

DELEGATED DECISION REPORT

HPK/2024/0333
Valid 15/08/2024

RELIANCE GARAGE
GLOSSOP LTD TURNLEE
ROAD
SIMMONDLEY
GLOSSOP

PROPOSED DEMOLITION OF
EXISTING BUILDINGS AND
ERECTION OF 9 NO. FOUR
BEDROOMED DETACHED
DWELLINGS WITH
ASSOCIATED ACCESS,
LANDSCAPING AND
DETACHED GARAGES

(FULL - MINOR)

MAIN ISSUES

- Loss of an active commercial use
- Residential development
- Design & Amenity
- Flood Risk
- Ecology & Trees

DESCRIPTION OF SITE

The site is situated on the northern side of Turnlee Road and is occupied by a car maintenance garage. It has a large forecourt to the front and a showroom and vehicle repair workshops. The site backs onto Long Clough Brook and trees border the watercourse. As a result of the proximity to the watercourse the entire site is classified as flood zones 2 and the land immediately adjacent to the watercourse is within flood zone 3. Footpath 41 runs through the site and its definitive alignment is obstructed by the existing showroom building.

There are residential properties adjacent and opposite the site.

PROPOSAL

The application seeks full planning permission of 9 no. detached dwellings.

Revised plans and supporting documentation were submitted during the course of the application's determination to address concerns raised by planning officers and consultees. For completeness the application has been determined on the basis of the following plans:

- 23-027.1004 Rev M: Proposed Site Plan
- 23-027.1005 Rev D: Proposed Site Sections

- 23-027.1006 Rev D: Proposed Floor Plan – House Type A – Plot 1
- 23-027.1007 Rev D: Proposed Floor Plan – House Type A – Plot 1
- 23-027.1008 Rev D: Proposed Floor Plan – House Type A – Plots 2 & 8
- 23-027.1009 Rev E: Proposed Floor Plan – House Type A – Plots 2 & 8
- 23-027.1014 Rev G: Proposed Floor Plans – House Type B, Plots 4 & 6
- 23-027.1015 Rev G: Proposed Elevations - House Type B, Plots 4 & 6
- 23-027.1016 Rev G: Proposed Floor Plans – House Type B, Plots 5 & 7
- 23-027.1017 Rev G: Proposed Elevations - House Type B, Plots 5 & 7
- 23-027.1022 Rev E: Proposed Site Elevations
- 23-027.1030 Rev A: Proposed Curtilage Plan

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
 S 1a Presumption in Favour of Sustainable Development
 S 3 Strategic Housing Development
 S 5 Glossopdale Sun-area strategy
 EQ 6 Design and Place Making
 EQ11 Flood Risk Management
 E 4 Change of Use of existing business land and premises
 H 1 Location of Housing Development
 CF 6 Accessibility and Transport

Supplementary Planning Documents

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

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development
 Chapter 5: Delivery a sufficient supply of homes
 Chapter 6: Building a strong, competitive economy
 Chapter 9: Promoting Sustainable Transport
 Chapter 12: Achieving Well Designed Places
 Chapter 14: Meeting the challenge of climate change, flooding and coastal change
 Chapter 15: Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/7254: Erection Of 16 Dwellings (Approved 25.09.98)

CONSULTATIONS

Publicity

Site Notice expiry date: 18/09/2025

Neighbour consultation period ends: 18/09/2025

Press Advert: 18/09/2025

Public Comments

3 Objections were received:

- Having looked through the documents submitted by the applicant/ agent for the proposed document it appears that no marketing of the buildings as a commercial property for sale or let has taken place for the minimum six months, thus not complying with High Peak Local Plan, policy E4. Therefore at present the application does not meet with the requirements of the published local plan.
- This proposed development is not appropriate on this site which is on a busy road and on a long bend. Slatelands Road has no access to it owing to the dangerous turning.
- The front of our property looks directly at the back of 4 of the proposed properties. These properties are three storeys high, as opposed to the other properties which are all 2 storey. If the 3 storey properties are allowed this will result in loss of view from our property of the surrounding hills, including Whitley Nab and significant loss of light from our front windows

Tree Officer

The tree protection element is considered to be acceptable, no objections from that point of view.

