



DEVELOPMENT CONTROL COMMITTEE AGENDA

Date: Monday, 2 December 2019

Time: 1.30 pm

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

22 November 2019

PART 1

4. Update Sheet (**Pages 3 - 6**)

**SIMON BAKER
CHIEF EXECUTIVE**

Membership of Development Control Committee

Councillor R McKeown (Chair)

Councillor A Barrow

Councillor C Farrell

Councillor G Oakley

Councillor P Roberts

Councillor J Todd

Councillor D Lomax (Vice-Chair)

Councillor L Dowson

Councillor I Huddleston

Councillor J Perkins

Councillor E Thrane

Councillor S Young

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2nd December 2019

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES SHEET

HPK/2019/0316 - Shire Hill Hospital

Application WITHDRAWN from the agenda at the applicant's request.

HPK/2019/01333 - Land at Woolley Bridge, Hadfield

Alliance Waste Services - Comments on revised plans - No objections

Housing Strategy - The applicant is proposing to provide 6 units, equating to 20% as agreed within the S106 agreement. My main concerns are as follows;

The applicant is proposing to provide

2 x 3 bed 93sqm

2 x 2 bed apartments 70Sqm

2 x 1 bed apartments 50sqm & 64sqm

I'm concerned about the provision of 2 bed apartments, as in my opinion these do not meet an identified housing need in the area. It would be my preference that the applicant to revise the mix to deliver more 1 bed apartments or 2 bed houses rather than the proposed 2 bed apartments.

The applicant is proposing to provide the 4 apartments for affordable rent and the two 3 bed dwellings as shared ownership, this equates to 66% rent and 33% shared ownership. The policy requires that 70% of the units be delivered as rent, but given the small number of units secured through the S106 agreement the developer is unable to meet this split. As per the applicants AHS I would agree with the revised tenure split.

Derbyshire Wildlife Trust - Additional correspondence has been received and is summarised below;

'With regard to biodiversity impacts at this site we recently questioned whether sufficient measures were in place to avoid a net loss of biodiversity (18th Nov 2019). We are now writing to try and clarify a number of points arising from the S106 Agreement and Condition 18.

Condition 18 sets out a requirement for ecological mitigation, compensation and enhancement and states that the loss of ponds would be compensated for by creating wetland offsite. The S106 agreement includes a financial contribution towards management and biodiversity enhancements of Open Space (marked on Plan II within the S106 agreement). However, what remains unclear is whether there is scope for wetland creation within the area marked on Plan II and whether the financial contribution is intended to cover any costs associated with this?

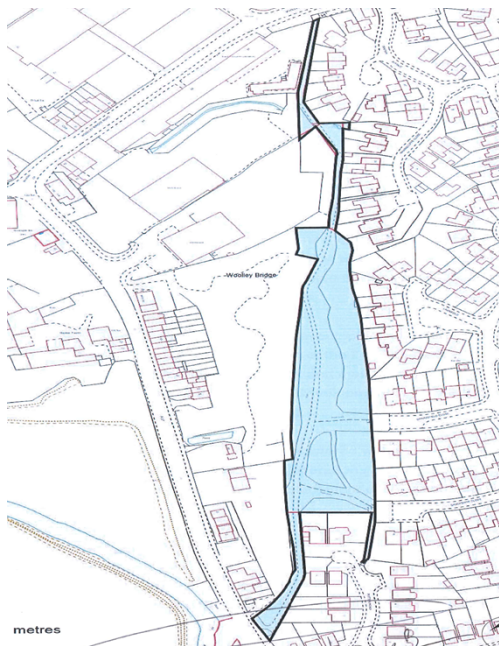
We consider that in light of the updated ecological surveys undertaken at the site the requirement for wetland habitat under Condition 18 could be extended to encompass the creation and/or enhancement of other habitats (for example grassland) and that this might be more easily achieved within the open space marked on Plan II.

We are also unclear regarding who is responsible for identifying enhancements and providing details of offsite biodiversity enhancements. We would advise the Council that details of biodiversity enhancements to be delivered within the open space (Plan II) need to be identified, described and methods for their management should be agreed. If this can be achieved within the open space and using the financial contribution from the applicant then there is a clearer route to avoiding a net loss of biodiversity as a result of the development.

The existing soft landscaping proposals within the development site will need to be implemented in full with provision for aftercare and management.'

Officer comments - The Section 106 sought contributions for the management of open space shown with the blue land (excerpt provided below). This is a heavily wooded area between the Trans-Pennine Trail and housing to the east and sits at a higher level than the site. Condition 18 was also included on the decision notice which would deliver ecological mitigation, compensation and enhancement across the site, not outside of it and was an additional ecological enhancement measure to the section 106. This is reflected in the previous comment from Derbyshire Wildlife Trust.

Further clarification has been requested from DWT regarding the change in position from previous comments. Comments from Service Commissioning are awaited on the approach suggested by DWT also.



HPK/2019/0450 – Lime Tree Park, Dukes Drive, Buxton

The applicant has submitted a revised landscape plan which provides further details of the proposed ecological enhancement measures, including bird and bat boxes, together with details of planting specifications. The Derbyshire Wildlife Trust has been consulted on this plan but their comments are not available at the time of writing. Subject to DWT confirming that the proposed ecological enhancements are acceptable then it is recommended that the revised plan be approved and included within varied Conditions 2 (list of approved plans) and 8 (provision of ecological enhancements).

Amended Recommendation:

It is recommended that authority be delegated to the Operations Manager – Development Services in consultation with the Chairman of the Committee, to approve the application subject to Derbyshire Wildlife Trust raising no objections to the revised plan, and subject to the conditions outlined in the original report.

HPK/2017/0534 – land off Hayfield Road, New Mills

The agent for the scheme has submitted further commentary as follows:

“We refer to the committee report to be reported to Development Control Committee on 2nd December 2019. We support the recommendation that the detail of the final Section 106 package is delegated to the Head of Development Services. We do not intend to speak at the committee meeting but would like members to be advised of the following through the update sheet.

If robust evidence is provided to demonstrate that the request for financial contributions towards school places meets the three tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, the applicant would be agreeable to the education contribution. To date this evidence has not been provided by Derbyshire County Council acting as the education authority.

The information available indicates that there is spare capacity in local schools and therefore the CIL tests are not met.

National Planning Practice Guidance advises that requiring an applicant to enter into a planning obligation which does not accord with the law or relevant national policy constitutes unreasonable behaviour (paragraph:16-049-20140306). The Council and the applicant therefore need to be entirely satisfied that the proposed contribution would meet the tests of CIL Regulation 122 and paragraph 56 of the Framework before entering into the agreement.

The recommendation in the committee report would enable High Peak Borough Council officers to reach a conclusion on this matter and for the decision to be issued by 31 December 2019”.

In response, Members are advised that the recommendation is as per the report.

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