

DELEGATED DECISION REPORT

HPK/2024/0238
Valid 22/08/2024

TALBOT HOUSE
TALBOT MANOR TALBOT
ROAD
GLOSSOP

APPLICATION FOR OUTLINE
PLANNING PERMISSION WITH
SOME MATTERS RESERVED
FOR PROPOSED 1.5 STOREY
DWELLING ON LAND AT
TALBOT HOUSE.

(OUTLINE - MINOR APPS)

MAIN ISSUES

- Principle of Development
- Matters of Design not Reserved (Access, Layout, Scale)
- Heritage Assets
- Trees
- Amenity
- Ecology & Biodiversity Net Gain
- Highway Safety

DESCRIPTION OF SITE

The application site refers to a triangular parcel of land which is accessed via a shared single access track heading northwards from Talbot Road, part of which was approved under HPK/2020/0018 serving residential development on the site of Talbot House.

The site is situated within the built-up area boundary of Glossop and within the Howard Park Conservation Area. The site is surrounded on three sides by mature trees and natural vegetation. Notwithstanding the fact that these trees are protected by virtue of being situated within the Conservation Area, they are also covered by a County Tree Preservation Order (TPO).

The site is characterised by an area of hard standing, which sits in an elevated location comparable to the public highway. The northern boundary is shared with a residential property Aniston House, North Road, whilst to the south-west situated on land at a considerably lower level stands two detached residential properties, Nos. 88 and 90 North Road, Glossop.

PROPOSAL

This application seeks outline planning permission with matters of access, layout and scale to be secured as a part of this application with matters of landscaping and appearance to be considered and determined under a reserved matters application.

The applicant has submitted revised plans and further information in an attempt to address and overcome objections raised by the County Tree Officer. As such, the plans and documentation that inform the recommendation are as follows:

Plans

Indicative House Layout (Ref: 2977-01 Rev C)
Site and Location Plan (Ref: 2977-01 Rev J)

Documents

Design, Access and Heritage Statement (Nov 2024)
Arboricultural Impact Assessment (August 2024)
Ecological Assessment (July 2024)

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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.

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
S2 Settlement Hierarchy
S3 Strategic Housing Development
EQ5 Biodiversity
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ9 Trees, Woodland and Hedgerow
EQ10 Pollution and Unstable Land
CF6 Accessibility and Transport

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 24th October 2024

Neighbour consultation period ends: 26th September 2024

Press Advert: N/A

Public Comments

3no. objections have been received in connection with this application. Grounds for objection are summarised as follows:

- Impact on protected trees
- Pressure on future works to protected trees in the interests of improving the amenity for future occupiers
- Unsatisfactory relationship with neighbouring dwellinghouses
- Light pollution generated from parking of cars
- Full details should be provided owing to the site being within the Conservation Area

A further objection from one resident has been received in relation to the latest revised plans. Grounds of objection are summarised as follows:

- Lack of information regarding relationship with Aniston House
- Clear that proposals continue to impact severely on protected trees
- Revisions will still cause pressure on future works to protected trees in the interests of the amenity of future occupiers

Two letter of support have been received.

Town / Parish Comments

N/A

AES Waste

Properties should be planned so that bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps through to the property. Garden gates need to be wide enough to accommodate a standards 240l bin.

Environmental Health Officer

No objections subject to conditions

Derbyshire Wildlife Trust

We have reviewed the information submitted, inclusive of the Preliminary Ecological Appraisal (Pennine Ecological, July 2024), Arboricultural Impact Assessment (Arbtech, August 2024), our Biological Record Centre Database (DBRC) and have the following recommendations and comments to make.

Designated Sites

No statutory or non-statutory sites lie within the application site or immediately adjacent to. The site lies within the Impact Risk Zone (IRZ) for Dark Peak Site of Special Scientific Interest (SSSI). However, the proposals do not fall within any of the identified risk criteria which would trigger a consultation from Natural England.

Furthermore, it is considered that negative effects on designated sites are highly unlikely and are therefore not discussed further.

