



DEVELOPMENT CONTROL COMMITTEE AGENDA

Date: Monday, 13 February 2023

Time: 1.30 pm

Venue: Pavilion Arts Centre, Pavilion Gardens, Buxton

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



3 February 2023

PART 1

4. Update Sheet (**Pages 3 - 8**)

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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13th February 2023

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES SHEET

HPK/2022/0350 - Land adjacent to New Mills Football Club.

Officer: The applicant has withdrawn the planning application.

HPK/2022/0317 Eastern Mill Glossop

Viability and Developer Contributions

Further advice has been received from the Council's viability advisor in relation to the marginal profit which the application scheme is expected to yield, reflecting changes to interest rates charged on developer financing, and increased build costs.

On the basis of this advice it is accepted that either a maximum of two affordable units could be secured on-site as part of the development, or a maximum of £100,102 could be secured as developer contributions, whilst ensuring the scheme would remain viable.

This sum would not be sufficient to secure all of the requested sums (which were towards improvements to schools, health services, parks and open spaces, and off-site tree replacement planting).

The sum would be instead be sufficient to the entire sum required for off-site tree planting (£15,480) with the remainder of £84,622 sufficient to pay most of the sums requested to pay for improvements to parks and open space.

It is therefore recommended that approval be subject to a section 106 agreement to secure payment of these sums.

Drainage and Flood Risk

Finalised comments from the Lead Local Flood Authority officer at Derbyshire County Council have been received following clarification about the status of a disused outflow channel from the defunct millpond, as follows:

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 14 July 2022, with additional information received in January and February 2023. The LLFA has no objection subject to the conditions below.

To ensure adherence to National Planning Policy Framework, DEFRA's Non-statutory technical standards for sustainable drainage systems and local guidance, these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

1. "No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. *Elluc Projects. (01.07.2022) Drainage Strategy, ELL-21023-WH-L-2000 & Elluc Projects. (06.07.2022) Flood Risk Assessment, ELLUC-RH-21023-FRA-F4, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team*
- b. *And 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."*

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. *"Prior to commencement of the development, 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."*

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

3. *"Prior to the first occupation of the development, 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).*

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

SITE SPECIFIC COMMENTS

While the proposed improvements to the mill pond will provide biodiversity and amenity benefits, it does not form part of the surface water drainage strategy because it is part of the watercourse which the site is proposed to drain into at a controlled rate. At detailed design stage the applicant should consider options for incorporating sustainable drainage features upstream of the flow controls to provide water quality and, where possible, further amenity and biodiversity benefits.

Advisory notes also provided

Heritage

Para 204. NPPF states that Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. An additional condition requiring the apartment building to be constructed within 12 months of the demolition of the mill is recommended.

Nationally Described Space Standards (NDSS)

The report notes that some units fall below standards and justifies this on the basis that other are larger than the standard requires. However, on further advice, it is noted that the occupier only has access to the property they are in and therefore this does not in itself mitigate the shortfall.

In the larger new build apartment building the 2-bed units would satisfy the NDSS minimum if they are occupied by up to three people, or fall below it if occupied by four or more. The 3-bed houses would fall slightly below the minimum if occupied by five people, but would satisfy the standard to be occupied by four people. It is considered that this can be addressed through a condition limiting the occupancy

Other shortfalls are considered acceptable on design grounds given the constraints of the site, particularly in terms of conversion of existing heritage assets.

Housing Mix

Whilst the scheme does not comply with the HELNA requirements this is considered to be acceptable in this instance, given the need to carry out a sensitive conversion of the existing heritage asset and to achieve a design for the remainder of the site which is in keeping with its historic setting and an appropriate replacement for the non-designated heritage asset mill building to be demolished. The concept for the scheme is for a “mill style” apartment building and “mill workers cottages” which both lend themselves to smaller 1 & 2 bed units.

Changes to recommended conditions

On the basis of further consideration of matters left to condition within the main report, the following changes to conditions listed in the report are recommended:

Add:

Three drainage/flood risk conditions noted above from LLFA

Condition for fully detailed and updated tree planting plans and maintenance

Additional contamination condition required by Environment Agency

Apartment building to be constructed within 12 months of demolition of the mill.

Occupancy condition to comply with NDSS

Remove:

Biodiversity net gain implementation – covered by LBEMP condition

EV charging points – covered by building regulations

HPK/2021/0347 – 3 Temple Road, Buxton

Correction to paragraph 8.78 of the report.

The proposed scheme would involve a net gain of 12 dwelling, rather than 14 as set out in the Park Officer's response on page 166 of the report. Accordingly, the amount required towards play space, parks and gardens and outdoor sport has been recalculated.

Paragraph 8.78, 3rd sentence should therefore read:

It is also noted that off site contributions will also be required towards Plan (towards Pavilion Gardens) amounting to £2,304, Parks and Gardens (towards Pavilion Gardens) amounting to £6,852 and outdoor sports provision totalling £5,872.80

Legal services have requested clarification in respect of paragraph 8.18 of the report. The Council has an up-to-date Development Plan, and therefore development which accord with its policies should be approved without delay. In this case Policy EQ7 relating to the built and historic environment are considered to be up to date.

It is also recommended that additional condition be imposed requiring the installation of electric vehicle points to serve the dwellings in accordance with Policy EQ1.

Tree Preservation Order At St Marys Close, Chinley HPBC TPO No 306

The single objection to the TPO received from James Clarke of 3 St Mary's Close, on the 2nd December 2022, has subsequently been withdrawn and therefore the TPO can now be confirmed under delegated powers. It is therefore withdrawn from the agenda.

Town and County Planning Act 1990 Section 57: Application for diversion of FP110 – Cemetery Road and Playing Fields, Glossop – HPF/2022/0001

Since the agenda was published the applicant has made an application to vary Condition 14 in relation to HPK/2020/0531 which is proposed to be amended in order to allow operations to take place on site away from the approved new access point. This application has just been validated and given reference HPK/2023/0045. If this consent is granted it will be the consent that is implemented therefore it is to be noted that the diversion order if approved by members will be made in relation to this application and not HPK/2020/0531. If approved it will not be possible to confirm this order until the application is granted, so having noted the new application, the recommendation to members is slightly altered (shown underlined) as follows:

2.1 An Order to be made under Section 257 of the Town and Country Planning Act 1990 to divert part of the Public Footpath No.110 Glossop, the approximate position of which is as illustrated on the attached plan below (Ref: A-10-0011 Rev A00) dated January 2023 on the grounds that the Borough Council is satisfied that if application HPK/2023/0045 were granted it would be necessary to authorise the diversion in order to enable the development to take place.

2.2 That the Head of Development Services be given delegated powers to finalise the Order wording to achieve the diversion as approved and make any minor amendments to the plan required/approved by the Highways Authority, or the County Council as landowner, or to comply with the Footpath Diversion legislative requirements.

2.3 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified and permission being granted for application reference HPK/2023/0045, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act. In the event that application reference HPK/2023/0045 is not granted consent or is withdrawn or is not implemented for whatever reason then authority be given to the making of an order in respect of permission HPK/2020/0531 as per the report.

2.4 In the event of objections to the Order being received and not resolved, High Peak Borough Council be responsible for the conduct of any referral to the Secretary of State, hearing or public inquiry.

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