

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

7th October 2019

Application No:	HPK/2018/0143	
Location	Land at Forge Road, Chinley	
Proposal	Residential development comprising 12 dwellings (open market and affordable), public open space and associated infrastructure together with a new car park for 1st Chinley Scout Group.	
Applicant	Wain Homes (North West) Ltd	
Agent	Hourigan Connolly	
Parish/ward	Chinley	Date registered 15 th May 2018
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122		

1. REFERRAL

1.1 This planning application has been referred to DC Committee as it is categorised as a major development.

2. SUMMARY OF RECOMMENDATION

APPROVE, subject to conditions and the completion of s106 planning obligation securing matters of onsite affordable housing provision and education contributions by the 7th October 2019 (the determination date in the event of an otherwise suitable and agreed time extension with the Council).

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The scheme relates to a 1.12 hectare greenfield site, which fronts onto Forge Road. It is designated as open countryside within the landscape character type of the Settled Valley Pastures. The Chinley and Whitehough Conservation Area lies immediately to the site's west boundary. This boundary adjoins the residential curtilage to Spring Meadow as well as the Scout Hut / Community Hall, which also falls on land designated as open countryside. The southern boundary adjoins the Peak Forest Tramway Trail beyond which is Green Belt land. Directly to the east is the former Dorma Works, a large scale residential / mixed use scheme covering a total site area of 12.44 ha, which is currently under construction.

3.2 The wider development site lies in a dip to the south of the village of Chinley and north of the hamlet of Whitehough being nestled between Black Brook to the north and the Peak Forest Tramway to the south. The Black Brook watercourse lies adjacent on the northern

side of Forge Road beyond which is Foresters Close within the Whitehough Built up Area Boundary and Chapel-en-le-Frith Neighbourhood Plan Area. To the north of the defined village settlement boundary is the Peak District National Park.

3.3 Aligning the eastern boundary of the site is PROW (Public Right of Way) 124, which links Forge Road to the Tramway. The open ditch / stream broadly follow the course of the footpath between Forge Road and the Tramway. Beyond the footpath is the completed and occupied children's crèche building with car parking area. There are some habitats of local value within the site, as well as mature tree cover to the site boundaries. The application site is located within flood zones 1, 2 and 3a.

3.4 The unadopted access into the site from Forge Road, currently serves the scout hut, crèche and a row of residential properties known as 'Forge Terrace', which are located further along this road. It also forms the residential access into the wider application site referred to as Forge Manner. This comprises of 159 homes (some of which are now occupied), functional nursery with outline planning permission for an employment building. Forge Road is intended to be adopted following upgrading works and will be maintained by the Local Highways Authority in the future.

3.5 The villages of Chinley and Whitehough benefit from a range of local shops, post office, public houses and a local primary school. Chinley Railway Station is 700 metres away and provides mainline services to Manchester and Sheffield. Bus services from Chinley also provide links to the local towns of Chapel-en-le-Frith and Glossop.

4. THE APPLICATION PROPOSAL

4.1 The "revised" full application submission seeks approval for residential development comprising of 12 dwellings (open market and affordable), public open space and associated infrastructure together with a new car park for 1st Chinley Scout Group. The amended submission represents a scheme reduction from 17 to 12 dwellings. The negotiated amendments are intended to address design, heritage and tree impact issues as raised by Officers during the determination of the scheme as will be discussed in further detail below.

4.2 The car parking element of the scheme would provide for 20 spaces in association with 1st Chinley Scout Group as well as the general community use of the hall. It would be positioned to the site frontage facing Forge Road behind a proposed planted buffer and to the western side of the proposed access road serving the residential aspect of the site. Sole vehicular access to the car park would be directly off Forge Road. To the east of the car park, a separate access off Forge Road would lead into a cul-de-sac type arrangement serving the 12 properties.

4.3 A proposed planting buffer would separate the rear gardens of plots 1 to 7 from the eastern boundary which lies adjacent to the conservation area boundary and extended garden to the neighbouring dwelling Sycamore Meadow. Similarly, but to a lesser degree, further planting is proposed to the site's southern boundary adjoining the Tramway in relation to plots 8 to 11. An ecological landscaped area would be nestled between the proposed internal access road and site's eastern boundary, which abuts the PROW with the crèche beyond and would culminate at Plot 12. A footpath link is proposed to PROW

124, which would traverse across the ecological area, with proposed bridge over the open ditch watercourse.

4.4 The revised dwelling types as proposed in this scheme are as follows:

- 2-bed Britten x 2 (affordable provision) @ 2b4p 79.5sqm GIA (semi-detached)
- 2-bed Brancaster SA x 2 @ 2b3p plus study 83.61sqm GIA (semi-detached)
- 4-bed Priestly x 3 @ 4b6p 142.4sqm GIA (detached)
- 4-bed Shakespeare x 2 @ 125.4sqm 4b6p (detached with integral garage)
- 5-bed Richmond x 2 @ 5b9p 200.5sqm GIA (detached)
- 5-bed Raleigh x 1 @ 5b10p 254.6sqm GIA (detached)

4.5 These house types would be presented as a combination of semi-detached (4) and detached (8) properties of a two and two-half storey scale. Each dwelling would benefit from off-street parking provision and a rear garden. Plots 9, 10, 11 and 12 would further benefit from detached garages.

