



**DEVELOPMENT CONTROL COMMITTEE AGENDA**

**Date: Monday, 4 November 2019**

**Time: 1.30 pm**

**Venue: Main Hall, Town Hall, Market Street, Chapel en le Frith**

**25 October 2019**

**PART 1**

4. Update Sheet (**Pages 3 - 12**)

**SIMON BAKER  
CHIEF EXECUTIVE**

Membership of Development Control Committee

Councillor R McKeown (Chair)	Councillor D Lomax (Vice-Chair)
Councillor A Barrow	Councillor L Dowson
Councillor C Farrell	Councillor I Huddleston
Councillor G Oakley	Councillor J Perkins
Councillor P N Roberts	Councillor E Thrane
Councillor J Todd	Councillor S Young

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4<sup>th</sup> November 2019

## HPBC DEVELOPMENT CONTROL COMMITTEE

### UPDATES SHEET

#### HPK/2019/0164– Land at Granby Road Buxton

##### Neighbours

- On the previous planning application HPK/2007/0609 the indicative layout shows this land to be allocated as a landscaped area and not a parking or housing area. This would give my parents at 180 Victoria Park Road, their immediate neighbours along Victoria Park Road and the residents at Garden House Farm better residential amenity as the proposed housing would be further away. This end of Victoria Park Road has always been a cul-de-sac for over 60 years, so to create a through road and build houses on either side of my parents and their neighbours is a huge upheaval and detrimental to their amenity. There has never been any traffic issues here, but the creation of a thru road and the roundabout connecting to the new proposed road to Granby Road will create many issues for the local residents. I understand that you have to create a balance between the existing housing and what the developers want, but surely there is plenty of space further across the site with access from Granby Road.
- I had in fact had thoughts some years ago about possibly creating a communal allotment in this area next to 180 Victoria Park, therefore benefiting other local residents that may be interested in growing their own vegetables/plants etc. If the housing proposal is approved leaving this area of land untouched to create a communal allotment this would then retain a barrier between the housing and not be so imposing.
- I see there is an email from Sally Curley HPBC Project Officer on the website d.d. 20th June 2019 suggesting the developer pay £5,617.35 towards existing unused plot improvements and infrastructure at Cunningdale allotments. Perhaps this could be allocated to the land adjacent 180 Victoria Park Road to fund keeping it as an allotment?
- **Sustainable Housing** page 5 There appear to be no provisions for renewable green energy such as solar panels.
- **Friends of the Peak Response – Page 5** Have noted: The greenfield site offers a space for local people to enjoy nature and fresh air. We do not feel the value and loss of this site is recognised by the application. Local plan Policy EQ8 requires that the development through its layout and design responds to the location of existing green infrastructure and ecological networks. In order to compensate for this loss of green space we suggest that the remainder of the site to the east with land extending north/northeast from the boundary of the allocated site to the boundary of the Wye Valley SSSI should be designated as open local space with improvements for wildlife i.e. ponds (as in local plan policy CF4,) Growing areas should also be designed into the estate as required by policy CF4
- **DCC Highways** page 6 There appears to be no continuation of the cycle and footpath around the roundabout. When all these new roads are in place, how will pedestrians from Tongue Lane and garden house farm access these new roads? None of the maps show cycle or footways around the roundabout from Tongue Lane. We would like some reassurance that the pedestrians of Tongue Lane and Garden House Farm will have access to the new areas. (DCC) Letter dated 16.9.2019 which we presume was written by Nick Knowles. On the 1<sup>st</sup> page 3<sup>rd</sup>.paragraph, the writer

has said: "The content of this document has been reviewed and, whilst it should be understood that the Highway Authority **does not "agree"** this or concur with every detail it is not considered that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect." What does this mean? The language is highly confusing. He seems to be saying it cannot be proved that it would not have an adverse effect, but it is being assumed. That is not acceptable. Many people have read this and think it makes no sense at all, can you tell us what this means please: is it an adverse effect or not. Nick is sitting on the fence and this is not at all helpful. DCC are saying that they are not convinced by the application and High Peak need to submit more information. Nick's response is inadequate, it is a "yes but no but" response and we need a more definitive and useful response, as this is in effect a "non response". DCC have recommended that HPBC submit revised details. If this is not done it will be too late if things go wrong, this needs to be sorted out before planning permission is granted. Can we have your written response that this will be the case please.

