



DEVELOPMENT CONTROL COMMITTEE AGENDA

Date: Monday, 11 December 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:



1 December 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 S Gardner

Councillor A Hopkinson

Councillor P Roberts

Councillor G Scott

Councillor D Lomax (Vice-Chair)

Councillor C Farrell

Councillor P Hardy

Councillor I Huddleston

Councillor J Todd

This page is intentionally left blank

11th December 2023

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES REPORT

HPK/2023/0061 – Land at Bridgemont, Whaley Bridge

Representations:

An additional five representations have been received (three of which are from the New Mills area and another from a private letting agent) since the officer report was published, summarised as follows:

- Affordable housing would be beneficial, as I have children and work in the area, however, cannot afford to rent or buy a house.
- Will enable young, first time buyers to stay local and get on the property ladder.
- Can only be good news for the whole of Whaley Bridge.
- Every new building plan on this scale has an affordable housing scheme.
- There are not enough affordable opportunities to get onto the property ladder in New Mills.
- Project at Bridgemont would be a short commute to work with facilities close by
- Lack of rental properties and affordable housing in the area and should be a real concern.
- Schemes offering affordable housing should be supported and can help the housing crisis we are now facing.
- Village needs bringing up to standard.
- New houses have not affected the amount of traffic in the village as I expected, which is down to the industrial estate behind.
- Since the houses were built at the back of my property, I do not have any issues anymore with water in my garden or my bathroom being damp.
- Landscape would not be affected as it would flow parallel with the village, just as the new houses already built do and would not look out of place.

HPBC Arboricultural Consultant

07.12.23:

Detailed Drainage Layout

The attention tank would need to be outside the 6.0m Root Protection Area (RPA) around the woodland (southeast site boundary) and all excavations i.e. allowing working around it, would need to be outside the tree protection area. The working area is likely to be in the region of 3.0m and therefore the edge of the tank would need to be 9.0m from the boundary of the site. This may be possible, but redesigning a longer thinner tank may be required so that it can be accommodated. Changing the drainage of the site, may cause run off into the woodland to potentially have a detrimental impact on the woodland.

The access road and car parking spaces located at the rear of the properties and replacement with garden areas was previously commented on. The proposed parking looks as if it is encroaching into the RPA of the woodland trees. This should be avoided because it will increase the potential for the trees to cause damage to property and therefore put undue pressure on the tree owner to take management decisions which will harm the biodiversity

and amenity value of the woodland. It will impact detrimentally on the rooting environment for these trees and will lead to deterioration in their health and potential longevity.

HPBC Environmental Health Officer:

07.12.23: The Noise and Vibration Report (dated 12 Jan 2020) suggests that “development options” exist, which would be acceptable from a noise point of view. This includes the layout presented in the report. To determine if a revised layout is acceptable then the applicant would need to submit a new report. Accordingly, a planning condition is recommended in relation noise Insulation for domestic properties.

LLFA (Lead Local Flood Authority):

06.12.23: Our comments and recommended conditions were based on the layout where the attenuation was below the parking area and to be managed by a management company. We would not recommend shared attenuation below rear gardens as easements would be needed to enable access and to avoid build over, if these could not be guaranteed then flood risk could be increased through lack of maintenance.

Local Highways Authority:

07.12.23:

Submitted access point revised drawing (SCP-200341-F03-Rev D) is confirmed as acceptable from a highways aspect.

In addition, a funding figure of £35,500 for the improvement of public transport facilities on the A5004 (add real time information screens to the stops, change the bus shelter on the south bound side of the road and make accessibility improvements to both stops and any other associated works) has now been confirmed.

Whaley Bridge Town Council

30.05.23:

The Council has the following additional comments. The Council In principle wants to preserve the Green belt, however this site has no particular landscape merit, it is well screened and has recently been used for a scrap yard.

REPORT ADDENDUM

(Paragraphs 7.18 – 7.56)

LOCAL HOUSING NEED (AFFORDABLE)

From Home Options Council data, officers have calculated local need affordable housing based on both priority (category A to C) and non-priority (category D) applicants to ascertain both size and type of housing required within the Whaley Bridge Parish and Local Plan Central Area. The inclusion of non-priority (category D) applicants therefore presents the worst case scenario in relation to demand for local need affordable housing.

By comparison, the Housing and Economic Land Needs Assessment (HELNA) report in calculating current affordable housing need i.e. “those needs which exist, and are unmet,

now” and in drawing its conclusions, excluded non-priority (category D) applicants to reflect the Planning Policy Guidance (PPG) position regarding an assessment of such needs.