There is nothing about the tree planting questions I raised though. Which could be addressed via the proposed condition below:

Tree planting and soil rooting volume condition

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved.

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - Staking/tying method(s).
 - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of the local environment, air quality and adapting to and mitigating climate change in accordance with policies EQ1, EQ2, EQ5 and EQ9 of the Local Plan.

Environmental Health

No Objection subject to conditions relating to the following:

1. Contaminated land
2. Construction & demo dust
3. Construction & demo waste
4. Noise – piling
5. Hours of operation
6. Site radio

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.

Please provide as part of the planning application a tracked plan to show waste collection vehicle access and turning.

- The comments above are acknowledged and therefore to ensure that refuse collection vehicles are able to access the site a refuse strategy condition is placed on any permission hereby approved.

DCC Highways

Initial advice in September 2024 advised that any development of six or more properties needed to have an adoptable standard road.

17/12/24:

Since the HA provided the response on 3 September 2024, the County Council Design Guide has been amended and now states:

'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.'

Therefore, although the applicant has submitted a Technical Note dated November 2024 in reply to the HA response addressing many of the HA issues, the following still applies:

1. The applicant also needs to consider 'LTN 1/20' and 'Inclusive mobility' both of which address key considerations to promote active travel (including cycle storage) and ensure that persons with protected characteristics are catered for.
2. The County Council will not consider the access road for adoption.

The County Council would wish to see the highway issues addressed prior to determination, however, 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.

05/03/25:

The applicant has submitted drawing number 1004 Rev J which shows a 7.5m wide carriageway and turning head, the HA offer no objections, but it should be noted that in order to implement the scheme a separate construction approval processes with the HA will need to be progressed – this scrutinises construction details and will be necessary in order for the HA to enter into any Section 278 Agreements for any works, so the design will need to be formally approved by the HA as part of any Section 278 Agreements pursued for these works, but it is likely that minor amendments may be required to the proposals submitted, so no formal HA approval is given at this stage. The construction of the works will inevitably lead to considerable disruption in the area which will affect several existing dwellings, so a Construction Management Plan (CMP) will therefore be an essential element, so it is considered that any remaining issues may be addressed by appropriate Conditions/Informative Notes appended to the consent issued for this development

and on this basis the HA recommend the following Conditions and Informative Notes, or similar based on the same, be included in any consent granted:

- Access, parking and turning areas in accordance with 23-027-10004 Rev J
- Secure and accessible bicycle parking
- CMP
- Visibility splays – 43m in each direction
- New access not brought into use until existing access is permanently closed.

DCC PROW

Glossop Public Footpath No. 41 runs through the proposed development site. If permission is granted for the proposals, FP 41 will be required to be permanently diverted. Providing there is a diversion for FP 41, the Rights of Way section would not object to the proposals. I note the welcome addition of the green corridor that has been incorporated in the plans for the northern section of the path.

DCC Archaeology

- The proposed development area overlay the site of the 19th century Bridgefield Cotton Mill and Mill Pond toward the south and the west which is recorded in the Derbyshire HER (MDR13261), while the northeastern edge of the PDA encroaches into the St James Conservation Area (DDR7072).
- In terms of below ground archaeology, map regression of the site suggests two potential areas of archaeological concern unaddressed in the submitted Heritage Assessment. The first in regards to the heritage value of remains associated with the Mill (sluice gates etc.).
- The second, I note from the mapping that the majority of the site was an open area until the establishment of the Reliance Garage building which is still extant. There is therefore the possibility for the survival of previously unknown archaeology within this site. A paved cartway probably dating to the 16th or 17th century is recorded on the HER at the north-west tip of the site, while the postulated line of the Roman road between Brough and Melandra also lay 70m to the north-east. These archaeological concerns can be tested in the first instance through archaeological evaluation with suitable mitigation to follow, if necessary.
- WSI condition should be attached

Environment Agency

17.03.25:

We are willing to accept the conclusions of the FRA on the basis of the upper required 600mm freeboard, in accordance with the most recent guidance. Any reduced freeboard or reliance on property-level resilience for more vulnerable or higher vulnerability use cases is accepted only on an exceptional basis and with a robust evidence base of its adequacy. Therefore, we would recommend the approval of the development only on the following basis, derived from the more cautious provisions of the FRA:

The proposed development will only meet the National Planning Policy Framework (NPPF) policy to avoid flooding in the design lifetime of the development if the following planning condition is included.