- **DCC Flood Risk** page 7 DCC letter of 1 August 2019 expresses a preference for smaller mini sub catchment attenuation areas to provide adequate safeguards against flooding. We have seen no response that this will be the case.
- **Derbyshire Wildlife Trust** page 7 and page 8 It seems the report from Natural England has still not been received. The planning officer is called Andrew Stubbs, and he can be contacted by telephone on 0208 026 1978 or 07785 716811. I have emailed Andrew Stubbs today to see if we can have his report before 4 November. 2019. We therefore do not consider that the application complies with planning policy guidance as set out in the NPFF and Local Plan. We would advise the LPA to seek additional measures as part of the application to provide suitable mitigation/compensation for the loss of the grassland. This could involve sympathetic management of the adjacent land, this requires further discussion with the applicant but some protected ponds and wildlife areas would be good. Is there going to be an ecology officer on site to ensure that recommendations are adhered to, i.e. no removal of hedgerows trees shrubs or brambles between 1 March and 31 August inclusive. Is this developer going to cover the site in artificial grass, why would anyone destroy a greenfield site and do this. Can we please have an assurance that artificial grass will not be used.
- **County Planning Officer** Schools Page 10 From 73 houses there will be more than 9 junior pupils and the developer has been asked for a contribution of £134,000.00, has the developer agreed to this yet? and can you please explain how this be secured, i.e. how will the extra places be provided and made available to parents ?
- **Severn Trent** page 11 No objection subject to conditions We have not seen any evidence on your website to suggest that the developer has been informed about the existing sewer and what precautions will be taken if the intention is to build over this sewer. i.e. is there sufficient access space provided for the sewer to be inspected and maintained.
- **HPBC Tree Officer** page 13 The substation near the attenuation pond will need additional landscaping to help screen it, can we have an assurance that this will be done before permission is granted.
- **Archaeology** Page 14 and page 26 The Heritage Assessment Section 8 para 8.5 recommends that a geophysical survey should be conducted on the proposed development area. Aerial images of the site indicate that the western sector of the site has not seen recent agricultural cultivation, therefore subsurface archaeological remains could be well preserved here. It is recommended that an archaeological survey takes place before a planning decision is taken on this scheme. Can we have a written assurance that no development will take place until a full archaeological

survey has been undertaken, and that detailed planning permission will not be granted until this has been done. Sarah Whiteley of DCC asked for this to be done on 8 July 2019 but there is no response on your website. 7.48 A heritage impact assessment has been submitted, including the results of archaeological desk-based assessment of the site. This is not on your website, can we see a copy of this please before 4 November 2019.

- 7.50 page 27 States that an update will be provided prior to the committee meeting, but if the report is not received before the meeting it is recommended to approve the application. How is this fair? If harm is identified the application should be brought back before the committee to allow the planning balance to be reconsidered. Does this mean that no further building takes place?
- **Contamination** Paragraph 5.77 of the high peak local plan document Pollution control states – that a thorough survey should be done across the whole piece of land to check for toxic substances, can we have some assurance that this will be done.
- **Contaminated Land** page 20 A Phase I site assessment has been submitted with the application. GRM Solutions have stated in their report that further investigation is needed. A Phase II ground investigation is recommended and that chemical analysis of soils should be undertaken to evaluate the risk to human health, can these results be listed on your website please. These are identified in the HPBC local plan as issues that need to be considered and resolved in determining a planning application. Paras 5.77.5.80 <sup>1</sup> A survey has been done on noise from the A6 at Ashwood Dale, we consider this to be much too far away from the new development and from Garden House Farm.
- **Highway Safety and Access** Page 21 Paragraph 7.34 fourth bullet point states:- By consideration of the wider residential area, the project would create an increase of 4% to the housing numbers of Fairfield. Therefore a simplified assessment would

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## <sup>1</sup> Pollution Control and Unstable Land

**5.77** The Council gives high priority to the control and prevention of pollution due to the negative impact it can have on human health, quality of life and the natural environment. Pollution can take the form of radiation, fumes, smoke, dust, ash, grit, litter, noise, vibration, light, heat, odour, or liquid discharges. This policy aims to protect the plan area's environment from the introduction of polluting activities or developments. The NPPF states that plan policy should aim to avoid and mitigate the impacts of potential pollution associated with development.

**5.78** Developers will be required to demonstrate the potential impact of proposals on the environment and on residential amenity and the ability to mitigate to an acceptable level.

**5.79** Where development sensitive to or likely to generate pollution is proposed, adequate information in the form of site reports and assessments carried out by a competent person must be supplied with the application to allow the potential or actual impacts to be assessed. Details of any mitigation required should be supplied to the Council for approval prior to commencement of the scheme.

