

DELEGATED DECISION REPORT

HPK/2025/0018
Valid 06/02/2025

**STORAGE BUILDINGS TO
THE WEST OF HIGH HILL
ROAD
NEW MILLS**

**DEMOLITION OF EXISTING
STORAGE BUILDINGS AND
ERECTION OF 6 TWO STOREY
DWELLINGS (ARRANGED IN A
TERRACE).**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Ecology
- Trees
- Drainage
- Highway Safety

DESCRIPTION OF SITE

The application site relates to a parcel of land west of High Hills Road, New Mills which currently contains four rows of single storey flat roof garages, which amount to 39no garages in total. The site is accessed via a single track that extends westwards from High Hill Road in between the end gables of No.128 and 130 High Hill Road.

The site was subject to a positive Certificate of Lawful Development for Existing Use which confirms that the garages have been used as storage since 1966 under HPK/2021/0120 issued on 15th July 2021. In light of this Certificate, the site has a lawful B8 Use and amounts to a previously developed site.

The site is bounded to the north by a shared private access road, beyond which stand a row of three semi-detached blocks of two storey dwellings that front Watford Bridge Road, with Nos 12 and 10 being the pair that have direct views into the development site from habitable windows.

The east of the site is defined by a shared access that serves the rear of properties that front High Hill Road, with their rear elevations facing westwards towards the development site. No.120 High Hill Road is a single two storey detached dwellinghouse that lies between the terraced row (Nos 122-128) High Hill Road and the aforementioned semi-detached properties on Watford Bridge Road. Land bordering the site to the south, west and north-west is characterised by a dense area of trees and natural vegetation.

Whilst it is understood that pedestrians utilise an informal footpath to access the Sett Valley Trail from the junction with High Hill Road, consultation with the online Derbyshire Mapping Portal confirms that there are no formal public rights of way that traverse the site.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary of New Mills and is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks full planning permission for the demolition of existing storage buildings and erection of 6 two storey dwellings.

The application has been subject to minor revisions further to comments made by statutory consultees and Officers. The plans that are subject to assessment under this report is as follows:

- Location Plan
- Proposed Site Plan (082-003 Rev J)
- Proposed Drainage Plan (082-004 Rev G)
- Proposed Ground Floor Plan (082-005 Rev C)
- Proposed First Floor Plan (082-006 Rev F)
- Proposed Roof Plan (082-007 Rev E)
- Proposed Elevations (082-008 Rev D)
- Typical Section (082-009 Rev C)
- Sections AA-BB (082-010 Rev C)

The application has also been supported by the following technical documents and assessments:

- Protected Species Survey Report
- Drainage Strategy
- Highways Technical Note (dated March 2025)
- Phase 1 Land Contamination Report
- Planning Statement
- Right of Light Report
- BNG Metric
- Arboricultural Report

In its latest form, the proposed development would see the 6no dwellinghouses be set out in a linear formation, with two storeys, orientated with their principal elevations facing southwards on to allocated parking spaces and a shared access.

All dwellinghouses have a consistent building line with the exception of Unit 6 at the far western end of the site, which is sited slightly further forward, in order to incorporate a rear garden as per all other units.

Owing to a slight change in topography, the linear form of development is staggered with regards to its finished floor levels, with Unit 1 having a finished floor level that is some 700mm lower than that associated with Unit 6.

Each dwellinghouse is shown to provide communal habitable rooms at ground floor level, with 2 or 3 bedrooms and bathrooms at first floor level. Unit 3 in its latest form is shown to contain a bedroom in the loft space of the roof.

The development is characterised by simple architectural detailing with external walls finished in a natural stone, with stone quoins at corners and UPVC windows finished in black, complimented by stone headers and sills. Roofs are finished in a concrete tile with principal roof slopes benefiting from PV Solar Panels. Exposed gables facing westwards as a staggered formation are shown to be finished in render.