Condition

The development hereby permitted must not be commenced until such time as a scheme to ensure finished floor levels are set no lower than <x> metres above Ordnance Datum (AOD) has been submitted to, and approved in writing by, the local planning authority.

In accordance with 4.1.6 of the Flood Risk Assessment, finished floor levels shall be set no lower than the increased 600mm freeboard allowance based on drawing reference 16-2243-002-P2.

Derbyshire Wildlife Trust

27.03.25:

The revised proposed plans show the amendments to the rear boundaries that we discussed. This should enable the onsite woodland to be retained outside of residential curtilages.

The current PEA assessed B1a and B1b to have low bat roost potential. A single bat emergence survey undertaken by a different consultant in August 2023 did not record any roosts in these buildings. The current best practice guidelines (Collins, 2023) allow for demolition of low potential buildings under supervision, where justified, and given the absence of a roost in 2023, we would consider this a pragmatic approach, rather than requesting additional bat surveys.

Confirmation of BNG details must be provided in a post-determination Gain Plan, prior to the commencement of works <https://www.gov.uk/guidance/biodiversity-net-gain#para25>. We advise that the following conditions should be attached to any permission:

- CEMP
- Lighting
- A Habitat Management and Monitoring Plan
- Species Enhancement Plan

United Utilities (No Objection subject to Condition)

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

REQUESTED CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river). To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances. Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

OFFICER COMMENTS

Principle of Development

The site is situated within the built-up area boundary of Glossop which is identified as one of the larger Market Towns at the top of the settlement hierarchy under Local Plan Policy S2 where there is a focus for new housing and economic growth. As such, the principle of development is acceptable, subject to a detailed assessed of all relevant planning considerations in particular other local plan policies.

However, since the application has been submitted, the housing requirement for the Borough has changed from 243 dwellings per annum to 553dpa due to the changes to the standard method calculations introduced by the revised NPPF (December 2024). This has resulted in the local planning authority not being able to demonstrate a five year housing land supply. The most recently published 5-year housing land supply statement for the LPA (March 2025) confirms that the Borough has a deliverable supply of 2.85 years.

As such the tilted balance is engaged and in accordance with paragraph 11 d) of the NPPF planning applications should be determined as follows:

d) 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.*

Footnote 8 to Paragraph 11 of the amended in revised version of the NPPF to clarify what meant by out of date:

This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232

11 d) i) does not apply because the land does not relate to a protected habitat, SSSI, Green Belt, Local Green Space, National Park or a designated heritage asset.

11 d) ii) does apply and the test is whether any adverse impacts of approving the application '*would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'

As a consequence of the Council being unable to demonstrate a five year housing land supply policies that restrict the delivery of housing are out of date which for this application includes: S3 (Strategic Housing Development), S5 (Glossopdale Sub-area) H1 (Location of Housing Development), H2 (Housing Allocations) and E 4 (Change of use of existing business land and premises).

Whilst policies may be deemed out of date due to the lack of five year housing land supply, the application still need to be determined having regard to planning considerations and the overarching objective of achieving sustainable development. Weight needs to be attributed to any benefits and harms the development will create in relation to the economic, social and environmental objective of sustainable development.

Loss of Employment

The site is occupied by a well established car maintenance garage Reliance Garage which includes a showroom and vehicular repair business which is still an active business. Historically the site had petrol pumps on the large forecourt but these have since been removed.