Category D applicants are either: (1) private tenants with a desire to live in social housing (2) social housing tenants with a desire to move (3) owner occupiers with a desire to live in social housing or (4) all other applicants.

Since those applicants are already housed and for consistency it is considered that the approach to determining affordable housing need should be that adopted in the HELNA. Accordingly, by excluding non-priority (category D) applicants from the analysis (Officer Report Table 2 pg. 77), it means the local need for affordable dwellings by priority banding and bedroom requirements is as follows:

Whaley Bridge Parish, 40 dwellings split as:

- 22 x one-bedroom
- 13 x two-bedroom
- 5 x three-bedroom

Table 2 shows that only a single, two-bedroom dwelling is sought within Bridgemont.

Central Area (including Whaley Bridge), 218 dwellings split as:

- 117 x one-bedroom
- 55 x two-bedroom
- 34 x three-bedroom
- 6 x four-bedroom
- 6 x five-bedroom

The corresponding pipeline provision (Officer Report Table 4 pgs. 79-80) illustrates the following points:

- Whaley Bridge Parish: 22 affordable properties are under construction at Linglongs, of which would be delivered as affordable rent (15 x one-bedroom, 8 x 2-bedroom & 4 x 3-bedroom) to partly accommodate the current affordable housing demand for two and three bedroom property types within the Parish.
- The proposed Furness Vale site would provide an additional 37 affordable properties (proposed as affordable rent) to the pipeline provision (17 x 2-bedroom and 20 x 3 bedroom) for the Whaley Bridge Parish (cascading down within the wider Central Area). This site has the benefit of full planning permission, Registered Social Landlord (RSL) ownership and Homes England Funding with an onsite start expected in 2024.
- Central Area (including Whaley Bridge Parish): 139 affordable properties are under construction, of which 115 would be delivered as affordable rent (15 x one-bedroom, 59 x 2-bedroom & 41 x 3-bedroom) to accommodate the current affordable housing demand for two and three bedroom property types within the Central Area as a whole.
- There is a current affordable housing unmet demand of 6 x four-bedroom and 6 x five-bedroom properties within the Chapel-en-le-Frith and New Mills Central Area,

however, this demand falls outside of the Whaley Bridge Parish area which is the relevant area for the purposes of Policy H5 'Rural Exception Sites'.

Returning to the principle of development on this Green Belt site, the development should be of a size and type which can be justified by evidence of local housing need to satisfy LP Policy H5 'Rural Exception Sites', amongst others matters. Policy H5 is an 'exceptions' type policy and therefore requires policy constraint in these circumstances.

The current affordable local need within the Whaley Bridge Parish excluding category D applicants equates to 7 x one-bedroom properties when the pipeline provision (under construction) for this area is accounted for. In this scenario, a proposed development of up to 42 units would not be justified under Policy H5.

In addition, officers do not agree with the applicant's argument that an outline application for "up to 42" affordable homes gives the Council scope at the reserved matters stage to approve less than 42 dwellings, if for example housing needs change. Though it would give the developer flexibility to reduce numbers if for example that is required to accommodate, for example, drainage, design and need for acoustic mitigation.

Consequently, meeting this requirement would not permit an excess above the identified need for 7, one-bedroom dwellings and therefore a flexible scheme for up to 42 affordable dwellings would not be in accordance with Policy H5 or the National Planning Policy Framework (NPPF) in relation to Green Belt development concerning limited affordable housing for local community needs on rural exception sites.

Agent:

A letter with enclosures has been forward to Members of the Development Control Committee on the 8th December 2023.

In summary, it states the following the points:

- Application has been submitted in outline form with all detailed matters to be considered at the reserved matters stage excepting for access into the site, which the Local Planning Authority consider is acceptable.
- Whaley Bridge Town Council comments have not been included in the officer report and therefore is not balanced regarding local viewpoints, including the level of support for the scheme.
- An enclosure of support from Councillor Ridgeway is further referred to supporting low cost housing for local people.
- Great Places Housing Group have confirmed their interest in the site to the Council's Affordable Housing Officer.
- A number of additional local residents have submitted their support for the scheme following the publication of the report confirming the recommendation of refusal.
- In terms of the principle of development, the scheme is not seeking to fix the size and type of properties at this stage of the process, however, the provision of two and three bedroom homes would enable families to relocate and free up smaller existing properties and considers these matters can be determined at the reserved matters stage.
- Additional Landscape Visual Impact Assessment (LVIA) is enclosed by the applicant and provides for a detailed summary of differences of opinion between the applicant's and Council's Landscape Consultant's, together with a summary table considering there would no significant landscape harm.