The application site comprises developed land sealed surface, bramble scrub, other broadleaved woodland and a single individual large tree. The woodland is classed as Deciduous Woodland UKBAP Priority Habitat and therefore is considered that the application site holds 'Local' value.

We strongly encourage the retention of all woodland habitat as part of this development, especially trees which are protected under Tree Preservation Orders. We would advise that if any trees are to be removed as a result of the proposed development, then further consultation with an ecologist and tree officer will be required as further survey works may be necessary.

We would advise that retained trees should be protected from damage during construction by the erection of adequate temporary fencing, in line with BS5837, prior to the commencement of groundworks. This fencing should remain in place for the duration of construction as a condition of any permission. These details should be provided in an Arboricultural Method Statement.

It is also noted that stands of Rhododendron are present within the woodland. It is unclear if the stands are to be removed but if they are, we would advise that a pre-commencement invasive species protocol condition is produced and secured via condition (below).

The habitats within the application site are considered to be suitable for nesting birds, bats, badgers, herptiles and hedgehog. The ecological appraisal and Arboricultural report states that no further tree clearance or semi-natural habitat clearance is required to facilitate the development as the dwelling will be situated on an area of existing hardstanding. However, we would recommend that precautionary working measures are implemented to protect the above ecological receptors during site clearance and construction works (below). Furthermore, the development should seek to provide positive gains to biodiversity as stipulated by the NPPF 2023 via the implementation of appropriate species enhancement secured by a condition (below)

1. No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).
2. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
3. Site clearance shall be undertaken in a manner by which to safeguard hedgehogs. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance shall be submitted to the LPA upon completion of clearance works to discharge this condition.
4. Due to the low risk of herptiles being present, a Method Statement for site clearance shall be produced and submitted to the LPA for approval. This shall include reasonable avoidance measures such as seasonal timings, strategic clearance of vegetation and any potential refugia, and a watching brief. It shall also include instructions in the unlikely event that great crested newts are encountered. The approved Method Statement shall be implemented in full, and a short statement of compliance submitted to the LPA upon completion of clearance works.
5. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of *Rhododendron* on site. The

measures shall be carried out strictly in accordance with the approved scheme. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

6. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes
- insect bricks / towers
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

A statement of good practice including photographs shall be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed in accordance with the approved Plan.

DCC Tree Officer

Initial Response

I have reviewed the application HPK/2024/0238 and I am concerned that it does not have a Tree Protection Plan for preventing damage to trees during construction.

Additionally, I note there is a lack of information about the piling construction technique referred to in the Arboricultural Report; leaving me unable to assess the effect it may have upon trees and their Root Protection Areas.

I am further concerned that the proposed dwelling will be heavily shaded and subject to heavy leaf-fall and other seasonal events, such as aphid excretion, and perceived danger during high winds, thus creating pressure for further tree removal in the future.

As the trees involved are protected by DCC TPO 208, the County Council objects to the proposed development on the grounds that it would have an unacceptable effect upon protected trees.

Further Response

There is nothing in the updated plan forwarded to me that changes my view on the problems that the very close proximity of trees would cause the proposed new house, and the resulting conflict between trees and occupants, leading to pressure to reduce and remove trees under a TPO.

Unless the applicant has more information to add, I stand by my original objection.

Latest Response

It may be possible to adequately mitigate for the placement of the house within the trees' Root Protection Areas through the technical solutions outlined but would require further information on piling design and locations, to properly assess the likely effect on trees.

However, the proximity to the trees and location of the house within such a close canopy is likely to cause conflict between trees and residents in the future. I accept that the applicant is willing to accept the inconveniences likely to be caused by shade and leaf loss, however, such closeness to trees is also likely to have an effect on air circulation and damp, creating a high risk of future pressure for tree removal.

I also believe the pressure to remove trees may be increased when the property has other owners in the future.

I am unconvinced that the tethering of trees will be appropriate safety management for the trees at this location.

I am not familiar with the development referred to in Gairloch, however viewing Google Earth and Street View of the area, it is a less dense woodland at Glairloch than at Talbot House in Glossop and the proximity to trees is not comparable.

I therefore maintain my objection, as I believe the development will inevitably create pressure to remove or reduce protected trees.

