



Niall Mellan
Hourigan Planning
10th Floor, Chancery Place 50 Brown Street
Manchester
M2 2JG

Wain Homes
c/o agent

Application no: HPK/2022/0456

Determined on: 27th October 2023

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:

Land At Dinting Vale Dinting Glossop Derbyshire

Description of Development:

Proposed residential development comprising 92 dwellings including areas of public open space, landscaping and associated works

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref:

- 192. Apartment Bin Store Plans Drwg No. WH/DV/HT/BS/01.
- 207. Railing Detail.
- 226. Trim Trail Area 102 Rev B.
- 231. BNG Strategy and 30 Year Management Plan.
- 253. Cycle Store Details WH_DV_CS02.
- 267. Laurel House Type Elevations and Floor Plans LAU.3B843.CL.P.S.01.
- 268. Peppercorn House Type Elevations and Floor Plans PEP.3B1010.CL.P.S.01.
- 269. Satinash House Type Elevations and Floor Plans SAT.NM.P.S.01.
- 270. Willow House Type Elevations WIL.NM.P.F.02.
- 271. Willow House Type Floor Plans WIL.NM.P.F.01.
- 272. Willow House Type (Plot 1) Elevations WIL.NM.P.F.02.
- 273. Willow House Type (Plot 1) Floor Plans WIL.NM.P.F.01.
- 274. Acacia House Type Elevations and Floor Plans ACA.3B939SA.CL.P.S.01.
- 275. Foxglove House Type Elevations FOX.NM.P.F.02.
- 276. Foxglove House Type Floor Plans FOX.NM.P.F.01.
- 277. Juniper House Type Elevations JUN.NM.P.S.01.
- 278. Juniper House Type Floor Plans JUN.NM.P.F.01.





- 279. Witchazel House Type Elevations WIT.NM.P.F.02.
- 280. Witchazel Houe Type Floor Plans WIT.NM.P.F.01.
- 281. Double Garage Plans LDG.CE.1.0.S Rev B.
- 282. Paired Garage LPG-CE-1.0-S Rev A.
- 283. Reversed Paired Garage RPG-CE-1.0-S.
- 284. Single Garage Plans LSG-CE-1.4-S Rev A.
- 291. External Works Sheet 1 WAI25-XX-BET-ZZ-XX-DR-C-3001- P02.
- 292. External Works Sheet 2 WAI25-XX-BET-ZZ-XX-DR-C-3002- P02.
- 293. External Works Sheet 3 WAI25-XX-BET-ZZ-XX-DR-C-3003- P02.
- 294. External Works Sheet 4 WAI25-XX-BET-ZZ-XX-DR-C-3004- P02.
- 295. External Works Sheet 5 WAI25-XX-BET-ZZ-XX-DR-C-3005- P02.
- 296. Bat and Bird Box Location Rev A.
- 299. Road 1 and Cyclepath Longitudinal Section WAI25-XX-BET-XX-XX-DR-C-1010-P01
- 321. Chinley Apartments Floor Plans WH/DV/CHA/PP/01 Rev A.
- 322. Chinley Apartments Elevations WH/DV/CHA/PE/01 Rev A.
- 326. Colour Site Layout - WH_DV_CSL_01 rev M.
- 327. Proposed Site Layout - WH_DV_PSL01 rev N.
- 328. Amenity Distances Plan - WH_DV_ADP_01 rev A.
- 329. Adoptable Highways Plan - WH_DV_AHP_01 rev K.
- 330. Boundary Treatment Details - WH_DV_BT_D_01 rev C.
- 331. Boundary Treatment Plan - WH_DV_BTP_01 rev N.
- 332. Cycle Storage Plan - WH_DV_CS_01 rev I.
- 333. Design and Access Statement - WH_DV_DAS rev K.
- 334. Electric Vehicle Charging Plan - WH_DV_EVC_01 rev K.
- 335. Hardstanding Plan - WH_DV_HP_01 rev K.
- 336. Interface Distances Plan - WH_DV_IDP_01 rev I.
- 337. Materials Plan - WH_DV_MP_01 rev L.
- 338. Net Developable Area - WH_DV_NDA_01 rev J.
- 339. Storey Heights Plan - WH_DV_SHP_01 rev K.
- 340. Site Sections - WH_DV_SS_01 rev F.
- 341. Street Scenes - WH_DVG_SS_02 rev D.
- 342. Street Scenes - WH_DVG_SS_03 rev A.
- 343. Waste Management Plan - WH_DV_WMP_01 rev K.
- 348. Landscape Masterplan 101 Rev L
- 349. Planting Plan (1 of 4) 201 Rev J
- 350. Planting Plan (2 of 4) 202 Rev J.
- 351. Planting Plan (3 of 4) 203 Rev J.
- 352. Planting Plan (4 of 4) 204 Rev J.

for the reason(s) specified below:-

1. The A57 Dinting Vale is already designated as an Air Quality Management Area (AQMA) and there is potential for the level of air pollution in the area to be further increased due to increased traffic levels, leading to concerns around the impact on health of people, in particular children, in the area. Whilst it is acknowledged that the





developer proposes Section 106 Contributions towards Air Quality Monitoring in the area and sustainable travel feasibility studies, this will not mitigate the actual impact of the development. As such the proposal is contrary to Policy EQ10 of the adopted High Peak Local Plan 2016 and the NPPF.

2. The position of the proposed highway access road from the A57, part of which lies outside the Local Plan allocation, in close proximity to the school, would result in an unacceptable risk to road safety. The proposal therefore fails to achieve safe and suitable access contrary to Policy CF6 of the adopted High Peak Local Plan 2016 and the NPPF.
3. The proposed section 106 package fails to achieve a policy compliant level of affordable housing and fails to fully mitigate for the substantial tree loss and loss of biodiversity on the site. Whilst the viability issues are noted, in the absence of a policy compliant Section 106 package the residual harm arising from the development is considered to outweigh the benefits of delivering this allocated housing site contrary to Policies DS4, EQ9, EQ5, H3 and H4 of the adopted High Peak Local Plan 2016 and the NPPF.
4. There is potential for the public right of way onto Simmondley Lane to be used as a "rat-run" for vehicle access, and the absence of any detailed and workable proposals for preventative measures within the application, which would also allow the access rights for existing residents to be maintained, the proposal is considered to pose a risk to the safety of users of the right of way and a highway safety risk at the junction with Simmondley Lane contrary to Policies EQ6 and CF6 of the adopted High Peak Local Plan 2016 and the NPPF.

Informatives

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite amendments, the Committee did not consider that these were sufficient to overcome the issues identified above.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

1. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

2. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.





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