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**From:**  
**Sent:** 25 October 2022 23:24  
**To:** Planning Comments (HPBC)  
**Subject:** Comment Received from Public Access

**Categories:**

Application Reference No. : HPK/2022/0353 Site Address: Zion Methodist Church Simmondley Lane Simmondley Glossop Derbyshire SK13 6NS Glossop Comments by: Mr L Wilcox Construction Industry

From:  
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Phone:

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Submission: Objection

Comments: Planning Application HPK/2022/0353 Site Address: Zion Methodist Church Simmondley Lane Simmondley Glossop Derbyshire SK13 6NS

¿ Legal Considerations

It is accepted that HPBC/LPA have no statutory obligations in considering land ownership and associated civil and legal disputes in relation to the planning application site. However, it is the LPA statutory duty to consider such issues in accepting planning applications, supporting evidence, and statutory issue of certificates in support of application under the Town & Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The above site application is pivotal on vehicular access from two newly formed openings via a private and unadopted roadway, and potentially overspill parking by new residents and visitors on such roadway due to previously identified development site shortfalls which do not accord with the 2016 adopted development plan appendix 1. Such predicted conduct may also obstruct a public right of way (as currently demonstrated at demolition stage) across the private roadway, namely, Adderley Road. The applicant for current demolition process approved (DET/2021/0019) holds land title and plan registered with HMLR ref DY451343. Said registered title and plan provides no prescriptive legal rights to park or vehicular access to the site via the above unadopted private roadway. Current application HPK/2022/0353 should be read in consideration of a conveyance of 6th August 1927 which likewise does not provide such prescriptive legal rights. Regardless, the current residential occupants of all homes at Adderley Place, and associated land, nature reserve, and social premises owners, do hold prescriptive legal rights of such access and usage and are therefore worthy of consideration and notification under the above statutes. Regrettably, the applicant of HPK/2022/0353 has chosen to serve certificate A only to themselves in support of their application and failed to serve certificate B on all other parties in accord with the above statutes. In consideration of the above, this renders said application unlawful and should not have been validated by the LPA.

Public Consultation.

¿ No public consultation site notice in relation to application HPK/2022/0353 has been publicised on, or adjacent to the application site in accord with the above statutes. If it has, is or was, HPBC/LPA are put to strict proof of evidence, but site and adjacent land inspection indicates otherwise.

¿ Properties at 1, 10, 12 & 16 Simmondley Ln are the only direct publicly advised consultees to the above application. The owners of 1 to 5 Adderley Place, two additional adjacent detached properties, Dinting Scout Group, Dinting Cricket Club, adjacent landowners, and Platts Wood Nature Reserve trustees have not received any such direct consultation.

Application Form HPK/2022/0353

¿ Application HPK/2022/0353 clearly indicates - In answer to the question - Please specify each type of housing and number of units proposed? - The applicant states 4 beds+(plus) = 8 units. 4-bedroom units total = 8. Total bedroom = 8. Clearly the application includes 7 x 4 bed and 1 x 5 bed residences giving a total number of bedrooms as 33. The above clearly influences the actual number required of on-site parking spaces to be provided in accord with Appendix 1 of the adopted development plan of 2016 to which it does not accord.

## Ecology

¿ Application Form to HPK/2022/0353 and Ecology Report Supporting Evidence.

In answer to the question - Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

The applicant answers no, which quite clearly is not the case as the site and adjacent areas and nature reserve contain copious protected species. It is duly noted that no HPBC arboriculture officer has been consulted.

In answer to the question are there any trees or hedgerows on the proposed development site? the applicant answers yes. This conflicts with the applicant's ecology report which states - An area of rank grassland to the west of the building would also be lost although trees along the western site boundary would be retained (some trees within the grassland have recently been felled) (that is pre-application) A line of semi-mature silver birch and grey willow trees demarcate the western site boundary, while beech woodland with limited understory and ground flora exists to the north of the site and slopes down to the A57.

In consideration of the above, application HPK/2022/0353 should be refused.

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