**5.80** Further assessments and reports will also be required to show that the polluting effects have been controlled to the agreed standard, and that the mitigation or remediation measures taken will remain effective for the lifetime of the pollution risk identified. The standard of investigations, assessments, including risk assessments, remedial schemes, and verification reporting must be that of current UK good practice.

suggest that the project would increase traffic at areas such as Queens Road junction by no more than 4% A full TRICS assessment has not been done here, we do not consider someone standing on the side of the road for 1 hour is sufficient.

- Page 23 Issues raised by DCC – are these going to be resolved before planning permission is granted.
- **Trees and Landscaping** – Page 23 7.40 Policy EQ9 of the adopted local plan seeks to protect existing trees, in particular veteran trees and healthy mature trees and that they should be retained and integrated within a proposed development unless the benefits of the development clearly outweigh their loss. Can you explain to us please how removing the large mature trees close to the allotment site at the end of Victoria Park Road would be of major benefit to the development and no loss to us and the enjoyment of local people and their environment. As it is clear from your tree plan that all these trees are scheduled to be destroyed.
- 7.43 We see that the Council's Arboricultural Officer has raised no objection to the tree removal subject to the provision of a good quality landscaping scheme for the finished development. Can we see a plan of the landscape and ecological management plan and additional landscaping adjacent to the pond? We would like these secured by condition.
- **Drainage** page 25 7.44 The latest letter from DCC on flood risk is conditions recommended. This was posted onto the website on 1 August 2019. Can we have an assurance that these conditions will be dealt with before planning permission is granted/passed please.
- **Affordable Housing** Page 28 7.54 states 30% should be affordable housing, then in para 7.55 it states the applicant has confirmed that the scheme will comprise 100% affordable housing, does this mean that none of the development will be shared ownership? We cannot find clear evidence in any documents of what the balance will be. Will the developer be signing to commit to £134,497.92 for extra school places and £5,617.35 towards cunningdale allotments before planning permission is granted?
- **Page 35 site plan** There appears to be no roundabout on this plan, can anyone let us know if there is going to be a roundabout built on this site and how close this will be to Garden House Farm?
- **Conclusion** We hope that you appreciate the level of serious concerns that existing residents have. In spite of the strong policy context provided at both national and local level there remain gaping holes in the information to allow proper assessment of this application. As this is council-owned land that potentially looks very bad.

## Environmental Health

### Operational dust Impacts

- I am fairly satisfied that there will be a low level dust impacts during the construction phase providing all of the suggested mitigation measures outlined in Table 13 of the report are adopted by the developer (as the consultant assumes they will be in). These are produced below for reference. This could be conditioned:
- Suggested condition:  
No phase of the development hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
  - the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

- The recommendations outlined in the RSK air quality assessment Granby drive, Buxton rec reference: aq107003-2r1 namely;
  - Develop and implement a stakeholder communications plan that includes community engagement before work commences on site.
  - Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager.
  - Display the head or regional office contact information.
  - Develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the Local Authority.
  - Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
  - Make the complaints log available to the local authority when asked.
  - Record any exceptional incidents that cause dust and/or air emissions, either on- or off- site, and the action taken to resolve the situation in the log book.
  - Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary, with cleaning to be provided if necessary.
  - Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority when asked.
  - Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions
  - Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible.
  - Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive time period.
  - Avoid site runoff of water or mud.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

### AQ Impacts

- The conclusion in the report that there are no impacts is not entirely agreed with as the report does indicate “moderate” impacts along Fairfield road at one location R19 (and near too at another) (though the consultant does argue that this would not be the case at first floor level, which I do not necessarily agree with). However, I haven’t had time to fully scrutinise the model yet to ensure that the correct transport data has been utilised, certainly this does not include the proposed roundabout at the North of the site.
- One of main concern scrutiny is the actual predicted increase NO<sub>2</sub> concentrations, over which indicates a potential increase that emissions on Fairfield will increase by

12% (47.1 to 52.83) between 2018 and 2021, which seems a little high to me, and also indicates a possible breach in the hourly objective at R19 –\*\* which means the first floor conversion (to reduce the impact from moderate to negligible, is not really applicable.

- The report appears to be generally OK in the approach but needs to be scrutinised further to assess the impacts as it is considered at this stage that the development will cause a moderate adverse impact to parts of Fairfield Road. We would therefore expect some mitigation measures by the developer;
  - The Travel plan & cycle lane provision contained within the transport assessment is considered one of a suite of appropriate mitigation measures, so that is welcomed but we would expect further and should certainly
  - Including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies e.g Electric Vehicle Charging Infrastructure
  - Electric or hybrid-electric powered vehicles currently form a small percentage of the total number of vehicles on the road. However, electric/hybrid vehicles will become more popular, further advances in technology are anticipated, and the likelihood is that these vehicles will become less expensive. Together with future development of Government policy in this area, it is possible that a significant percentage of vehicles will be electric or part electric powered in the near future.
  - A key theme of the NPFF is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided..
  - Please refer to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications; for both exterior and garage situations. An example of potential provision rates is given in Tables 6 and 7
  - EV Charging Provision Rates
    - 1 charging point per unit (house with dedicated parking)
    - 1 charging point per 10 spaces (unallocated parking)\*\*
- \*\*To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the local authority.