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
- S6 Central Sub-area Strategy
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ9 Trees Woodland and Hedgerows
- EQ11 Flood Risk Management
- H1 Location of Housing Development
- H3 New Housing Development
- CF6 Accessibility and Transport

Supplementary Planning Guidance

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

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0120 Certificate of lawfulness of existing use of 39 (thirty-nine) single storey buildings and forecourts have been used for storage since 1966 (Granted 08/07/2021)

CONSULTATIONS

Publicity

Site Notice expiry date: 18th March 2025
Neighbour consultation period ends: 7th March 2025
Press Advert: N/A

Public Comments

2no. neutral representations have been received in connection with this application. The first simply confirms that there are no objections, whilst the second requests that the LPA consider the following:

- Passageway to be used for vehicular access is privately owned. Any levelling out work shown cannot be undertaken due to the existing ownership
- Applicant has stated that development would result in less traffic than existing garages. This is incorrect given that most are used for storage.
- Concerns regarding damage to properties arising from debris being thrown up from the road from Heavy Goods Vehicles and the existing privately owned passageway
- A tree affecting development has been chopped down prior to the relevant consent being granted.
- The garage owners have already been told to move their stuff out prior to 18th April in a letter from the builder and not the garage owner
- The front of the garages was cleared of any overgrown bushes etc causing damage to some of the frontage making them look even worse
- Questions need for these houses given the large developments currently under development in and around New Mills

6no different objections have been received in connection with the development, with some objectors submitting multiple letters, which raises concerns in relation to the following material grounds:

- Lack of need for housing
- Loss of sunlight resulting from change in levels and height of properties

- Noise and disturbance during construction phase of development
- Increase in vehicle movements and impact on users of public footpath
- Concerns regarding access to Sett Valley Trail
- Impacts on local wildlife
- Number of bins and resultant blockages for pedestrians

New Mills Town Council Comments

No Objections

AES Waste

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

Collection vehicles are unable to access unadopted highway unless an indemnity form has been completed by the developer. In instances where there is no indemnity for properties will have to present their bins at a point next to the nearest adopted highway.

All roads that are intended to be used for the purposes of waste collection must be suitable for a full size 32 tonne waste collection vehicle with a turning circle of 22.5m.

It is advisable to design out the need for collection vehicles to reverse where possible. If reversing is unavoidable the following must be applied:

- waste collection vehicles should not reverse more than 12 meters
- the reverse should be straight and free from obstacles and visual obstructions.

Please provide a tracked plan to show waste collection vehicle access and turning and indicate waste collection points for each property on the plan

United Utilities

No objection subject to condition securing drainage scheme.

Environmental Health

No objection subject to the conditions.

The land contamination assessments submitted in support of the application may be accepted. The reports recommend that remediation of identified contamination takes place to render the site suitable for the proposed use, which justified suggested conditions 1 and 2:

1. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be

given two weeks written notification of commencement of the remediation scheme works. Any contamination assessment used to support the approved remediation scheme shall be undertaken in accordance with DEFRA and the Environment Agencies guidance and shall be agreed in writing by the LPA

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (C3, and where remediation is necessary a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

3. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority
4. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.
5. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.

HPBC Tree Officer

No objections providing supplied tree protection measures are implemented.

Derbyshire Wildlife Trust

Habitats and Species

The site comprises a garage / storage site with 40 garage-type buildings situated on hardstanding. Five small – medium scattered trees are present. Housing is present to the north and east, with woodland present to the south and west.

Garages were assessed to display low bat roost potential in May 2023 and again in an update survey in December 2024. No evidence of nesting bird activity was recorded during surveys, although there is access into the buildings for birds and potentially hedgehogs. Safeguards can be secured via condition.

BNG

The site is dominated by sealed surface (hardstanding and garages) but achieves a baseline value of 0.46 habitat units due to the five trees. These will all be removed to facilitate the development and even with the creation of vegetated gardens, the post-development value will be 0.05 habitat units, resulting in a loss of -0.4 habitat units (88.66%).

There appears to be very little scope for compensatory tree planting on site and therefore units will have to be purchased from a Habitat Bank. A draft Gain Plan has been submitted, in line with government guidance, and a final version must be submitted prior to commencement of works.