Conservation Officer

The site is located within the Glossop, Howard Park Conservation area, within the grounds of Talbot House. Talbot House is a large historic property, with associated ground. Talbot House is not listed, however the property does contribute positively to the significance of the conservation area.

Outline permission is sought for a single dwelling within the ground of Talbot House. The proposal will partially reuse an existing track into the site, and therefore requires minimal alterations to the site entrance.

The grounds of Talbot house have been previously compromised by the construction of Northwood House, and Erwood House, North Road. These dwellings have reduced the size of the ground surrounding Talbot House. This has negatively compromised the readability of Talbot House within the context of the wider conservation area.

Plans indicate show that the proposed dwelling will be located on an area of existing hardstanding. The area is surrounded by mature trees which contribute positively to the conservation area. Comments submitted by the DCC Tree Officer indicate that the dwelling will place future pressure for the removal of these trees.

The loss of any further trees on site will further compromise the distinctiveness of the grounds of Talbot House. The further loss of trees on site will therefore compromise one of the conservation areas positive features. Therefore causing less than substantial harm to the conservation area.

DCC Highways Authority

A previously approved application on this site for a replacement of former school building with new dwelling under planning reference HPK/2022/0362 and the HA response dated 7 February 2023 was as follows:

‘Considering the scale of development, the road classification and the expected vehicle flows generated by the development along with the improvements to the access, there are no highway objections to the application.’

The HA assume the improvements to the access mentioned above refer to approved application HPK/2020/0018 and Condition 2 drawing number 3270-033A where the Officers report stated:

‘The proposed dwelling would be served via an improved access from the public highway, that was approved under the previous application HPK/2020/0018. After points of clarification had been satisfied from the Highways Authority, there are no objections subject to appropriate conditions, regarding the access, parking and no gates. The latest plan shows the provision of 2no. off-street parking spaces to serve the dwelling which aligns with the Council’s Parking Guidelines.’

So, can you confirm the number of dwellings which presently have approved planning consent for vehicle access rights off this improved access point onto Talbot Road as my calculation is 2 (Plots 4 and 5)?

OFFICER COMMENTS

Principle of Development

The application seeks outline planning permission with matters of landscaping and appearance to be reserved for 1no. dwellinghouse.

Having regard to spatial and strategic policies within the Local Development Plan, the application is supported by Local Plan (LP) Policies S1, S2 and H1 being situated within the built-up area boundary of Glossop, one of the Market Towns that sit at the top of the settlement hierarchy. Strategically, the application is also supported by relevant paragraphs contained under Chapter 5 of the NPPF that aims to deliver a sufficient supply of housing.

However, notwithstanding the above, the site lies within the Howard Park Conservation Area and therefore the application is subject to LP Policy EQ7 and relevant restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990.

The principle of development can therefore only be supported where the application can satisfactorily demonstrate that the proposal will either preserve or enhance the character and appearance of the Conservation Area, notwithstanding any other material planning considerations that are pertinent to the assessment and determination of the application.

Matters of Design not Reserved (Access, Layout, Scale)

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.

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.

The Design Guide SPD (2018) provides further useful guidance for how developments can be well designed in the interest of preserving, respecting and responding positively to the site and surrounding context. Relevant guidance pertinent to this application is set out as follows:

- 3.1 *The setting of any building should be carefully considered. Attention should be paid to its impact on views into, over and out of the site*
- 3.5 *New development, be it a single building or a group, must respect 'the grain' of the settlement. By this is meant the relationship buildings have to the street and to each other...*
- 3.8 *A new building should respect the scale of those surrounding it...*

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

Paragraph 139 goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Whilst the site lies within an area that is not easily visible from any public vantage point or public highway, its location within the Howard Park Conservation Area and in

close proximity to neighbouring properties requires careful consideration. Given the nature of this application, consideration can only be given to matters of design that include scale and layout of the proposed dwellinghouse.

The latest plans submitted for consideration show a 1.5 storey bungalow sited slightly off-centre in the triangular plot closer to the north-western corner and boundary with Nos. 88 and 90 North Road. The house would have a broadly rectangular form spanning a length of 15.8m and a depth of 10.0m reaching a ridge height of 6.2m.