Policy S 5 sets out the development priorities for Glossopdale (Glossop and hinterland settlements) which identifies sustainable growth by an increasing range of employment opportunities and meeting the housing needs of the local community whilst promoting and maintain the distinct identity of its settlements. In terms of encouraging the growth of employment opportunities it identifies the need for

Safeguarding existing employment sites for industrial and business use unless specifically allocated for an alternative use.

Policy E 4 resists the loss of existing business or industrial land or premise for non employment use. It identifies two exceptional circumstances where the loss of commercial uses can be considered acceptable, the first exception is to demonstrate that that the land/premises is no longer viable as a commercial use:

1. The continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development; and the proposed use is compatible with neighbouring uses, or

The second exception relates to mixed use proposals which isn't applicable to this application.

During the course of the application's determination, it was highlighted to the agent that no evidence had been submitted to demonstrate that the site had been marketed for commercial use prior to submission of the application for residential development.

The agent supplied a letter from Roberts & Roberts commercial agents who had marketed the site. The letter comprises one page and attaches the marketing particulars.

The letter makes the following points:

- Confirms that they were instructed to sell the property on 1 September 2021;
- They were requested not to erect a marketing (concerns it would affect current business)
- As the property has an extant consent for housing it was marketed as a commercial/residential development opportunity.
- The property was advertised on their website and is notes as 'under offer'
- It was also marketed through Zoopla from 18 November 2021 and was removed on 2 February 2024.
- They also attach a schedule of people who have downloaded the marketing particulars from their website (names redacted).

The marketing particulars describe the site as 'Commercial garage/showroom with potential for residential development' and is priced at 'offers in excess of £800,000'. It is clear by the price and the marketing description that the site is being marketed with residential hope value, a commercial site would not reach anywhere near the marketed land value. Accordingly, there is no evidence to demonstrate that the site has been marketed to attract other commercial users taking on the site. Instead, the price that the vendor is seeking would put off any potential commercial users looking to acquire a commercial premises.

Not only has the site only been marketed with residential intent, it is evident that it has been subject to a very discrete marketing campaign. It has been advertised only on the agents website and Zoopla, no marketing board was erected at the site to

promotes its availability locally nor was it not advertised on any specialist commercial agent websites such as Estates Gazette which would attract a wider audience.

The site is still being marketed on the agent's website:

<https://robertsandroberts.co.uk/property/reliance-garage-showroom-turnlee-road-glossop-sk13-6pw>

It is accepted that site in its current form and condition may only attract a limited number of alternative occupiers but nevertheless due to the discrete marketing campaign potential occupiers were not made aware of the site availability. If a marketing board had been erected at the site, other local business could have seen it was available for occupation. There may be car repair business currently operating from suitable premises who would have welcomed the opportunity to relocate to this premises as it is quite a spacious site. The proposals are therefore contrary to local plan policy E 4.

It is accepted in the context of the 'tilted balance' that policy E 4 is considered out of date in the context that that is a policy that restricts the supply of housing. However, the loss of employment, an active business, is still a matter consideration considered in the overall planning balance having regards to NPPF paragraph 11 d).

Nonetheless the applicant has put forward a fall-back position with regard to the extant permission (HPK/037254). This application has extant consent for 16 dwellings with 7 of these having been built out.

For a fallback position to be considered, there must be a degree of possibility that the extant permission could be fully built out, in this instance demolishing the existing commercial buildings to build out the remaining 9 dwellings.

Condition 1 of the Permission HPK/037254 required that development be begun no later than the expiration of five years from the date of the Permission. It has been established that in accordance with Condition 1, 7 dwellings have been constructed. Thus, pursuant to s.56(1)(a) TCPA 1990, development has commenced, and the permission has been implemented. Therefore, it is accepted that the original planning permission (HPK/037254) does constitute a valid fall-back position. The applicant contends that the accepted possibility that the remaining 9 dwellings could be built out establishes the principal of residential development has already been found acceptable in the granting of the previous planning consent.