Sufficient information has been provided to determine the application but the following points should be addressed in the metric and Gain Plan, prior to final submission post-determination:

- The Desktop Assessment Tab in the metric states that there are priority habitat on site, which is incorrect and should be amended, although this won't alter the BNG calculations.
- Section 4.6 states that gains will be achieved onsite but this should state a combination of onsite and offsite, as 0.45 offsite habitat units are required.
- Sections 4.10 and 7 should be completed.

The following conditions should be attached to any permission:

1. No tree or garage 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.
2. The interior of all garages shall be cleared carefully by hand of remaining stored materials, in advance of demolition of the structures. If hedgehogs are encountered between March and October, they shall be moved carefully by

gloved hand and clean bucket / box to suitable habitat outside the footprint of works e.g. the adjacent woodland. If individuals are encountered during the winter months, they shall be taken immediately to a wildlife / hedgehog rescue facility. A short statement of compliance shall be submitted to the LPA to discharge this condition.

3. Prior to building works commencing above foundation level, a Species 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 in 3No. of dwellings.
- insect bricks in 3No. dwellings.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs between gardens and into adjacent woodland.

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

Derbyshire County Council Highways

Initial Comments

Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, note that the submitted Highways Technical Note states in Section 2.1.2: 'Vehicular access is proposed via an existing access track which routes in a westerly direction from High Hill Road, between No. 128 and No. 130 High Hill Road, into the Site.

The access will remain unadopted as part of the proposed development.' The access road remaining private concurs with the County Council Design Guide introduced at the end of 2024 which states in Section 5.8.1:

'A private driveway can serve one or more properties, up to a maximum of 10, after which the traffic generated and number of turning movements associated with the driveway is considered sufficient for the access to be considered for adoption by the Local Highway Authority and therefore must accord with the design characteristics of a Pedestrian Prioritised Street, Informal Streets, or an Enhanced Street.'

However, the following highway issues require addressing before the HA can provide a formal response, but should the LPA be minded approving the application in its current form we would be grateful if the LPA could reconsult the HA so that consideration can be given to formulating an appropriate response:

1. The applicant needs to consider “Inclusive mobility” which addresses key considerations to promote active travel and ensure that persons with protected characteristics are catered for, with the guidance (2021) stating that footways should be made as wide as possible and a width of 2m is the minimum that should be provided. So, although a 1.1m footway have been provide, this does not conform to the minimum required.
2. No mention of cycle provision (storage) has been provided.
3. No visibility splays have been shown onto High Hill Road (a minimum of 2.4m x 45m is required which should be in the Highway Maintainable at Public Expense (HM@PE) and/or land within the applicant’s control and all affected landowners must be prepared to dedicate their land for highway purposes and enter into a Highways Act 1980 Section 72, 184 or 278 Agreement if required.
4. The County Council Design Guide (2024) states the carriageway width should conform to the following... ‘When serving two or more properties can be of varying width but must be a minimum of 4.1 metres for the first 15 metres behind the back of the carriageway to allow two vehicles to enter and leave simultaneously’, but no carriageway widths have been shown.
5. No information regarding measures to prevent surface water run-off from entering the public highway from any areas at a higher level have been provided.

Further Comments

Following previous LHA comments to this application, the applicant’s agent has submitted a Technical Advice Note.

The LHA generally agree with the assessment undertaken in Technical Advice Note and with the conclusions reached in terms of the potential impact of the proposed development on the highway network.

Whilst it is recognised that the access width does vary, in some areas to below 4.1m, generally, an access width of 4.1m does present difficulties in allowing two-way vehicle movements. Therefore, the existing access width would only have permitted one way vehicle movements when the site was previously occupied and, as such, there will be no difference to the accessibility of the access. As vehicle movements will potentially be reduced by the proposed development, over those generated by the former use, this could be considered as a benefit.

In addition, considering the status of High Hill Road, being non-classified, should a vehicle have to wait on the highway to allow another vehicle to exit the access, it is considered that this would not have a significant impact on the efficiency of movement on the adjoining highway.