The existing pattern of development is characterised by detached residential properties of varying degrees of orientation and scale. The siting of a single dwellinghouse in this location is considered to be in keeping with the existing pattern or 'grain' of development. Similarly, the modest scale of the dwellinghouse is not considered to be out of keeping with existing neighbouring development.

As such, purely with regards to the scale and layout of the proposed dwellinghouse, and its appropriateness in design terms including its relationship with the existing pattern and scale of neighbouring development, the application is considered to be in accordance with LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF.

However, notwithstanding the above, the siting of the proposed dwellinghouse must also be considered having regard to potential impacts on the character and appearance of the Conservation Area and Protected Trees, both of which are considered below.

Impact on Heritage Assets

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Chapter 16 of the NPPF contains the national planning policies aimed at conserving and enhancing the historic environment. Paragraph 212-221 sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, this harm should be weighed against the public benefits.

The application site lies within the Howard Park Conservation Area, in an area that contains a number of mature trees that, as noted by the Council's Conservation Officer, contribute positively to the overall character and appearance of the heritage asset including its setting.

The application is supported by a Planning and Heritage Statement, that is not prepared by a suitably qualified heritage professional, and in the view of Officers, fails to adequately assess the significance of the Conservation Area, and the role and contribution that this site makes to it, including protected trees within or at the boundary of the site. As such, a degree of conflict exists with regards to paragraph 207 of the NPPF, which requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting, assessed using appropriate expertise.

Notwithstanding the above, and as discussed in further detail below, the proposed development has attracted a strong objection from the County Tree Officer owing to the negative impacts that would occur to existing TPO trees and the likely resulting pressure to further tree felling and pruning that would result from the desire of future occupiers to enhance their amenity and living conditions.

Given that the mature trees within and at the boundary of the site make an important and positive contribution to the character and appearance of the Conservation Area, the Conservation Officer has objected on similar grounds to the County Tree Officer, identifying that any further loss of trees on site would compromise this key positive feature, thereby resulting in 'less than substantial harm' to the character and appearance of the Conservation Area.

As such, notwithstanding the acceptability of the latest plans solely the siting of the dwellinghouse is considered to result in less than substantial harm to the character and appearance of the Conservation Area owing to further pressures on protected trees that make an important and positive contribution to this heritage asset, contrary to LP Policy EQ7 and relevant paragraphs contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Trees

LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.

Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment, by amongst other things:

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the

economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

As set out above, the application site is covered by a regional County Tree Preservation Order and contains a number of mature trees.

In order to demonstrate that the proposed development would be acceptable having regard to LP Policy EQ9 and relevant paragraphs contained within the NPPF, the application is supported by an Arboricultural Impact Assessment prepared by Arbtech (dated 19th August 2024). It is noted that this document has not been updated to reflect the revised plans which show a minor change to the siting, orientation and layout (reduced footprint) of the dwellinghouse.

Nevertheless, whilst it is clear that no trees are required to be removed to facilitate the development, the dwellinghouse, even in its revised form, would be intimately associated with 4no. clusters of trees (G06, G07, G08 and G09) of various trees and as such have the potential to be impacted by the proposed dwelling.

Indeed, the Arboricultural Impact Assessment Plan (Appendix 1) notes the following:

“Proposed dwelling is partially situated within the RPA’s of group G07, G08 and G09. Dwelling foundations will be pile foundations – they are designed to be an engineering specification in conjunction with arboricultural advice and site investigations.”

“Proposed parking spaces are partially situated within RPA’s of groups G06 and G07. Proposed surfacing is to be designed in conjunction with an arboriculturist so that it can be constructed entirely above the existing soil level.”

The County Tree Officer has considered the latest revised plans, alongside the Arboricultural Impact Assessment and other information including the Design and Access Statement and has concluded that whilst it may be possible to mitigate for the siting of the house within the Root Protection Area (RPA), using techniques including piling, further information would be required to understand whether this could be carried out without impacting directly on the RPA’s.