The application proposed in this instance would also create a development of 9 detached residential dwellings and the clearance of the same existing commercial buildings. Additionally, it is also noted that the extant permission would create 9 four bedroom detached dwellings which would be contrary to current housing mix policy outline in Policy H3 which seeks to provide "*a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality.*" The development as proposed in this instance would provide a mix of three and four bedroom properties with dwellings having a greater degree of variance in the appearance and form which is more in line with the requirements of Policy H3.

Therefore, it has been assessed that the proposed development would not create a larger development than the extant permission and would be no worse than the arrangement as approved by the extant permission. The grant of the extant permission demonstrates that the principle of the loss of the existing commercial unit and its replacement with a residential development for 9 dwellings is acceptable.

Consequently, the proposed fall-back position is considered to outweigh the lack of compliance with Policy E4 and the principle of the loss of the commercial unit for residential development is deemed to be acceptable in this unique instance.

Residential Development

As previously noted, the site is within the defined settlement boundary limits of Glossop and is generally considered a sustainable location where the principle of residential development is accepted, irrespective of the Council's housing land position and subject to other planning considerations such as loss of employment. Policy H 1 relates to the location housing development and states '*Supporting housing development in unallocated sites within defined built up area boundaries of the two and large villages*'. H 1 also promotes the effective reuse of land and the site is a brownfield site (i.e. previously developed land) which is also encouraged by the NPPF.

Policy S 5, which is specific to the Glossop Sub-Area, echoes H 1 and also supports the development of new housing on sustainable sites within the built-up area boundary. Although as noted above other limbs of this policy are applicable to the proposal encourages employment growth and seeks to safeguard existing employment sites.

The site also has a historic planning permission for housing, the site together with adjacent land to the west (Earls Way) was granted planning permission for 16 houses in 1998. For some reason, the developers (Barratts Manchester) did not implement the 9 houses for the eastern part of the site, perhaps because the owner of Reliance Garage was not willing to sell the site nearly 27 years ago when the permission was granted. Legal advice was obtained from the applicant which was subsequently reviewed by the Council's solicitor stating that the 1998 consent is extant. As above, this extant permission affords the proposed development a substantial weight via a fall back position. Although the planning policy context at the time of the original consent (HPK/037254) was vastly different to that of today the consent is still extant and it has been established could reasonably be built out.

Notwithstanding concerns about the loss of employment land in relation to policy E 4, the principle of residential development has been established to be acceptable and thus the proposed development is considered to be acceptable in principle.

Design, Housing Mix and Layout

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 contains further useful guidance for designing proposals to ensure that they are of high quality and response well to their existing context, particularly in rural areas. Guidance pertinent to this application is set out as follows:

The architectural style of new development should be guided through an assessment and understanding of the character and context of the area. Sites may be capable of accommodating both contemporary and traditional forms of development that are high quality and functional.

New buildings should use facing materials that either match or complement those of the surroundings. Under certain circumstances, new materials can sometimes be used as a foil to more traditional materials to highlight and bring out their materials.

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.

Revised plans were submitted during the course of the application's determination due to officer's concerns about the design, form and housing mix of the dwellings. The most recent site plan (23-027.1004 M) proposes a development of nine detached dwelling houses: 5 x 4 bed houses and 4 x 3 bed houses. The original scheme proposed 9, 4 bed houses but officers advised that a development only providing 4 bed properties would be contrary to policy H3 which requires developments to have a range of housing types and sizes to address the housing needs of local people.

The revised scheme better addresses the requirements of H3 by providing 3 and 4 bedroom properties, albeit it this is all family housing and no smaller properties for couples or single households are provided. On the basis of the scheme being a minor development (i.e. less than 10 dwellings) the non-compliance with policy H3 is considered acceptable, and in light of the extant consent which would allow all 9 units to be 4 bedroomed.

The houses are arranged around a 7.5m shared access road (i.e. non adoptable road with no separate pavements). Two houses flank either side of the access junction with Turnlee Road. All 9 properties have off street parking and rear gardens of varying size and length. A pedestrian link is shown through to Earls Way to the north-west corner of the site. The existing woodland tree belt along Long Clough Brook is proposed to be retained.