#### Heating and Hot Water Generating Appliances

- While the main sources of air pollutants are dominated by road transport and large combustion plants; homes and the choice of heating and hot water systems do have an impact. Levels of oxides of nitrogen (NOx) vary considerably across the UK, with levels in urban areas and close to major roads many times greater than in rural areas. Emissions from heating systems have a greater impact in areas where there is a high population density, but improved air quality benefits health in both urban and rural settings.
- Home Quality Mark (HQM) is a voluntary and customer-focused assessment and certification scheme. It recognises new homes where performance meets best practice standards that are often significantly above that required by regulation. It defines a rigorous evidence-based, relevant and independent voluntary standard for new homes built on tried and tested processes commonly used in the UK and internationally. Chapter 17 of the HQM guidance discusses how to use heating and hot water generating appliances that have minimal impact on local air quality.
- Ideally we would want this initial AQ assessment to include some source partitioning exercise. This would better help us evaluate the contribution the different vehicles along Fairfield road have to the current & predicted to be (by this report) a significant NO2 impact along Fairfield but also would allow the applicant to demonstrate a possibly lower

impact (not construction phase) contribution of the problem that the future, hopefully low emission vehicles from this development will contribute.

### **Landscape Officer**

I am generally happy with the landscape proposals and said that subject to some minor amendments and clarification this could be approved

My comments were

- *There is no Landscape and ecological management plan (LEMP) which identifies which land is to be managed as public open space and how this management will be secured and undertaken .*  
This will need to be conditioned as part of an approval
- The substation near the attention pond will need additional landscaping to help screen it.  
This would benefit from some shrub / tree planting to help screen it. This is not an overriding issue though
- There is quite a lot of hedging in the gardens whilst this potentially will provide attractive and wildlife friendly boundary treatment. It could be problematic as it will be liable to being removed / and or be left unmaintained. Some of the species used for hedging is quite vigorous and will need regular maintenance. This isn't an overriding objection but consideration may be given to using walls at key locations.
- It is not clear from the landscape plan what the boundary treatments are in particular between the proposed and existing houses. I assume this close board fencing but it does not explicitly state this.

### **OFFICER COMMENTS**

**At the time of report preparation there were 3 outstanding issues:**

- i) the highway authority considering the revised plans and not raising any objection,
- ii) amended plans being provided to demonstrate compliance with the NDSS and Part M4 (2) of Building Regulations.
- iii) A geophysical survey being provided which concludes that there would be no harm to heritage assets

### **Highways**

Amended plans have been provided to DCC but no comments have been received to date.

### **Space Standards**

A revised set of plans have been provided which demonstrate that all but 2 housetypes (Ash and B57.2b3p.KF (NDSS)) now comply with the NDSS. The Ash is 6sqm below standard whilst the B57.2b3p.KF is 8sqm below standard. This has been raised with the developer and a further respond is awaited.

Turning to the matter of adaptable and accessible housing, the developer has advised that to increase units to M4(2) it requires an additional 400mm to each pair and an increase of 300mm per width of car parking. Looking at the layout they would be able to provide another 4 units at M4(2) standard giving a total of 7 SHMA dwellings (3No SHMA types & 4 No M(4)2 types). Whilst this remains below the 20% policy amount this is considered, on balance to be acceptable.

## **Archaeology**

A Geophysical Survey has been completed and the results provided to the Council. In summary it concludes:

*The western part of the area is characterised by high concentrations of dipolar magnetic anomalies which almost certainly reflect spreads of ferrous and/or fired waste. This part of the survey area was covered in tall and dense grasses and shrubs; several holes, piles of brick and stone rubble, household and garden waste, drinks cans and household appliances. Small bonfire sites were noted across in this part of the survey area, along with several tumble-down drystone walls and former iron fences. Dummy data corresponds to walls/fences, holes, large rubble piles and unsurveyable shrubs and grasses. The walls and fences are all visible on Ordnance Survey maps and Google Earth aerial photographs.*

*The eastern part of the survey is much less magnetically disturbed; which reflects the differing land-use history. The eastern part comprised recently harvested silage/meadow-grass and drystone walls. Occasional linear, very weak, magnetic anomalies have been detected in this area which is likely to be related to the former agricultural use of the area.*

*On the basis of the results of the geophysical survey no further works are proposed.*

This has been provided to DCC and comments were awaited at the time of update preparation.