The achievable emerging visibility on to High Hill Road is considered to be appropriate for the expected vehicle approach speeds.

It is considered that the internal layout provides appropriate parking and turning facilities to accommodate the likely parking demand generated by the development.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Recommended condition that the development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policies S1, S2 and S3 together set out the housing delivery strategy for the Borough over the plan period and aims to direct the majority of housing development to the Larger Villages and Market Towns, which are the focus of housing and economic growth.

LP Policy H1 considers the location of new housing development and supports the redevelopment of unallocated sites within the built-up area boundary of the towns and larger villages, subject to consideration of all other relevant Local Development Plan policies.

Chapter 5 of the NPPF contains the national planning policies aimed at delivering a sufficient supply of homes. Paragraph 73 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly.

Chapter 11 of the NPPF contains policies relating to the effective use of land. Paragraph 124 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 125 of the NPPF goes on to state that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused,

The application site comprises a parcel of previously developed land that lies within a sustainable location within the built-up area boundary of New Mills that is not constrained by any sensitive statutory designation.

As such, the principle of housing development on this site is fully supported by LP Policies S1, S2, S3 and H1, and relevant paragraphs contained under Chapters 5 and 11 of the NPPF. The principle is further supported by the fact that at the time of

assessing this application, the Council cannot demonstrate a 5 year supply of deliverable housing land and thus the presumption in favour of sustainable development (i.e. 'the tilted balance') is engaged.

Design Character and Appearance

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 design guidance which allows development to make a positive contribution to and respect the existing context and characteristics of an area, having regard to its siting, layout, scale, and visual appearance. Relevant guidance 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.
- 3.3 When sites are in villages or towns, the pattern for new development will depend on the nature of that settlement...
- 3.7 The architectural style of new development should be guided through an assessment and understanding of the character and context of the area...
- 3.8 A new building should respect the scale of those surrounding it. Jumps in scale can sometimes be acceptable and can be justified if the development occurs at key locations...
- 3.9 New buildings should use facing materials that either match or complement those of the surroundings.

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

This application follows positive pre-application advice in so far as the principle of development for 6no residential dwellinghouses, which contained detailed guidance as to how to make the proposed development acceptable in planning terms.

The application in its original form has incorporated many aspects of the issued guidance, and shows a logical linear form of development and mirrors that of properties on nearby Watford Bridge Road, and thus is considered to respect the existing pattern of development.

The scale of the development is also considered to be appropriate for its context, having two storeys with each block having a ridge height of approximately 8.2m. The staggered formation of the terrace would see Plots 3 and 4 protrude some 530mm above Plots 1 and 2, with Plots 5 and 6 raised a further 520mm above that, resulting a difference of approximately 1.5m between the eastern and western ends of the development, which is considered to be proportionate and acceptable from a design perspective.

Guidance has been adhered to with regards to the simple architectural detailing on elevational treatment, incorporating traditional features of quoins, headers and sills with simple symmetrical fenestration, with all properties finished in materials that are commensurate with the wider street scene and the High Peak more broadly, making an overall positive contribution to the character and appearance of the street scene.

Minor revisions were requested and accepted that removed what was considered to be an unsympathetic flat roof single storey outrigger on Plots 1 and 2, which is considered to significantly enhance the visual aesthetics of the scheme.

Subject to standard conditions which requires specific details of materials, hard and soft landscaping, and boundary treatment to be secured, it is considered that the proposed development in its latest form would be of a high quality design with regards to its siting, scale, height, massing and visual appearance, and accords with LP Policies S1 and EQ6, the Design Guide SPD, and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

LP Policy H3 requires all new housing developments to provide a high standard of amenity of all future occupiers by demonstrating compliance with Nationally Described Space Standards (NDSS) published by DCLG (2015) that provides minimum floor areas for residential units based on the number of storeys and number of occupiers, and also provides minimum dimensions for single and double bedrooms.