The detached dwellings would all be a buff brick and slate roof. Plots 1 and 9 which are positioned either side of the Turnlee Road access junction have a hipped roof form. Revised plans show plots 1 & 9 as having a dual frontage so that Turnlee road and the access road are equally addressed, thus, reinforcing a street frontage to Turnlee Road.

Plots 2, 3 and 8 have the same footprint as plots 1 & 9 but have a pitched roof. All five of the 4 bedroom properties have an integral garage and two off road car parking spaces. The four, 3 bedroom properties (plots 4-7) are located to the rear of the site and a pitched roof form. The properties have two off-street car parking spaces.

The form and style of the proposals is typical for a new build development. The surrounding character of Turnlee Road is a mixed character with no one house type or era prevailing. Therefore, the design of the properties are considered appropriate to the locality.

Policy H3 also requires all residential developments to comply with the Nationally Described Space Standard (NDSS). The 3 bedroom houses are 5 person properties and floor area is 112.4 sqm which exceeds the minimum NDSS requirement of 93 sqm. The 4 bedroom houses are 8 person properties with a floor area of 141.7 sqm exceeding the minimum NDSS requirement of 124 sqm. The proposals therefore satisfy the NDSS requirement of policy H3.

With consideration to the above the proposed development is judged to be of an acceptable design and would comprise an appropriate housing mix and layout in accordance with Local Plan policies S1, EQ6, H3, the Design Guide SPD and national policy detailed in the NPPF.

Amenity

Paragraph 135 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Local Plan Policy EQ6 requires that all development achieves a satisfactory relationship with adjacent properties. It must not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The Adopted Residential Design SPG states that the distance between habitable room windows should be 21.0m and for every change in level of 0.5m, the increase in distance between properties should be 1.0m. The guidance in the SPG allows for variation in distances in order to accommodate particular site circumstances.

The nearest existing residential properties to the proposed development are 1 and 1a Turnlee Road. The nearest plots (8 & 9) would retain 15m to the side elevation of these neighbouring properties. Whilst there are no defined guidelines within the Residential Design Guide for distances retained to side plots and gardens, the general applied rule is that 12m be retained. In this instance the proposals would retain 15m which is judged to be acceptable. The proposed plots, no.1 and no .8 facing onto Turnlee Road would retain 26m to the nearest dwellings directly opposite the site to the south of Turnlee road which would ensure that there would be no loss of privacy or overlooking as a result of the proposed development. There are no residential properties in proximity to the rear of the site which backs onto Long Clough Brook. One objection was received from the neighbouring occupier of no. 26 Slatelands Road which refers both to the loss of their view and loss of light to front windows. A right to a view is not a material consideration in planning terms, however

an occupiers outlook and amenity are both protected. However in this instance no.26 Slatelands is located 36.4m from the nearest plot (no.6) and beyond the trees which border Long Clough Brook, consequently with consideration to the large privacy distances retained and significant screening present, the three storey properties are deemed to have no detrimental impacts with regards to overlooking, loss of light and loss of privacy to the properties along Slatelands Road.

There are four properties along Earls Way to the west of the site which back onto plots 1-3 of the proposed development. Nonetheless, the nearest relationship between properties along this row would be between the proposed plot 1 and no.7 Earls Way. Plot one would retain 21m to the nearest habitable room window of no.7 and as such has been assessed to not lead to any loss of privacy or overlooking, plots 2 and 3 would retain more than 21.9m (23.3m and 26.8m respectively) and additionally it is not that these properties would be angled so that they would not directly face one another. Therefore, the proposed development is not judged to have any adverse impacts with regards to overlooking or privacy.

As above each of the proposed development plots would exceed the requirements set out by NDSS and as such the proposals would provide more than adequate amenity provision for future occupiers. Each plot would provide a minimum garden plot of 92sqm of open space and garden provision which is deemed to provide an acceptable provision of open space for future occupiers.

Overall, it is considered that there would be sufficient space to accommodate the proposed development within the site whilst safeguarding the residential amenity of both existing and future residents. As such, the scheme accords with Policy EQ6 of the Adopted Local Plan and paragraph 17 of the NPPF.

