



**DEVELOPMENT CONTROL COMMITTEE AGENDA**

**Date: Monday, 6 March 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:



**24 February 2023**

**PART 1**

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

**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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6<sup>th</sup> March 2023

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES SHEET

ITEM 1 - HPK/2021/0651 – The Wrens Nest, Wren Nest Retail Glossop Brook Road, Glossop

**Officer Comment**

- An amended list of conditions has been formulated and they have been re-numbered (as 12, 13 and 14 were numbered twice), amended condition 2 and the now condition 18 (was condition 15) re Biodiversity has a reworded part (2) which now reads Updated BNG calculation to achieve an on-site gain...
- The amended full list is set out below
- With the above in mind para.8.45 of the Committee report should be amend to include "...proposed to achieve an on-site net gain if possible."
- Officers have suggested this alteration as there is no mechanism for achieving off-site net gain and limited space for significant additional planting. It should also be noted that the removed trees (whilst providing an adequate screen) were of little merit (in terms of quality).

**Revised List of Conditions**

*1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*

*Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)*

*2. The development hereby permitted shall be carried out in accordance with the following approved plans:*

- 12200-AEW-8325-0001 B A4 1:1250 Location Plan
- 12200-AEW-8325-0002 A A3 1:500 Block Plan
- 12200-AEW-8325-0003 B A1 1:200 Existing Site Plan
- 12200-AEW-8325-0004 J A1 1:200 Proposed Site Plan
- 12200-AEW-8325-0005 A A1 1:100 Proposed Building Elevations
- 12200-AEW-8325-0006 A A1 1:100 Existing Internal Layout and Roof Plan
- 12200-AEW-8325-0009 A A1 1:100 Advertisement Elevations
- 12200-AEW-8325-0012 - A1 1:100 Existing Building Elevations
- 12200-AEW-8325-0013 - A1 1:100 Existing Building Plan
- 12200-AEW-8325-0015 A A1 1:200 Landscape Plan

*3. Notwithstanding any description of the materials in the application, no construction of the external walls and roof of the development shall be undertaken until precise details, to include samples, of the materials to be used have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.*

*Reason:- In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment.*

*4. No development shall take place, with the exception of site investigation and remediation works until conditions 1a to 1d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 1d has been complied with in relation to that contamination.*

*a) Site Characterisation*

*An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:*

- (i) a survey of the extent, scale and nature of contamination;*
- (ii) an assessment of the potential risks to:*
  - human health,*
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
  - adjoining land,*
  - groundwaters and surface waters,*
  - ecological systems,*
  - archaeological sites and ancient monuments;*
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).*

*This must be conducted in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management" (LCRM) guidance.*

*b) Submission of Remediation Scheme*

*A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part m2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*

*c) Implementation of Approved Remediation Scheme*

*The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning*

*Authority must be given two weeks written notification of commencement of the remediation scheme works.*

*Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.*

*d) Reporting of Unexpected Contamination*

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1b, which is subject to the approval in writing of the Local Planning Authority.*

*Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4c.*

*Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.*

*5. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.*

*Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.*

*6. The development hereby permitted shall not be brought into use until a "high level" of odour control consistent with the approved EMAQ conformity report (CDM Partnership, "Odour Control Assessment (rev 00)", dated 28 April 2022) is installed and utilised on the cooking ventilation system. The ventilation/extraction equipment shall thereafter be maintained and operated in accordance with the approved details.*

*Reason: To ensure that cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.*

*7. Prior to the approval being brought into use, all heating and ventilation plant installed in connection with the development shall be installed in accordance with a specification for the*

*reduction of environmental noise, submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that noise outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.*

*8. To restrict the intensity of the illumination on either or both amenity/public safety grounds:*

*Any artificial lighting associated with the development shall conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01-21; and thereafter maintained for the life of the development.*

*Reason: To protect the local amenities of the local residents by reason of excess of luminance.*

*9. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.*

- 08:00 - 18:00 hours (Monday to Friday);*
- 08:00 - 13:00 hours (Saturday)*
- No working is permitted on Sundays or Bank Holidays.*

*In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.*

*Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.*

*10. Before any other operations are commenced an extended vehicular access shall be created onto Glossop Brook Road in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in both directions. The land in advance of the sightlines shall be maintained for the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.*

*Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.*

*11. The proposed parking shall be provided in accordance with the application drawing for a vehicle to be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the development.*

*Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.*

*12. There shall be no gates or other barriers on the access/driveway.*

*Reason : To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.*

*13. The proposed access/driveway shall be no steeper than 1:12.*

*Reason : To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.*

*14. No development shall start until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:*

- a) parking for vehicles of site personnel, operatives and visitors*
- b) site accommodation*
- c) storage of plant and materials*
- d) any proposed temporary traffic management.*
- e) Only the approved details shall be implemented, which shall be maintained throughout the construction period.*

*Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.*

*15. Notwithstanding the details submitted with the application, prior to the development being brought into use a detailed landscaping scheme, showing both hard and soft landscaping proposals, materials for external surfaces and all boundary treatments, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, the planting of locally native trees and shrubs of local provenance, including a planting schedule setting out species, numbers, densities and locations, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.*

*Reason: Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.*

*16. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.*

*Reason:- In the interests of the protection of important landscape features which contribute to the character and appearance of the area, biodiversity and protected species*

17. No development shall take place including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access until such time that temporary tree protection barriers and advisory notices are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations or the prevailing standard and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

*Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity*

18. No development shall commence until such time that a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. It should include the following although this list is not exhaustive

- (1) Details of habitat creation and species enhancements;
- (2) Updated BNG calculation to achieve an on-site net gain if possible;
- (3) Appropriate planting/ seeding specifications.
- (4) Long-term habitat management plan.