- Regarding Peak District National Park Authority (PDNPA) objections, it confirms the applicant's LVIA complies with the advice of the Landscape Institute and with accepted practice.
- Regarding insufficient information relating to noise and vibration matters, the consultation response from the Environmental Health Officer states they do not have any concerns as planning conditions relating to glazing and ventilation are capable of mitigating any noise impacts.
- The culvert connection falls on land within the playground adjoining the site whereby Councillor Ridgeway has support the drainage connection in principle. A plan has also been submitted which shows an alternative means of connection within the highway to overcome the reason for refusal.

Councillor Ridgeway

06.12.23:

"To whom it may concern, I am a Whaley Bridge Town Councillor and with other councillors visited the Bridgemont proposed building site this summer and met with Mr and Mrs Cullen of Treville Properties. Following our visit I came away with the overall impression that if these affordable properties were to be allowed to be built and sold to local people it would not only provide much needed low cost housing in the town but create an opportunity for locals to stay local. As far as the issue of sewer drainage connection is concerned surely it is a common sense matter in this case of easiest is best. If the new houses are to be connected to the sewer system anyway why chew up the road further than is absolutely necessary. This matter comes before you on the 11th of Dec and unfortunately our next Town Council Meeting is not until the 14th of Dec so it would obviously be too late for the full Council to comment but my comments above are the views I would express in a full Council debate on the matter. Yours Councillor Michael Ridgeway".

Case Officer:

The Whaley Bridge Neighbourhood Plan 2022-2032 has now been approved to carry full weight in the decision making process.

Whaley Bridge Town Council comments noting the site's recent use as a scrap yard, however, appear to relate to the use of the grazing field for matters including unauthorised vehicle storage and a temporary construction compound for the maintenance of the adjoining railway line. These activities have been stated as temporary within the applicant's revised LVIA document and should have no influence on the site's landscape character and visual appearance.

The information submitted by the applicant on the 8th December 2023 sets out a detailed summary of differences of opinion between the applicant's and Council's Landscape Consultant's. These submissions, however, do not detract from the standpoint that the proposed scheme is considered to be inherently harmful in landscape character terms whilst the applicant's LVIA does not adequately assess the impact of the scheme on the setting of the PDNP area to be considered insufficient in these regards. There are particular concerns regarding the proposed linear development area, which would heighten potential visual impacts by joining up areas of existing development with Whaley Bridge appearing as continuation along the valley to the north.

Following earlier officer requests concerning consent for the required culvert connection on adjoining land outside of the applicant's control i.e. children's play area, the 8th December 2023 submissions confirm this matter has been discussed with a Town Councillor (see

above). In these circumstances, a condition worded in a negative form (i.e. a Grampian condition) would be recommended by prohibiting development if authorised until a specified action has been taken i.e. the required culvert connection being performed within a permission time-limit.

Consultation would need to be undertaken with the LLFA regarding the alternative drainage scheme offered by the applicant (Option 2), however, this is not possible within agreed timescales.

Following further discussions with the Council's Environmental Health Officer, he has confirmed that the submitted Noise and Vibration Report is specific to the layout as contained within the report, which shows development significantly set back from the railway line boundary. Notwithstanding this, the report suggests noise issues should not prevent the development of the site as a matter of principle subject to agreeing an appropriate layout and providing noise mitigation measures (i.e. acoustic glazing and ventilation).

Consequently, the additional comments of the Council's Arboricultural Consultant, Environmental Health Officer and LLFA would be matters to be addressed at any reserved matters layout stage. This is in view of the outline application for "up to 42" homes would give the applicant the flexibility to reduce numbers for addressing matters including acoustic mitigation, drainage and tree protection.

There is no reference to Local Plan Policy 'H6' within the officer report, which correctly refers to Policy H5 'Rural Exception Sites'.

RECOMMENDATION: NO CHANGE (REFUSAL)

DELETE: Reason for Refusal no.4 regarding potential adverse impacts of noise and vibration impacts to future occupants as a result of the operation of the railway line to the site's western boundary.

DELETE: Reason for Refusal no.5 regarding insufficient information in relation to drainage and flood risk matters.

HPK/2023/0233 – Oaklands Manor, Manchester Road, Buxton

Consultation Responses

Councillor Comments

Cllr Madeline Hall: My response to on the original application included a comment on the feasibility of planned use:

This application for change of use to C2 designation - a broad category covering residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres - is precise about the proposed use. The application is focused on residential provision exclusively for 10 year olds with a maximum number of 8 children supported by staff on a 2:1 ratio. The precision of the restricted age cohort appears impracticable. I question its accuracy.