However, notwithstanding whether or not the proposed dwellinghouse could be introduced without directly impacts on the RPA’s of existing clusters of trees as mapped by Arbtech, the County Trees Officer goes on to make clear that owing to the proximity of trees to the house and close proximity to canopies, this is likely to cause conflict between trees and residents in the future.

As referenced by the County Tree Officer, it is acknowledged that the applicant (whose family is due to occupy the house in the first instance) accepts this inconveniences that would likely occur. However, given that the application is for an dwellinghouse, Officers must give consideration to the amenity of all future occupiers, and the potential pressures that will apply to the trees and their canopies due to their existing impact on living conditions and amenity in relation to air circulation, damp and also natural sunlight.

Therefore when having consideration to the constraints of the site, and latest comments received from the County Tree Officer made in relation to all latest plans and technical information that make up the application, it is the case that the proposed dwellinghouse, even when taking account of its reduced footprint and re-orientation, would result in unsatisfactory and potentially significant harm to protected trees within and bordering the site, contrary to LP Policy EQ9 and paragraph 187 of the NPPF.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels. A minimum of 21m should be achieved between existing and proposed habitable windows.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Paragraph 196 of the NPPF states that policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 198 of the NPPF states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development including noise and light pollution.

The application is in outline form, with matters of landscaping and appearance reserved, and a consequence, given that the appearance of the dwellinghouse, is not before the Council, it is not possible to fully assess the potential impacts to neighbouring residents.

With regards to its scale and layout, the proposed dwellinghouse has a modest height of 6.2m. Section drawings included within the latest plans shows that the house is located some 22m distant from No.88 North Road at its closest point and 31m from No.90 to the west.

Relevant guidance within the Residential Design Guide SPD requires that the minimum separation distance between existing and proposed habitable windows (21m) should be extended by 1m for every 0.5m change in land levels.

Despite there being a change in land levels of some 4.5m, the relationship between the proposed dwellinghouse and these two neighbouring properties is considered to be acceptable due to the fact that no habitable windows would directly face each other, owing to the orientation of both the proposed dwellinghouse and the neighbouring properties. In the event that the application was acceptable in all other respects, it is considered that a Reserved Matters application would be able to secure a detailed design including boundary treatment that ensured that the amenity of future occupiers of the dwellinghouse and neighbouring properties would be preserved with regards to matters of overlooking and loss of privacy.

However, notwithstanding the above, it has been identified by the County Tree Officer that the extent and proximity of the tree canopies that would surround the dwellinghouse would be harmful to the amenity of future occupiers with regards to air circulation damp. In addition Officers are of the view that particularly in the summer months when the canopies are in full leaf, the amount of sunlight to the property would also be compromised by the surrounding trees.

As such, the Council conclude that the proximity of nearby protected trees would be harmful to the amenity of future occupiers contrary to LP Policy EQ6 and relevant paragraphs contained under Chapter 12 of the NPPF.

Turning to matters of public health, the Environmental Health Officer has raised no objections to the application provided that appropriate (standard) compliance conditions are applied to any decision notice. As such, it is considered that in the event that the proposal could be supported, all matters relating to public amenity could be adequately addressed through appropriately worded planning conditions, in accordance with LP Policy EQ10 and relevant paragraphs under Chapter 15 of the NPPF.

Ecology

The Environment Act (2021) came into force in the spring of 2024 and requires all developments unless otherwise exempt to provide a 10% uplift in Biodiversity, which includes the loss of any existing habitat as a consequence of the proposed development, either on site, or, if this cannot be achieved, off-site via appropriate means including a registered Habitat Bank.

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment, by amongst other things:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The application site contains a number of mature trees and other habitat that could potentially support protected species such as nesting birds, bats, badgers, herptiles and hedgehogs. The application has been supported by an Ecological Appraisal prepared by Pennine Ecological (July 2024) which has been reviewed by Derbyshire Wildlife Trust. The comments confirm that subject to appropriate conditions, including a Biodiversity Enhancement Strategy, the application is acceptable with regards to potential impacts upon habitat and protected species.

With regards to BNG, the application is considered to be exempt owing to the fact that the dwellinghouse would be constructed on an existing sealed (hard) surface with no existing habitat value, thereby meeting one of the limited exemptions to where BNG is required under the Environment Act (2021).