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 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. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation

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 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. In doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

Objections have been received from neighbouring properties in relation to matters of public and residential amenity, specifically in relation to noise and disturbance during the construction phase, and the loss of sunlight to habitable windows. Given the sites location within close proximity to properties located to both north and east, with habitable windows and amenity areas looking out on to the site from both directions, it is imperative that the relationship between existing and proposed properties, with regards siting, boundary treatment and relationship between habitable windows is carefully considered.

The northern boundary of the site is bounded by a row of semi-detached properties fronting Watford Bridge Road, which whilst not orientated in exactly the same manner as the proposed development, is only at a slight angle.

As evident on the Proposed Site Plan, the nearest property within this row of properties is No.12. A review of the planning history associated with this property reveals that at first floor level, the nearest window is an obscure glazed bathroom window, with the adjacent window serving a bedroom.

In its original form, Officers identified that harm to the amenity of this property, resulting from the relationship between the first floor window serving a bedroom in Unit 3, and this existing bedroom window, that failed to comply with the 21m separation distance. Whilst it is acknowledged that this is not a direct line of sight, it is the case that the angle is not sufficiently acute to mitigate this undesirable impact, and would in its original form, harm the amenity of this property with regards to loss of privacy.

In its latest form, the Floor Plans shows Unit 3 to contain one bedroom at first floor level, with the second bedroom becoming an office, and the second bedroom now being relocated to the loft space. Given that this room would no longer serve a habitable room, and subject to this window being obscure glazed (together with all other bathroom windows), it is considered that previous concerns regarding the

relationship between Unit 3 and No.12 Watford Bridge Road has been satisfactorily addressed.

All other units have a satisfactorily relationship with properties on Watford Bridge Road, achieving or exceeding the required 21m separation distance. A scheme securing boundary treatment will be required, and this will ensure that privacy is achieved at ground floor level and between amenity areas also within the development.

Turning to properties on High Hill Road, these properties are orientated with their rear elevations fronting the site. The nearest property to the end gable of Unit 1 is separated by more than 25m. No habitable windows are shown to be contained in the side gable of Plot 1, and therefore subject to appropriate boundary treatment being secured, would not be adversely affected, by way of any overbearing impacts, overlooking or loss of privacy.

Lastly with regards to the amenity of future occupiers, each dwellinghouse benefits from a rear garden, with a satisfactory level of natural light being achieved by a combination of windows and velux rooflights.

Each property has an approximate total internal floor area of 100 square metres over two floors. All properties are shown to contain 2 bedrooms, which in their final revised form, complies with the minimum space standards set out within the NDSS in relation to the internal floor area for single and double bedrooms, and the size and scale of each property.

A recent appeal decision has confirmed that the Council are not able to apply conditions specifically restricting occupancy of each property. However this does not alter the fact that the proposed development must be carried out in accordance with the approved plans.

Lastly with regards to matters of public amenity, it is acknowledged that concerns have been raised in connection with potential noise and disturbance that could occur during the construction phase. This is a valid concern and a condition is recommendation that strictly limits the hours of construction including deliveries. Subject to these conditions, it is considered that potential issues regarding public amenity during construction have been satisfactorily addressed.

The application has been supported by a Phase 1 Land Contamination Report and Phase 2 Remediation Strategy that have been reviewed and accepted by the Environmental Health Officer. A condition is required to ensure that the remediation is implemented and verified by a suitably qualified professional prior to first occupation. Other conditions are also required with regards to Piling, the hours of construction, including deliveries of materials and the removal of PD rights.

Other recommended conditions by Environmental Health are noted however as evidenced by a recent appeal are not considered to be reasonably or necessary, given that there is separate Environmental legislation that protects the public from such issues.

In light of the above, it is considered that subject to appropriate conditions, the proposed development will provide a high standard of amenity for all future occupiers of the development and will preserve the amenity of neighbouring residential properties and the general public, in accordance with LP Policies EQ6 and EQ10, the Residential Design Guide SPD, and relevant paragraphs contained under Chapters 12 and 15 of the NPPF.

Ecology

The Environment Act (2021) came into force in the spring of 2024 and places a legal requirement on all new developments to provide a 10% uplift in Biodiversity Nett Gain (BNG) including any habitat lost to development, either on site, or, if this cannot be achieved, off-site, unless otherwise contained within a limited number of exceptions.