*The development shall be carried out strictly in accordance with the approved LEMP*

*Reason:- In the interests of biodiversity enhancement and to ensure a new gain in biodiversity*

19. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 4210323-1200, Rev P1 Dated 27/01/21 prepared by Galnville. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. Advisory notes on drainage, water and wastewater services, and UU assets also provided.*

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

## **ITEM 2- HPK/2022/0443 - CJK Packaging, Bridgholm Mill, Chinley**

### **Further comments from Agent**

The applicant would like to point out the following



- Para 3.2 - “currently an un-used grassed area”, is not accurate. It’s got no grass on it at all. It’s part of the Old Mill Tip.
- Para 3.5 –The first bay is many decades older than 1999.
- Para 7.8 (Policy EP4) – The 9.44 hectares allocated for employment locally is incorrect.

## EMPLOYMENT ALLOCATIONS

We attach a copy of the so called “allocations” and the reality is as follows:-

- **ES1** – This has been an Industrial Estate for something like 80 years. It is not a new allocation. Effective new allocation: 0.0 Hectares.
- **ES3** - This site has been fully developed for retail, so is permanently lost to Industrial Employment land. Effective new allocation: 0.0 Hectares.
- **ES4** - 1.25 Hectares is owned by the Parish Council and they have decided they want it as allotments, so no longer can be considered an employment allocation. The remaining 1.15 hectares is difficult and expensive to develop having multiple restrictions. Effective new allocation: 1.15 Hectares.
- **ES5** - The 2.3 hectares has major restraints and at best only about half can be developed. A planning application was approved 15 years ago for the half that can be developed, but has not been built, probably due to the large costs involved. The 0.2 hectares has actually been developed. Effective new allocation:  $1.15 + 0.2 = 1.25$  hectares.
- **ES6** - Only 0.25 hectares was ever developable, and this has been developed. The remaining 0.49 hectares is the site of a very posh house which is worth many times the value as employment land. Effective new allocation: 0.25 hectares.
- **ES7** - Like ES1 this is a case of double-counting. 0.44 hectares is a long-standing industrial site but has been included in the total for new employment allocation. Effective new allocation: 0.2 hectares.

Effective New Allocation is therefore only 2.85 Hectares.

## EMPLOYMENT LAND LOST

- At least 12 hectares of Employment land has been lost to housing, but this has not been allowed for. So, there has been a major negative supply of employment land in the area.

## **Third Party Representations**

- Thank you for contacting me concerning the appeal of the above company in its efforts to increase the size of its operation at the above address.
- I understand it is to be hard next Monday 6 March 2023.
- I’ve read the Officers’ report and in my view it misses the important issue that not enough weight is being given to jobs, and too much weight given to limited and localised harm to the greenbelt.
- CJK is an important well-established business giving quality employment to people who live in the locality. When everyone is worried about growth, we should be helping them grow.

- Moreover, we don't want to lose them from this location. If they have to leave, the environmental impact of staff having to travel some distance to work will outweigh any other small issues you refer to.
- In living memory this has always been an industrial estate and indeed is an old mill of the kind which used to be common round here. It should continue to be used for industry, and sensibly expanded, to keep jobs.

### **MP Comments**

- I am writing to support the following planning application HPK/2022/0443.
- CJK Packaging Ltd. is a great local success story and I pleased to support this planning application. By approving this application, we can support the growth of more jobs in the local area.
- The application already has the support of both local residents and the local borough councillor, Councillor Sizeland.

### **ITEM 3 – HPK/2022/0557 - Buxton Football Club**

#### Neighbour Comments

None

#### Applicant Comments

We have read with interest the planning conditions that are likely to appear on the notice if members are inclined that way.

Our main concern is time restrictions on the use of the gym. We note that the external lighting is governed by previous approvals.

The players and associated users will be using the gym at various times of the week to suite their diary and so we propose that it opens Sunday to Saturday from 6:30am to 10:00pm. The users often have time restrictions when they can leave their other commitments, such as work and family, to concentrate on their fitness which can be outside "normal business hours". So to accommodate their busy schedules we would allow them the flexibility to attend the gym outside these hours.

#### Officer Response

The comments of the applicant are noted. An appropriate balance has to be struck between the needs of the club and intended use of the facility and potential impacts to public and residential amenity and highway safety, reflecting the concerns of local residents.

It is considered that to allow the desired operating hours of the gym on match days (typically Saturdays between 3pm and 5pm and Tuesday/Wednesdays between 07:45pm and 10:00pm) has the potential to exacerbate the parking issues that are associated with the success of the first team, subsequent increased attendances, and ancillary activities that take place within the club.

As such, a suitable compromise is suggested by way of the following condition:

*"The gym facilities hereby approved shall operate between 06:30 and 22:00 on non-match days. The gym facilities hereby approved shall not be in operation on match day Saturdays"*

*(i.e. any Saturday whereby Silverlands Stadium hosts a Buxton FC first team match) between the hours of 14:00 and 18:00. The gym facilities hereby approved shall not be in operation on match days midweek (i.e. any mid-week day whereby Silverlands Stadium hosts a Buxton FC first team match) between the hours of 18:00 and 22:00.”*

Reason:- In the interests of public and residential amenity and highway safety

Subject to this condition the recommendation remains unchanged.

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