

DELEGATED DECISION REPORT

NMA/2025/0031
Valid 13/10/2025

EASTERN MILL MILLTOWN
GLOSSOP

**NON-MATERIAL AMENDMENT
TO WORDING OF
CONDITIONS 7, 8, 9, 11 AND
30 RELATING TO PLANNING
PERMISSION HPK/2022/0317**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

- Will the proposed amendment to the wording of conditions 7, 8, 9, 11 and 30 lead to changes which are non-material.

DESCRIPTION OF SITE

The application site comprises land and buildings located to the east of Glossop town centre, roughly enclosed by Milltown at the West, High Street East to the North, and Shirebrook Drive at the East. Shelf Brook runs along the East boundary of the site, and joins Hurst Brook at the South-East corner of the site to become Glossop Brook running along the South edge of the site.

The site comprises two distinct (though contiguous) parcels. The smaller, Northern part of the site is the former Eastern House, a historic manor house accessed off High Street East, which is set in grounds along with a detached coach house. Both buildings have been disused for some time and are partly derelict, and the grounds are heavily overgrown. This part of the site has gated access off High Street East.

The larger part of the site, positioned to the South and East of Easton House and at a lower elevation, is disused industrial land. This part of the site comprises a cleared area formerly occupied by industrial premises which fully enclosed most of the area now cleared. Remaining structures on the site includes a three-storey stone mill building, Eastern Mill, located at the West edge of the site adjoining Milltown. The site is otherwise enclosed by a high stone wall along Milltown. A number of other small structures remain on the site, in various derelict conditions. The lower part of the site is otherwise cleared of previous structures and generally level and open. There is vehicle access onto the Southern part of the site from Milltown, adjacent to Eastern Mill.

The lower part of the site also includes a defunct millpond at the North-East corner, which is understood to have served an earlier phase of industrial operation on the site. The millpond is now heavily overgrown with trees.

In terms of the immediate context, the site is generally surrounded by residential uses on all sides, with the exception of the Jehovah's Witness church adjacent to the

West boundary of the site on Milltown, and a public house slightly further removed. Further to the West are retail and leisure developments to the South of High Street East, and beyond that the rest of Glossop town centre.

The site is subject of the following planning policy and other designations:

- The site is within the build-up area boundary for Glossop
- The site forms part of the allocated site number G16 Woods Mill, Glossop, within the High Peak Local Plan 2016. Under Local Plan policy H2, the Woods Mill allocation is designated as being appropriate for a range of uses including residential, with the wider site being suitable for approximately 104 dwellings.
- Within the 'Urban' landscape character area.
- The wider Woods Mill site is noted by Policy E5 'Regenerating an Industrial Legacy' as a constrained employment site where proposals for redevelopment will be supported.
- Fully within (and forming most of the eastern extent of) the Howard Town Conservation Area
- Eastern Mill, Easton House and its Coach House are not listed but are recognised as non-designated heritage assets.
- All of the lower part of the site is within Flood Risk Zone 2. Some areas of the lower part of the site are within Flood Risk Zone 3.
- Buffer area for a landfill off Silk Street, Glossop, located to the South-East
- There are no public rights of way crossing the site. There is a bridleway number HP12/174/1 and HP12/23/1 running alongside the opposite bank of the Glossop Brook, on a footpath which extends from High Street East, around the East and South of the site to Lower Bank at the South-West corner of the site.
- The North-East corner of the site (comprising the defunct millpond) is subject of a group Tree Preservation Order. 'Trees & Woodlands at Glossop'.

PROPOSAL

The application seeks a non-material amendment via Section 96a of the Town and Country Planning Act 1990 to the approved wording of conditions regarding the previously approved application HPK/2022/0317. The applicant wishes to amend the wording of Conditions 7, 8, 9, 11 and 30. The following amendments have been proposed:

Condition 7 – Landscaping and Walkway Implementation

The existing wording of the condition consists of:

"The approved landscaping and walkway details shall be implemented in full no later than the end of the first planting season following first occupation of any part of the development hereby approved."