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 environment by (amongst other things) 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 a number of principles, including that 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.

Protected Species

The site comprises an area of previously developed land that contains a series of single storey garages. The application has been supported by a Protected Species Survey carried out by a suitably qualified professional which found the existing garages to display a low bat roost potential, initially in May 2023, and again in an update survey carried out in December 2024. In addition, no evidence of bird activity was recorded during surveys.

As such, and when having regard to comments received from Derbyshire Wildlife Trust, it is the case that subject to appropriate conditions, the proposed development will not result in harm to protected species and can enhance biodiversity by way of a Species Enhancement Plan.

BNG

Whilst the majority of the site is dominated by a sealed surfaced, it has been identified that owing to presence of existing trees, the site has a baseline habitat value of 0.46 habitat units, all of which would be lost as a result of the development, and even with the creation of gardens, there would be an overall loss of 0.4 habitat units.

Given that there is little scope of the required BNG to be delivered on site, it is the case that the application will need to deliver the required BNG off site in the form of purchasing credits from a Habitat Bank, to be secured by the standard worded condition requiring a BNG Gain Plan to be submitted and agreed in writing prior to commencement of development.

Subject to appropriate conditions, it is considered that the proposed development complies with LP Policy EQ5, relevant paragraphs contained under Chapter 15 of the NPPF, and the Environment Act (2021).

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. The policy also requires development where appropriate to provide replacement tree planting at a ratio of 2:1 and soft landscaping.

Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and that decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees, and that existing trees are retained wherever possible.

The site comprises a previously developed site but nevertheless is bounded on three sides by a dense area of mature trees. As such, trees that immediately border the site must be assessed and appropriate mitigation secured in order to protect trees that are worthy of protection during the construction phase.

The application is supported by an Arboricultural Report prepared by a suitably qualified professional. The survey identified one individual tree (T1), one group of trees (G1), four hedgerows (H1-H4), and a group of shrubs (S1). The tree and two hedgerows (H2 and H4) are situated within the site, with the remainder located outside of the development boundary.

The existing tree (T1) is a Goat Willow, which is classified as Category 'C' meaning it has a low quality with life expectancy of at least 10 years. This tree is to be removed to facilitate development. Two of the surveys hedgerows (H2, H3) are to be removed, with other hedgerows and shrubs pruned in a routine fashion.

Paragraph 8.7.1 of the Report states that mitigation will comprise the provision of new trees and soft landscaping details. Protection measures are set out under Paragraphs 10.3-10.7 in line with the Protection Plan contained at Appendix 2.

The Report and mitigation measures contained within have been reviewed by the Council's Tree Officer who has confirmed that there are no objections subject to appropriate conditions that secures the mitigation measures. As such, it is therefore concluded that matters relating to trees have been satisfactorily resolved subject to such conditions being applied and complied with, in accordance with LP Policy EQ9 and Paragraph 136 of the NPPF.

Drainage

LP Policy EQ11 refers to Flood Risk Management and requires all applications to demonstrate that the proposed development will not give rise to any unacceptable increase in flood risk either onsite or elsewhere in the Borough.

The application is supported by a Drainage Strategy prepared by a suitably qualified professional. In their comments, United Utilities appear to have not had regard to this technical information, given that they have confirmed that there are no objections subject to a condition requiring such a strategy to be agreed in writing prior to commencement of development.

In the interests of issuing a decision as swiftly as possible, the applicant has agreed to that pre-commencement condition, and to re-submit the technical details relating to drainage in support of that discharge of condition application.

Subject to the appropriate condition being applied in respect of drainage, the application is considered to be compliant with LP Policy EQ11.

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 of the NPPF 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.

Concerns have been raised from local residents with regards the increase in vehicle movements and potential impacts on the safety for users of the highway and informal footpath that connects High Hill Road with the Sett Valley Trail as a consequence of this proposed development. Representations have also been received in relation to matters of land ownership and rights of access.