The revised proposal for use - change of use of residential outdoor pursuits training centre (Class F1) to activity based residential care home for up to 8 children between ages 8 and 17 years (Class C2) - prompting an extended period of consultation is a more realistic statement of intent. The alteration though is not highlighted in the letter to consultees dated

17 November 2023. A second response should be obtained from all statutory consultees to ensure that responses relate to the application as it now stands.

The original application suggested that typically there would be only one or two children or young people staying overnight at any time. Again I question the accuracy, or feasibility, of this pattern of occupancy. Whilst a flawed business model is not a material consideration for planning approval, supporting an application based on false expectations and empty promises would neither support strong, vibrant and healthy communities nor serve the needs of vulnerable young people.

The response from the applicant's agent to concerns expressed in the initial consultation is not reassuring as the lack of clarity over intentions continues:

the majority of children will be offsite in the evenings;

typically only one or two children on site at a time;

the majority of children will stay elsewhere - cottages, caravans, barns, camping;

there would be periods with only one or two children and staff in the premises;

during a young persons time at the home, it may be appropriate for them to engage in activities or camp in small groups of 2 or 3;

if, however, for any reason the young people need to be back in the home then this restriction (to less than full occupancy) would prevent them from doing so and would be unnecessarily restrictive.

Late autumn, winter and early spring weather will limit opportunities for camping so periods when the young people need to be back in the home are likely to be extensive. I would have been more convinced of the good intent of the applicant should concerns about impact and integration into the community have been addressed positively rather than with assurances that the numbers in residence would be less than approved. It's a little like being asked to approve a new hotel on the basis that room occupancy is kept below 25%.

The applicant refers selectively to commentary submitted by Derbyshire Constabulary. The conclusion of remarks from the police is not highlighted. I highlight it here;

The substantial level of community opposition is noted, and it's also noted that whilst the proposal is for up to 8 children in residence, the supporting planning statement sets out that typically there would be no more than 2 residents on site at any given time.

If you are minded to approve the application, potentially, a suitably worded condition restricting occupancy to these typical levels may provide some reassurance to the concerns of objectors.

I second that recommendation. Given the unusual process of re-opening consultation after an application has been considered by Development and Control Committee, I ask too that this revised application be reconsidered there

Public Comments

At the time of writing this update, a further 11 number of representations have been received objecting to the proposed development. The additional objections have raised comment on the following planning grounds:

- Unsuitable for the area

- Dangerous access
- Not needed in Buxton
- Unsuitable building and use
- Council should have discussed with neighbours
- Should be more open space for the residents
- Concern over staffing and competition/effect on existing businesses
- Effect on overstretched local services
- Impact from anti-social behaviour

Officer Response

The majority of the comments raised have been covered in the main Committee Report (paragraphs 8.6 to 8.42).

With regard to the effect on existing businesses and ability to recruit. There are no planning policies which prohibit competition in any sector. On the contrary the Development Plan and national planning policy supports the delivery of a strong and competitive economy. The potential effect of any development on an existing business, or its ability to recruit a suitable workforce, cannot be quantified or qualified and, therefore, this is a matter to which only very limited consideration can be given.

HPK/2023/0387 – 39 Park Road, Buxton

No comments – no change to recommendation

HPK/2023/0370 – Dove Holes Cricket Club

No comments – no change to recommendation

HPK/2023/0064 & 0065– White Lion Buxton

Para 199 of the NPPF states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Para 202 continues: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The Conservation Officer has raised a number of concerns regarding the application. However the scheme is identical to the one which was approved in 2018 when it was concluded that “the proposal would have a positive impact on both the listed building, its setting and on the Buxton Conservation Area. As a result, it would preserve the special interest of the Grade II listed building and preserve the character of the Buxton Conservation Area” and there have been no material changes in terms of the proposal, the building, or the policy in the meantime. It would therefore be unreasonable to introduce objections or reasons for refusal on the grounds of heritage harm at this stage. Nevertheless, there are considered to be significant public benefits in this case in terms of securing the optimum

viable use which would outweigh the concerns as detailed by the conservation officer in any event.

HPK/2023/0335 & 336 – Old Hall Inn White Hough

No comments – no change to recommendation

HPK/2023/0352 – 39 Park Road Buxton

No comments – no change to recommendation

This page is intentionally left blank