The applicant proposes the following wording:

“The approved landscaping and walkway details for each phase of the development shall be implemented in full no later than the end of the first planting season following first occupation of any dwelling within that phase. The approved works shall thereafter be retained and maintained for the lifetime of the development.”

Condition 8 – Bin Storage and Collection

The existing wording of the condition consists of:

“Prior to first occupation of the development hereby permitted, finalised details of bin storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. All facilities for bin storage and collection shall be implemented prior to first occupation of any of the dwellings which those facilities serve.”

The applicant proposes the following wording:

“Prior to first occupation of dwellings within each phase of the development, finalised details of bin storage and collection arrangements for that phase shall be submitted to and approved in writing by the Local Planning Authority. All facilities shall be implemented prior to first occupation of the dwellings they serve and retained thereafter for the lifetime of the development.”

Condition 9 – Flood Risk and Mitigation Measures

The existing wording of the condition consists of:

“The development shall be carried out in accordance with the submitted flood risk assessment (ref ELLUC-RH-21023-FRA-F4, dated 06/07/22, author I. Casling) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than those illustrated in ELL-21023-WHL-1002 (Appendix F)*
- Compensatory storage shall be provided as according to ELL-21023-WH-L-1002 (Appendix F). The highest level AOD, and minimum dimensions, to be fit for purpose, should be taken from this drawing*
- The proposed flood wall bordering Milltown in drawing ELL-21023-WH-L-1002 (Appendix F) shall be implemented prior to first occupation of the approved development, with a minimum of the same dimensions and level as described in the drawing*
- Surface water drainage will have a minimum capacity of that described in the FRA (point 12.9). Please note that planning permission does not constitute a flood risk permit.*
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.”*

The applicant proposes the following wording:

“The development shall be carried out in full accordance with the submitted Flood Risk Assessment (ref: ELLUC-RH-21023-FRA-F4, dated 06/07/22, author I. Casling) and the mitigation measures it identifies, applied to each phase of the development, including:

- Finished floor levels set no lower than those shown on drawing ELL-21023-WH-L-1002 (Appendix F);*
- Compensatory storage as shown on drawing ELL-21023-WH-L-1002 (Appendix F);*
- Implementation of the proposed flood wall bordering Milltown (Appendix F) prior to first occupation of dwellings within the phase served by that access;*
- Surface water drainage with a minimum capacity as described in section 12.9 of the FRA.*

The mitigation measures shall be fully implemented prior to first occupation of dwellings within each phase and retained and maintained thereafter for the lifetime of the development.”

Condition 11 – Sustainable Drainage Management and Maintenance

The existing wording of the condition consists of:

“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 be in accordance with the principles outlined within:

a. a. Elluc Projects. (01.07.2022) Drainage Strategy, ELL-21023-WH-L-2000 & Elluc Projects. (06.07.2022) Flood Risk Assessment, ELLUC-RH-21023-FRAF4, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
and

b. DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

And shall include as a minimum:

c. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company;
and

d. 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.

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).”

The applicant proposes the following wording:

“Prior to occupation of dwellings within each phase of the development, a Sustainable Drainage detailed Design and Management and Maintenance plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with:

a. Elluc Projects (01.07.2022) Drainage Strategy (ELL-21023-WH-L-2000) and Elluc Projects (06.07.2022) Flood Risk Assessment (ELLUC-RH-21023-FRA-F4), including any approved updates;

and

b. DEFRA’s Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

The Plan shall include arrangements for adoption, management, and ongoing maintenance to ensure effective operation of the drainage system throughout the lifetime of the development.

Prior to first occupation of dwellings within each phase, a verification report by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority, confirming that the drainage system has been implemented as approved (including national grid references for key elements).”

Condition 30 – Implementation of Site Entrance Highway Works

The existing wording of the condition consists of:

“Prior to the first occupation of the development a new junction shall be formed onto Milltown, and an amended junction onto High Street East, both provided with visibility sightlines in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.”