Highway Safety

The NPPF promotes sustainable transport and recommends that local planning authorities should seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel.

Adopted Local Plan Policy CF6 'Accessibility and Transport' seeks to ensure that new development can be accessed safely, provides access to a range of transport modes and minimises the need to travel by unsustainable modes. The site is within the built-up boundary area of Glossop. It is considered to be in a sustainable location within easy access of public transport, walking and cycling routes and key services and facilities.

The application proposes a new L-Shaped shared access route off Turnlee Road, traversing the site from south to north east. The proposed access route would have a width of 7.5m across the site and also comprises a turning head to the north of the site measuring 6m x 8.75m. 1m footpaths lead from each site access to provide a level approach to the entrance of each individual dwelling. No objection has been raised by Derbyshire County Council Highways following revised plans however it is still accepted that there is likely to be a degree of disruption during the construction

process. Therefore any application hereby approved will need to be conditioned to include a Construction Management Plan (CMP).

The proposed development would provide garages for each of the proposed plots, plots 1-3, 8 and 9 would comprise integrated garages and plots 4-7 are to have separate detached garages. Each plot is also afforded a driveway which would accommodate two off-street parking spaces. Therefore, the proposed development has demonstrated that it can comply with the Parking Standards for New Development as set out in Appendix 1 of The High Peak Local Plan and is acceptable in this regard.

The proposed development also includes the provision of a green corridor pedestrian link across the site and also providing access onto Slatelands Road to the north. As existing it is shown that a public footpath (ref. HP/12/41/1) runs directly across the middle of the site and appears to stop before Long Clough Brook. The public footpath is currently blocked and has been for many years by the existing garage commercial unit. Given that the existing PROW is not able to be used along its current route and does not seem to provide access to any points of interest or promote inter-site connectivity the diversion of this PROW is considered acceptable. The supporting documents and drawings have shown that a pedestrian / cycle link is proposed to Slatelands Road, which at present does not exist and as such will see an enhanced public footpath route providing greater connectivity within the vicinity which will also benefit the social cohesion of the wider community and the site's relationship within the local area.

The diversion of the PROW itself is a matter outside of planning consideration and is instead assessed under an alternative section of the Town and Country Planning Act. Therefore, any permission hereby approved would also require the applicant to submit an application under Section 257 of the Town and Country Planning Act 1990 to do so. Given that the proposed PROW link towards Slatelands Road is considered to be an enhancement over the existing offering there are no apparent reasons to indicate its diversion would not be granted.

In lieu of the above the proposed development has been assessed that the proposed development would not have any unacceptable impacts upon the highway network with regards to safety, the scheme would provide for adequate access, turning and parking and incumbent residents would have access to public transport, cycle and pedestrian routes. As such the proposals comply with Local Plan Policy CF6 and Chapter 4 of the NPPF.

Flood Risk

The NPPF and Local Plan Policy EQ11 resists development in flood risk areas or developments that will result in increased flooding elsewhere. In terms of Flood Risk vulnerability residential development is classified as a 'more vulnerable use; (NPPF Annex 3).

The Environment Agency (EA) initially objected to the application and during the course of the application's determination, the Agent submitted revised Flood Risk Assessment and drainage Strategy reports.

Subsequently the EA have confirmed that they are willing to accept the findings of the latest FRA on the basis of the upper required freeboard. As such the EA has removed their objection subject to a pre-commencement condition requiring a scheme to ensure finished floor levels are submitted and approved by the local planning authority. The LLFA has not provided any comments with regards to this planning application.

With consideration to the above it is deemed that subject to condition the proposed development would not have any unacceptable impacts with regard to flood risk in accordance with Local Plan Policy EQ11 and national policy detailed in the NPPF.

Ecology & Trees

Adopted Local Plan Policy EQ9 'Trees, Woodlands and Hedgerows' states that *"The council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species rich hedgerows from loss or deterioration."*

The site comprises predominantly hardstanding although there is a section of woodland present to the north east which follows the edge of Long Clough Brook. This area of woodland is categorised in the submitted PEA as Lowland Mixed Deciduous Woodland.