In light of the above, it is considered that notwithstanding the identified harm to heritage assets, trees and residential amenity, the application is compliant with LP Policy EQ5, relevant paragraphs contained under Chapter 15 of the NPPF, and the Environment Act (2021).

Highway Safety

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 and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The application seeks outline planning permission which includes the matter of Access. The site is accessed via an existing single hard surfaced track that extends northwards from Talbot Road and is shared with an existing development relating to the redevelopment of nearby Talbot House.

As per the comments contained within this report, the Highways Authority have requested clarification on the plots associated with the redevelopment of Talbot House that this access serves.

Should the Council have been in a position to support the application, further comments would have been sought from the Highways Authority having clarified that the observations of the Highways Officer are correct with regards to the number of dwellings served by this access.

However, in light of objections received from the County Trees Officer and Council's Conservation Officer, and identified harm to heritage assets, protected trees and residential amenity, Officers have moved to assess and determine the application without seeking further comments from the Highways Authority.

It is clear that the proposed development would provide sufficient parking and turning provision in line with the Council's parking guidelines set out under Appendix 1 of the Local Plan.

With regards to the proposed access, it is considered that the introduction of one further dwellinghouse to be served by this existing shared access would not give rise to any level of intensification that would result in an unacceptable highway safety impact and would also not result in any cumulative severe impacts to the wider highway network.

As such, notwithstanding the harm identified, the application is considered to be acceptable with regards to its proposed access, parking arrangements and potential impacts upon highway safety, in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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-date⁸, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks outline planning permission for a single dwellinghouse with matters of Access, Scale and Layout to be secured and matters of Landscaping and Appearance to be reserved for future approval.

The site lies within the built-up area boundary of Glossop, and as such, the principle of development is acceptable having regard to LP Policies S1, S2 and H1 and relevant paragraphs contained under Chapter 5 of the NPPF.

However, the site lies within the Howard Park Conservation Area and is covered by a County Tree Preservation Order (TPO) and therefore any application must demonstrate compliance with LP Policies EQ7 and EQ9 and relevant paragraphs relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

As “less than substantial” harm to heritage assets has been identified, the application can only be supported whereby it is deemed that public benefits exists which outweigh the identified harm, notwithstanding any other material planning considerations. This planning balance is undertaken as follows.

Benefits

The application would introduce 1no. dwellinghouse thereby making a negligible contribution to the housing supply of the Borough. As such the provision of dwellinghouse and indeed any perceived indirect economic benefits can only reasonably be attributed limited weight in the overall planning balance.

Harm

The application would introduce a dwellinghouse to an area that is heavily constrained by trees and their associated which are the subject of a TPO.

It has been concluded that whilst no direct impacts to these trees would (subject to additional information regarding piling techniques) occur, there would be heavy pressure to further remove or prune these protected trees, in order to improve the inevitable impacts to the residential amenity for future occupiers of the dwellinghouse, with regard to air circulation, damp, and lack of sunlight, particularly during the summer months.

Taken both individually and cumulatively, these pressures are considered to result in less than substantial harm to the character and appearance of the Conservation Area, harm to trees protected by the TPO, and an unsatisfactorily standard of amenity for future occupiers of the dwellinghouse (irrespective of whether the first occupiers are prepared to accept such conditions).

Planning Balance

Having regard to the above, it is concluded that the negligible public benefits associated with the proposed development are wholly insufficient to outweigh the identified harm, not just to heritage assets, but also to protected trees and residential amenity of future occupiers.

The application is therefore in conflict with LP Policies EQ6, EQ7 and EQ9, and relevant paragraphs contained under Chapters 12, 15 and 16 of the NPPF respectively, the latter underpinned by Section 72 of the NPP.

The application therefore constitutes an unsustainable form of development contrary to LP Policy S1a and paragraph 11 of the NPPF and is recommended for refusal for the reasons set out on the Decision Notice.

OFFICER RECOMMENDATION: Refuse

Case Officer: James Stannard

Recommendation Date: 27th February 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council