## **Landscaping**

A revised landscaping scheme has been provided which has been reviewed by the landscape officer. She continues to have a number of outstanding comments as follows:

- There is no Landscape and ecological management plan (LEMP). This could be addressed by condition
- The substation near the attention pond will need additional landscaping to help screen it. This can also be addressed by condition.
- She has commented that hedges may provide a maintenance issue and suggests boundary walls instead. The developer has advised that they do not wish to provide boundary walls. Given that this is a 100% affordable scheme it is likely that the Registered Provider would be responsible for maintenance of the hedges and this could also be secured through the LEMP. Furthermore hedges do have ecological and biodiversity benefits and ultimately the Landscape Officer has stated that this is not an overriding objection. As such it would not provide sustainable grounds for refusal.
- The developer has confirmed, that closed boarded fencing between plots and to existing properties. Walls will be used in publicly visible locations. This is considered to provide for both an adequate level of residential amenity and quality of street scene.

## **Environmental Health Issues**

The Environmental Health Officer has reviewed the additional information which has been provided and has commented that Air Quality impacts relating to dust and construction can be addressed through condition and he has provided a suitable wording.

With regard to long term air quality impacts, the EHO has had insufficient time to fully scrutinise the report and further analysis will be required. Notwithstanding this he has recommended additional conditions to mitigate air quality impacts including:

- Electric Vehicle Charging points
- Compliance with the Home Quality Mark standard

## **Materials**

The developer has requested that the materials condition be worded to allow use of render to some plots (number and location to be agreed) rather than artificial stone to all plots as recommended.

## **Conclusion and Amended Recommendation**

Whilst progress has been made on all of the outstanding issues confirmation that the scheme is now acceptable is still awaited from Highways and Archaeology and there remain 2 housetypes which require modification to meet NDSS. Further scrutiny of the Air Quality Assessment is also required by the EHO. There are also a number of detailed matters which will need to be secured by condition. It is therefore recommended that the committee grant delegated authority to the Head of Development Services in consultation with the Chairman to approve the application subject to no objection being raised by highways, Environmental Health and archaeology submission of amended plans for the 2 non-NDSS compliant plots and to agree a suitable schedule of conditions.

## **HPK/2019/0273 – Land at Cemetery Road, Glossop**

### Public Comments

One additional letter of support has been received since the agenda for the Committee meeting was published.

A further response has been received from Barratt Homes who have advised that Emery Planning are reviewing the impact of the application on land that Barrett Homes control under Option, especially with regards to flood lighting and vehicular access changes. A follow up email confirms that there are no objections to the application.

### **Officer Response**

The additional letter of support refers to benefits that have been widely documented by members of the public during the consultation process. The comments from Barrett Homes confirm that they have no objection to this application.

## **HPK/2019/0343 – 68 Grange Park Avenue, Chapel-en-le-Frith**

### Public comments

An additional neighbour comment has been received in which the following issues are raised:

- The neighbour states that their online comments of 24<sup>th</sup> September in response to the Arboricultural Officer's response have not been published and consequently the public consultation on this application is flawed.
- The Council's Arboricultural Officer is not looking at the bigger picture.
- The existing tree has made a mess to the highway, pavement and underground.
- This is an open plan development and it was never intended to have sealed off gardens and out of proportion trees over hanging highways and pavement causing damage.
- The Parish, Borough and County Councils have all demonstrated that they cannot manage trees.

### Officer response

Regrettably there is no record of the neighbour's comment dated 24<sup>th</sup> September. However, it is assumed that the neighbour's concerns regarding the tree (as summarised above) have now been documented.

The neighbour's concerns appear to relate to damage caused by the existing tree on the site to the highway, pavement and underground services. As the applicant is not proposing to retain the tree it is considered that the neighbour's concerns are addressed. The Arboricultural Officer is recommending, in accordance with Local Plan Policy EQ9, that the tree be replaced on the basis of 2:1. A condition is attached to the recommendation to require details of landscaping/tree planting and the scheme should ensure that the new trees to be planted are suitable to the area in terms of size and species.

The neighbour's comment regarding the management of trees in the Borough generally is not a material consideration in the determination of this application.

## **HPK/2019/0221 – Land adj and to the rear of nos 54-64 Buxton Road, Bridgemont**

No updates

## **HPK/2019/0203 – Communications mast, Surrey Street, Glossop**

No updates

## **HPK/2015/0404 – Corbar Hill House, Buxton**

No updates.