A Tree Protection Plan has been submitted in support of the application and to secure the protection of this section of woodland to ensure that the rear gardens of plots 4-7 will not encroach into the root protection area of said woodland area. No objection with regard to this has been raised by the Tree Officer.

However during the course of the application, queries regarding tree planting arose and have not been rectified. Therefore the Tree Officer has requested a Tree Planting and Soil Rooting Condition to ensure appropriate safeguarding of planted trees.

Therefore in light of the above it is deemed that subject to condition the proposed development would not have any adverse harm to protected trees and the planting of trees within the development can be successfully incorporated into the development. Therefore, sufficient information has been submitted at this stage that the proposals can demonstrate accordance to Policy EQ9 and the NPPF subject to condition.

Biodiversity

Section 11 of the NPPF outlines that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 109 seeks to minimise impacts and provide net gains in biodiversity where possible. Adopted Local Plan Policy EQ5

Biodiversity' echoes this advice, advising that biodiversity and ecological resources should be conserved.

Over the course of the application DWT had objected to the proposals as insufficient information had been submitted to justify that the north-eastern woodland be downgraded from a Priority Woodland Habitat and the safeguarding of this wooded area. Revised plans were submitted to show amendments to the rear boundaries of plots 4-7 which allows the woodland to be retained outwith of any residential curtilages allowing DWT to remove their outstanding objection to the proposals.

The Submitted PEA identified the site to be of a low bat roost potential and an emergence survey undertaken in 2023 did not record any bat roosts. Given the lack of bat roosting potential further bat surveys were not requested and the proposed development is not judged to have any impact upon Bat Roosting.

With regards to Biodiversity Net Gain the submitted Biodiversity Net Gain Report and metric have identified that the proposed development can achieve a Biodiversity Net Gain habitats of 15.57%, hedgerows 74.25% and watercourse 15.6% and can be delivered at the site subject to the implementation of a Habitat Management and Monitoring Plan. Revised comments from DWT confirm that confirmation of BNG details must be provided in a post-determination Gain Plan, prior to the commencement of works <https://www.gov.uk/guidance/biodiversity-net-gain#para25>. They advise that the following conditions should be attached to any permission:

- CEMP
- Lighting
- A Habitat Management and Monitoring Plan
- Species Enhancement Plan

It is considered that the proposals will not adversely affect any ecological or biodiversity interests subject to the conditions and advice set out in the comments received from DWT being secured as conditions to any consent granted. The proposals are therefore considered to comply with Adopted Local Plan Policy EQ5 and Chapter 11 of the NPPF.

Contaminated land

Section 11 of the NPPF seeks to prevent unacceptable risks from pollution and land stability to ensure new development is appropriate for its location. Similarly, Adopted Local Plan Policy EQ10 'Pollution Control and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary.

The Environmental Health Officer is satisfied that the development of the site for residential use would be acceptable with appropriate site investigation subject to condition (and remediation if required). These matters can be addressed by appropriate conditions to protect the amenity of existing neighbouring residents and proposed occupiers.

As a consequence, the proposed development is considered to comply with Policy EQ10 of the Adopted Local Plan and Chapter 11 of the NPPF.

CONCLUSION / PLANNING BALANCE

The National Planning Policy Framework provides for a presumption in favour of sustainable development. The Framework advises that proposals which comply with the development plan should be approved “without delay”. The site is within the built up area boundary of Glossop and is in a sustainable location in terms of access to public transport and local services.

The scheme would make a contribution towards the Borough’s housing supply and thereby would deliver social and economic benefits, including the creation of new jobs during the construction phase and additional spending in the local economy from future residents. Overall, the design of the scheme (as revised), impact on the character and appearance of the visual amenities of the area, impact on neighbouring amenity and highways impact have all been satisfactorily addressed. It is therefore considered that the application complies with the relevant policies of the High Peak Local Plan and NPPF and conditional approval is recommended.

OFFICER RECOMMENDATION : Approval

Case Officer: Stuart Talbot

Recommendation Date: 10/07/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council