The applicant proposes the following wording:

“Prior to first occupation of dwellings accessed from Milltown (Phase 1), the approved junction works at Milltown (as shown on drawings approved under Condition 29 and within the S278 technical approval dated 30/05/2024) shall be implemented in full.

Prior to first occupation of dwellings accessed from High Street East (Phase 2), the approved junction works at High Street East (as shown on drawings approved under Condition 29 and within the S278 technical approval dated 30/05/2024) shall be implemented in full.

The visibility sightlines for each access shall thereafter be kept clear of any object greater than 1 metre in height (0.6 metres in the case of vegetation) above the nearside carriageway channel level.”

As part of the non-material amendment application, the applicants have proposed the addition of a general phasing condition to the decision notice of HPK/2022/0317, to define what the phases of the development are. The proposed phasing condition is as follows:

“New Condition [XX]: Phasing

The development hereby approved shall be implemented in two distinct phases for the purposes of complying with all relevant conditions of this permission. Phase 1 shall comprise the Lower Site (those that take access from Milltown) and Phase 2 shall comprise the Upper Site (those that take access from High Street East). The development shall be carried out in strict accordance with this defined phasing."

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/4140 - Prefabricated Boilerhouse. Approved, 01/05/1986
HPK/0002/6440 - 3 Practitioners' Medical Centre With Associated Facilities, Including Parking. Approved, 03/05/1988
HPK/2007/0229 - Retrospective Conservation Area Consent Application For Removal Of Former Volcrepe Chimney And Associated Dilapidated Structures. Approved, 17/05/2007
HPK/2008/0708 - Change Of Use Of Easton House To Form Medical Centre And Change Of Use Of Coach House To Offices/meeting Room. Approved, 31/03/2009. Not implemented.
HPK/2009/0008 - Conservation Area Consent For Demolition Of Existing Boundary Wall. Approved, 31/03/2009
HPK/2014/0448 - Proposed Demolition Of Former Sheds & Outbuildings. Conversion Of Eastern Mill Into 18no.apartments, Construction Of 40no New Build Dwellings & Associated Car Parking With Hard & Soft Landscape Works. Construction Of New Access Bridge Across Glossop Brook. Withdrawn, 14/07/2015
HPK/2022/0317 - Demolition of derelict industrial buildings, the erection of 25 new houses and two apartment buildings (51 units and 9 units respectively), conversion of Easton House into 10no. apartments and its former Coach house to 3no. dwellings, along with associated access works (including a new footway to Milltown and a new riverside walkway), car parking, restoration of Mill Pond, landscaping, amenity space and all associated works. Approved, 22/09/2023
HPK/2025/0461 – Application for the variation of condition 37 of planning application HPK/2022/0317 for residential development at Milltown, Glossop. Pending.

CONSULTATIONS

Derbyshire County Council Flood Risk Management

Final Comments

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 17/12/2025, with additional information received on 01/04/2026.

The LLFA is happy with the proposed amendments to condition 11 on the basis that:

- *The proposed phases correspond to the 2 separate drainage schemes indicated on the approved drainage layout Elluc Projects. (01.07.2022) Drainage Strategy, ELL-21023-WH-L-2000.*
- *The amendments to condition 11 includes that it should require "a sustainable drainage detailed design and management and maintenance plan..."*

Conditions 7, 8, 9 and 30 were not set by the LLFA and therefore we have no comment to make on amendments to them.

OFFICER COMMENTS

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material and would not materially alter the development as approved, in order to grant an application under section 96A of the Town and Country Planning Act 1990.

This application seeks to confirm whether alterations to the conditions associated with the approved development for the demolition of derelict industrial buildings, the erection of 25 new houses and two apartment buildings (51 units and 9 units respectively), conversion of Easton House into 10no. apartments and its former Coach house to 3no. dwellings, along with associated access works (including a new footway to Milltown and a new riverside walkway), car parking, restoration of Mill Pond, landscaping, amenity space and all associated works under the application HPK/2022/0317 would constitute a nonmaterial amendment.