With regards to the latter, these matters (land ownership and access rights) are not material to the assessment and determination of the application. With regards to the former, the site currently contains 39no garages, that all have an established lawful

use for storage, which would generate some degree of vehicle movements, albeit these would likely be infrequent.

Whilst it is evident from a site visit that an informal footpath does indeed exist that runs through the site and connects High Hill Road with the Sett Valley Trail, this is not a formal public right of way, and as such, the cessation of this pedestrian link is not considered to be material to this application.

The proposed development in its existing form raised concerns from the Highways Authority, which triggered the submission of a revised Highways Technical Note prepared by a suitably qualified professional. Upon review of this updated document the Highways Authority have confirmed that there would not be any harm to highway safety with regards to its access and exit visibility from High Hill Road and internal parking and turning layout.

The latest Site Layout shows that each property will benefit from an area of private driveway that would provide sufficient space for 2no vehicles per unit, which is compliant with parking guidelines, which requires 1.5 spaces for a 2 bedroom property and 2 spaces for a 3 bedroom property.

In light of the above, it is considered that the proposed development provides an appropriate level of off-street parking and turning provision and provides a safe and suitable access from the public highway, and that subject to appropriate planning conditions, accords with LP Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

Other Matters

Objections have been received in relation to the following issues:

- Lack of need for housing
- Loss of sunlight resulting from change in levels and height of properties
- Noise and disturbance during construction phase of development
- Increase in vehicle movements and impact on users of public footpath
- Concerns regarding access to Sett Valley Trail
- Impacts on local wildlife
- Number of bins and resultant blockages for pedestrians

A number of these objections have been addressed within the main body of this report. However, for clarity and avoidance of doubt, the Council respond as follows to these concerns.

The Council are unable to demonstrate a 5 year supply of deliverable housing land and thus there is indeed currently a quantifiable shortage of housing in the High Peak.

Changes to the internal layout and recommended conditions including that which secures obscure glazing in appropriate windows effectively deals with all matters relating to potential impacts on neighbouring residential amenity. Owing to the distance between the proposed development and existing properties, there are not

considered to be any resultant adverse impacts specifically with regards the loss of sunlight.

Conditions have been recommended which effectively addresses amenity concerns during the construction period. The Highways Authority have concluded that subject to conditions there are no outstanding with regards highway safety.

Whilst it is acknowledged that there is currently an informal pedestrian path that runs through the site connecting High Hill Road with the Sett Valley Trail, this is not a formally recognised public footpath by the County Council and thus no weight can be given to any impacts that would occur as a result of this informal path being closed.

Impacts to wildlife have similarly been addressed by way of suitable planning conditions. Bin storage would not block pedestrians owing to the context described above.

Other neutral comments refer to land ownership and access rights, which are civil matters that fall outside of the planning system and are thus not material to the assessment and determination of this application.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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

At the time of writing, the Council cannot demonstrate a 5 year supply of deliverable housing sites, and as such the presumption in favour of sustainable development (i.e. the tilted balance), is engaged.

In any event, the site comprises previously development land that is situated within the built-up area boundary of New Mills in a highly sustainable location that is not constrained by any statutory designation. As such, the application is fully supported in principle by LP Policies S1, S2, S3 and H1 and relevant paragraphs contained under Chapter 5 of the NPPF.

Further to positive dialogue with the applicant, which includes pre-application discussions and minor revisions to the plans as submitted with this application, Officers are satisfied that subject to appropriate conditions, the scheme in its final revised form is of a high quality design that makes a positive contribution to the character of the street scene, provides a high quality of amenity for future occupiers, protects the amenity of neighbouring properties and the general public, would protect trees during construction, preserve ecological assets and deliver the required BNG, incorporate an acceptable drainage strategy, and preserve highway safety.

As such, the application in its final form is considered to be compliant with all relevant Local Development Plan policies, relevant Supplementary Planning Guidance, and all relevant paragraphs contained within the NPPF.

Therefore in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions, include pre-commencement conditions that have been agreed in writing by the applicant.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 27th May 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council