



DEVELOPMENT CONTROL COMMITTEE AGENDA

Date: Monday, 16 August 2021

Time: 1.30 pm

Venue: The Octagon, Pavilion Gardens, Buxton

You can view the agenda online by using a smart phone camera and scanning the code below:



6 August 2021

PART 1

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

MARK TRILLO

EXECUTIVE DIRECTOR AND MONITORING OFFICER

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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16th AUGUST 2021

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATE SHEET

HPK/2021/0206 -182 Market Street, Chapel-en-le-Frith

No updates

HPK/2020/0352 – Buckingham Hotel, Burlington Road, Buxton

County Archaeology

We do not consider that it will have any archaeological implications and we would not wish to comment further on the scheme.

County Highways

I note the HA did not formally raise objection in principle to the earlier HPK/2018/0620 application, although I note reason 3 on the subsequent refusal notice cited a highways based reason on the level of off street parking (and consequential impact on the safe operation of the highway).

Subsequent information submitted in connection with the current application (HPK/2020/0352) includes a Parking Justification Note – dated 06/07/2020 – this demonstrates that an acceptable level of on-site parking will be available for guests and staff, based on projected occupancy rates, and also confirms that season permits for the nearby public car park will be purchased to offset any maximum demand (which, according to the note, could be 3 No spaces at absolute maximum occupancy rates).

The Parking Justification Note is detailed and the Highway Authority would not be in a position to challenge the summary or conclusion, or support / sustain a reason for refusal on highway safety grounds. However, it is appreciated your Authority may have its own views on parking provision, in line with your Authority's Local Plan requirements.

It is likely that the previously provided highway related condition and notes (associated with application reference 2018/0620) are still relevant

LLFA (Lead Local Flood Authority)

The LLFA has no objection subject to the conditions below.

- Submission, approval and implementation of a a detailed design and associated management and maintenance plan of the surface water drainage for the site,

- No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.”
- the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.”
- Submission of a verification report carried out by a qualified drainage engineer must be submitted to and approved 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), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

A number of additional informatives are also recommended in the event of approval

Groundwater

In the officer report it is said that the application site is out with the Environmental Agency (EA) Source Protection Zone (SPZ). This was the case when the application was first made (and consulted upon) but the EA have recently (in January/Feb this year) extended the SPZ in that area to a sub-surface SPZ i.e. the EA would only have interest in applications with excavations.

In terms of the implications, of this EA explained to us:

“ This would mean that activities carried out at the surface would not be screened as within SPZ1, but subsurface activities would need further assessment. As previously discussed, the guidance does not explicitly list activities which would be classified as subsurface. However, given that the thickness of cover in this zone ranges from 50-100 m it is considered that this is a sufficiently precautionary approach to differentiate between activities that are superficially carried out at the surface and those which are deeper.”

Given that the site was not in the SPZ previously at the time consultation was carried out then the EA would have been unlikely to have responded to have responded on this issue. It is therefore recommended that Members grant a delegated authority to consult with the EA and add further reasons for refusal if necessary.

Officer

In relation to the revised plans submitted, the main Burlington Road elevation has been reduced by 3.0m to retain the site margin between the St Johns Road elevation and relevant boundary. The first, second and 3rd floor plans, however, have not been updated to reflect these changes. This matter could added as informative to any decision issued.

Additional Recommendation:

Delegate authority to refuse to the Head of Development Services and the Chairman following consultation with Environment Agency and to add further reasons for refusal if appropriate.

HPK/2019/0280 Land Between 15 And 23, Batham Gate Road, Peak Dale, Derbyshire

Developer's response to draft recommendation:

Further to the officer's report to committee, the developer has responded to the suggested changes to their obligations (waiving of developer contributions and reduction of affordable housing units) as follows:

We note your position with regard to your recommendations to the planning committee.

The FVA report by Keppie Massie made it clear that their report carried a large degree of appraisal uncertainty (...)

This surely warrants consideration within your recommendations. If there ever was a time for justification to ease the obligations then it is surely after this global pandemic and under the advice of Keppie Massie and the RICS.

It cannot be justifiable to choose to attach so much weight to the land valuations used by Keppie Massie in their report but ignore the fact that the report states there is a large degree of uncertainty in relation to all market values and construction costs used to form this report. All parts of this report should surely carry equal merit. As they state above - " a higher degree of caution should be attached to the conclusions of our assessment of viability than would normally be the case"

As we have stated before, this site will struggle to recover from the impact of the pandemic and any variation on the s106 that these recommendations can bring will afford some relief. Would you consider in these exceptional circumstances removing two units with an equal split of affordable rent and shared ownership between the remaining 6 units? While this will not create any profit for us it will help fill the void as we try to avoid falling into receivership.

It is very sad that our small company which has employed local people for over 20 years and spent 100% of the construction material costs of the build, providing much needed revenue to the local retail economy throughout this pandemic, is to be sacrificed to provide a one time supply of 8 houses when , if given the opportunity to continue to trade, we could supply many more family homes in the future.

Whilst the circumstances noted by the developer are noted, it is not considered that a further reduction in the numbers of affordable units, or a further change to the mix of affordable rent and shared ownership, would be appropriate.

Strategic Housing Officer:

The conclusion from the Keppie Massie report is clear that the scheme would become viable with a reduction of 1 affordable unit and the loss of the financial contributions. I note the comments made by the applicant in relation to the appraisal uncertainty section of the report and the unknown impact of COVID going forward. If you were minded, there is an opportunity to explore some flexibility within the agreed tenure mix of the 7 units. Increasing the number of shared ownership would increase the amount of revenue the applicant would receive from the registered provider. At the moment the mix as per the S106 agreement would be 6 Affordable Rent and 1 Shared Ownership.

Additional Recommendation

It is recommended that negotiation of the tenure mix is delegated to the Head of Development Services in consultation with the Chairman if the applicant is minded to agree to the proposed variation to reduce affordable provision by 1 unit and omit other contributions.

HPK/2021/0266 – 10 The Croft Hadfield

No updates.

HPK/2021/0237 & HPK/2021/0238 – The Pump Room

No updates

HPK/2021/0251 – Pavilion Gardens

No updates