The application in this instance seeks to amend the wordings of conditions to introduce phasing flexibility across the lower site (Phase 1 – Milltown) and upper site (Phase 2 – High Street East). These amendments have been proposed to ensure that the timing and implementation of relevant conditions aligns appropriately with the phasing strategy already established through technical approvals and discharge applications. The proposed amendments instead seek to clarify timing, implementation, and compliance wording to ensure consistency and deliverability during construction and occupation.

The proposed amendments to conditions 7, 8 and 30 do not alter the scope or any physical aspect of the development as approved and there will be no difference in impact as a result of the amendments. Conditions relating to landscaping / walkway implementation, bin storage / collection and implementation of site entrance highway works can be altered to establish more flexible phasing without materially changing the purpose of the conditions. As stated by the applicant, the approved development falls neatly into two phases and the proposed amendments would enable one phase to come forward in advance of the other without breaching or materially altering these specific conditions.

The applicant is of the view that the existing wording of condition 9 already provides the necessary phasing flexibility, specifically the final clause requiring mitigation implementation *"in accordance with the scheme's timing/phasing arrangements"*. That is, upon completion of the mitigation works specific to Phase 1, the condition will be considered satisfied for the first occupation of Phase 1 dwellings, without the need for an amendment. However, the Council do not believe that the existing condition alone allows the flexibility to introduce phasing as it stands. To create scope for flexibility, the Council suggested the introduction of a phasing condition to the decision notice of HPK/2022/0317, defining what the phases of the development

are. Following this suggestion being made to the applicants, a phasing condition has been agreed upon, as follows:

“New Condition [XX]: Phasing

The development hereby approved shall be implemented in two distinct phases for the purposes of complying with all relevant conditions of this permission. Phase 1 shall comprise the Lower Site (those that take access from Milltown) and Phase 2 shall comprise the Upper Site (those that take access from High Street East). The development shall be carried out in strict accordance with this defined phasing.”

As a new phasing condition has been agreed upon, the Council can now agree with the applicants’ interpretation of condition 9 as stated above, as a phasing condition creates scope for this.

In terms of condition 11, the Council did not believe that it would be feasible to establish phasing in the absence of feedback from technical specialists. Sustainable drainage management and maintenance conditions comprise technical conditions which seek to ensure that the development can be safely implemented in compliance with national and local relative policy. Technical matters / condition amendments such as drainage generally require consultation, which is not a statutory requirement under a non-material amendment application. However, the Council believe that all relevant technical specialists should be consulted regarding introducing an element of phasing to relevant conditions, as their conditions have been deliberately worded so as to secure all required details across the site at the same time. Altering condition 11 could materially change the condition of the development as approved, therefore the Council have consulted the Lead Local Flood Authority (LLFA).

Following the submission of a plan of the proposed phases to clarify whether they correspond to the 2 separate drainage schemes indicated on the approved drainage layout Elluc Projects. (01.07.2022) Drainage Strategy, ELL-21023-WH-L-2000, the LLFA confirmed that they were happy with the principal of amending the condition. However, they suggested their own slight amendment to condition 11, that it should require “a sustainable drainage detailed design and management and maintenance plan...” This amendment was suggested because as part of their review of condition 11, the LLFA would want to review the detailed design as well as the management and maintenance plan. The applicants have agreed to make this amendment accordingly.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed condition amendments and addition of a phasing condition are non-material. The proposed variation of the wording of conditions 7, 8 and 30 are considered minor in nature and would not materially affect the overall permission granted, instead it would introduce phasing flexibility across the site. The introduction of a general phasing condition relating to HPK/2022/0317 creates the scope for interpretation that condition 9 already provides the necessary phasing flexibility, specifically the final clause requiring mitigation implementation *“in accordance with the scheme’s timing/phasing arrangements”*. As the LLFA are technically satisfied that the

proposed amendment to condition 11 is acceptable, the Council resultingly adopt the view that this amendment is acceptable. Therefore, it is recommended that the application is approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 05/05/2026

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council