

- 6.1 The following comments have been received from relevant consultees

Derbyshire County Council Highways

Initial Response:

The submitted drawing Ref: 0100 P05 shows a reduction of trees and that the applicant is still proposing to retain the cobbles and repair the surface of that section of the footpath, but a concern is that these works are now outside the red line boundary, so can you confirm that the aforementioned works are still proposed?

Further Response:

No objection. The applicant has now submitted amended drawings which addresses the initial concerns, so the Highways Authority confirms that the

details contained within the submitted information (Location Plan Rev B & Site Plan P06) are sufficient.

6.2 The application has been the subject of a single comment from a local resident that in summary, makes the following points:

- Lack of consultation
- Revised site plan shown to be full width of Adderley Place which is in 3rd party ownership and not consistent with original plans
- Encompassing Public Right of Way (Adderley Place) raises safety issues
- Lack of engagement from developer in relation to civil matters

7. OFFICER ASSESSMENT

Principle of Development

7.1 The principle of development (i.e. residential development in this location) has been established by virtue of the extant planning permission granted under HPK/2022/0353, with all pre-commencement conditions having recently been discharged.

Design, Character and Appearance

7.2 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.

7.3 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

7.4 Paragraph 135 of the NPPF states amongst other matters that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

7.5 The proposed house type elevation drawings submitted with this application show that the vast majority of the architectural features and design aspects relating to house types originally approved under HPK/2022/0353 are consistent. Subtle changes exist in the form of the levels of fenestration which include the addition of utility doors to plots 2 and 8 as a direct result of approved ground floor levels by virtue of discharging Condition 5 associated with the original consent. The size and scale of all house types remain unaltered.

- 7.6 The changes to house types shown on the revised elevation plans are not considered to materially alter the character and appearance of each residential dwellinghouse, or the wider development as a whole, and would result in no material change to the street scene and wider area. Similarly, minor proposed changes to the access from Adderley Place, which involves a minor change to bell mouth of the junction, is not considered to result in any material change to the character and appearance of the site or wider street scene.
- 7.7 As such, the proposed variation to Condition 2 applied to HPK/2022/0353 by virtue of substituting original plans with revised plans continues to ensure that the development aligns with design principles set out under LP Policies S1 and EQ6 and relevant paragraphs under Chapter 12 of the NPPF.

Highway Safety

- 7.8 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. Suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan should be provided.
- 7.9 Paragraph 114 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.
- 7.10 Paragraph 115 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.
- 7.11 The application seeks to substitute the originally approved site plan with an amended site plan that shows a minor change to bell mouth of the junction with Adderley Place with regards to its width and its angle into the site and a very minor change to the orientation of one parking space associated with Plot No.8.
- 7.12 After seeking clarification on the extent of the site boundary the Highways Authority have confirmed that they have no objection to this amendment and as such the application is considered to continue to present a safe and suitable access and thus be compliant with LP Policy CF6 and paragraph 114 of the NPPF.

Other Matters

- 7.13 Concerns have been raised with regards to the level of neighbour consultation.

- 7.14 In line with the requirements of the Town and Country Planning (General Management Procedure) (England) Order (GMPO) the LPA has consulted all neighbours that immediately adjoin the site (Nos. 10 and 12 Simmondley Lane) in addition to the two closest properties to the site (Nos. 1 and 16 Simmondley Lane). In addition, a site notice has been erected close to the site giving the public 21 days to comment.
- 7.15 The above exceeds the minimum requirements for consultation and as such the application complies with the requirements of the GMPO.
- 7.16 The revised Location Plan aligns with that submitted with HPK/2022/0353. Providing the correct procedure has been followed with regards to land ownership, land being within 3rd party control has no bearing on the planning merits of an application. Any dispute with any other parties which may access rights would be a civil matter.
- 7.17 As set out under Section 2 of this report the correct publicity procedure has been followed by the applicant, with the applicant submitting a signed Certificate C and serving notice by way of a Press Advert in the local press, for a period of 21 days. This particular certificate is required where all owners of land are unknown.

Planning balance & Conclusion

- 7.18 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.
- 7.19 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.
- 7.20 This S73 application seeks permission to vary condition 2 to approved extent permission HPK/2022/0353 for 8no. dwellinghouses and associated landscaping on the site of the former Zion Methodist Church, Simmondley Lane, Glossop.

- 7.21 The proposed amendments amount to minor changes to some elevation details of the approved house types to reflect finished floor levels approved by way of discharging Condition 5 to HPK/2022/353, minor changes to the design of the junction to Adderley Place, and a very minor amendment to the orientation of a parking space relating to Plot No.8.
- 7.22 An assessment of the application has concluded that all amendments will continue uphold high standards of design and will not adversely affect highway safety, in accordance with all relevant local and national planning policies.
- 7.23 As such, the application is considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval.
- 7.24 All other (compliance) conditions other that have not been the subject of formal discharge under DOC/2023/0072 will continue to apply.

8. RECOMMENDATIONS

A. APPROVE, subject to the following conditions:

1. *3 years time limit from date of original consent*
2. *Accordance with approved plans*
3. *All facing materials to be in accordance with approved details under DOC/2023/0072*
4. *Boundary treatment to be introduced in accordance with approved details under DOC/2023/0072*
5. *All finished floor levels shall accord with details approved under DOC/2023/0072*
6. *Any window serving a bedroom to be glazed and obscured glass permanently maintained in that condition for lifetime of development*
7. *Development to be carried out in accordance with approved Drainage Scheme under DOC/2023/0072*
8. *No stripping, demolition or veg clearance between March-August*
9. *External lighting to be introduced in accordance with approved details under DOC/2023/0072*
10. *Development to be carried out in accordance with approved Landscape Proposals under DOC/2023/0072*
11. *Development to be carried out in accordance with approved Written Scheme of Investigation approved under DOC/2023/0072*
12. *Development to be carried out in accordance with 'Celtic Cross and Foundation Stone' detailed approved under DOC/2023/0072*
13. *Development to be carried out in accordance with Phase 2 Remediation Strategy approved under DOC/2023/0072.*
14. *Restriction of hours of construction*
15. *Development to be carried out in accordance with Arboricultural Method Statement approved under DOC/2023/0072*

16. *Access to be laid out in accordance with detailed approved under DOC/2023/0072*
17. *Turning head and footways to be laid out in accordance with details approved under DOC/2023/0072*
18. *Carriageways and footways as approved under DOC/2023/0072 shall apply up to and including binder course surfacing.*
19. *Turning arrangements for service and delivery vehicles to be implemented in line with approved detailed under DOC/2023/0072*
20. *Parking and manoeuvring space shall be implemented in accordance with approved detailed under DOC/2023/0072*
21. *No gates to open over public highway limits, set back 5m from carriageway edge*
22. *Development to be carried out in accordance with surface water drainage detailed approved under DOC/2023/0072*
23. *Management and maintenance of internal streets to be implemented in accordance with details approved under DOC/2023/0072*
24. *Delivery programme for roads and sewers to be implemented in line with approved details under DOC/2023/0072*
25. *Construction phase to be delivered in line with CMS approved under DOC/2023/0072*
26. *Cycle and Bin Storage to be implemented in line with detailed approved under DOC/2023/0072*
27. *Parking spaces to be laid out prior to first occupation*
28. *Pedestrian visibility splays (2.4m x 2m) to be provided to Plots 1 2 3 and 4 and maintained for lifetime of development*
29. *PD rights to be removed*
30. *Cobbled stones on Adderley Place to be retained and replaced where appropriate.*

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

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

Site Plan