4.6 Facing materials proposed to the walls would be the 'Darlestone Buff Black Pitched Artstone' beneath a Marley Edgemere grey roof tile. Chimneys are proposed to all house types. Detailed landscaping proposals, including an aboricultural report accompany the revised planning application submission.

4.7 The application and details attached to it, including the plans, supporting documents, representations made by residents and the responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=222968>

5. RELEVANT PLANNING HISTORY

- HPK/2016/0313 Reserved Matters application with details of the appearance, landscaping, layout and scale for Phase 2 of the residential development comprising of 62 dwellings and associated works pursuant to planning appeal reference APP/H1033/A/13/21898819 (HPK/2012/0312). Approved November 2017.
- HPK/2014/0582 Erection of a building to accommodate a D1 day nursery with ancillary worker accommodation and construction of a bin store – Approved February 2015.
- HPK/2013/0577 Application for Approval of Reserved Matters following Outline Approval For Phase 1 - Construction Of 91 No. Dwellings, 1no. B1 Office Unit And 1no.D1 Creche Unit Including Access From Green Lane / Whitehough Head Lane and Associated Works (Reserved Matters - Large-Scale Major) – Approved January 2014.
- HPK/2012/0323 Demolition of remaining structures & redevelopment for up to 182 dwellings, up to 1,672 sqm business floorspace (use class B1), up to 279sqm of non residential institution floorspace (use class D1),

community facilities & associated infrastructure – Allowed at appeal
May 2013.

HPK/2011/0683 Outline application for the redevelopment of the site – Withdrawn
February 2012.

6. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Adopted Local Plan 2016

Policy S1	Sustainable Development Principles
Policy S1a	Presumption in Favour of Sustainable Development
Policy S2	Settlement Hierarchy
Policy S3	Strategic Housing Development
Policy S6	Central Sub-area Strategy
Policy EQ1	Climate Change
Policy EQ5	Biodiversity
Policy EQ6	Design and Place Making
Policy EQ7	Built and Historic Environment
Policy EQ8	Green Infrastructure
Policy EQ9	Trees, Woodlands and Hedgerows
Policy EQ10	Pollution Control and Unstable Land
Policy EQ11	Flood Risk Management
Policy H1	Location of Housing Development
Policy H3	New Housing Development
Policy H4	Affordable Housing
Policy CF3	Local Infrastructure Provision
Policy CF5	Provision and Retention of Local Community Services and Facilities
Policy CF6	Accessibility and Transport
Policy CF7	Planning Obligations and Community Infrastructure Levy

Supplementary Planning Guidance

- Residential Design (2018)
- Landscape Character Supplementary Planning Document (2006)

National Planning Policy Framework (NPPF) 2019

National Planning Practice Guidance (NPPG)

7. CONSULTATIONS

Site notice	Expired
Press notice	Expired
Neighbours	Expired

Third party representations are summarised as follows:

Objections (16):

- The Parish of CELF has exceeded its Neighbourhood Plan targets in respect of housing numbers;
- It is further queried if there is a need for further housing in Whitehough, given the substantial number of houses approved for building on the adjacent site which have not yet been completed, particularly as Whitehough is a small hamlet;
- The applicant has an outstanding planning permission in relation to Phase 2 to build an additional 30 homes on the adjoining site;
- The applicant has already had their previous application agreed and have constructed enough homes on brown field land. This is a new application on greenfield land;
- The applicant has further purchased land along the valley towards the sewage works for future building and therefore does not support the claim that houses are necessary for this scheme;
- Prior to the change in local greenspace rules, the site was designated as open countryside;
- The field is demonstrably special to the local community and holds local significance;
- The field used to be grazing land for cattle and sheep as well as providing an unofficial footpath;
- It provides a natural green barrier between the current development on the brownfield side and the conservation area boundary;
- The field is subject to flooding during winter months and this is also an issue for the tramway;
- Raising of the land could cause local dwelling flooding problems elsewhere;
- Surface water flooding has occurred onto the new development from the Tramway;
- The site is not undeveloped scrub rather a wetland meadow and wildlife haven;
- It is a natural habitat for insects birds and mammals with thick vegetation and trees, including blackberries which provide food, cover and nesting sites;
- Although there is a plan to create a 'green space' area it will be impossible to re-create this wildlife friendly habitat which will be gone forever;
- The scheme contravenes the Local Plan which includes many references to ecological protection;
- A small stream runs through the site which adds to this valuable habitat which would also create drainage difficulties and the potential for flooding;
- The original application should not have been approved without a condition that an additional access was created;
- With the housing target already met there is no reason to approve the application and safeguard the junction from being subject to increased traffic;
- The relevant appeal decision conditions required structural highway improvements, particularly along Green Lane/Whitehough Head Lane in order to improve the safety of pedestrians using the unpaved thoroughfare;
- Forge Manor is still in progress and several dwellings are occupied and there has already been a considerable increase in the volume of vehicular traffic, including heavy goods, not only generated to and from Forge Manor, but also from Octavia Gardens and other areas of Chapel, where drivers are seeking a short cut to the A624 or to Chinley Station;

- Yet 5 years on, only one recently introduced, ineffective speed-bump has been installed along Green Lane;
- As a consequence, not just pedestrians, but all road users are at greater risk of death or injury, than ever before;
- Those conditions, particularly pedestrian safety measures should be met in full as a matter of urgency;
- As well, consultation should be undertaken with the Highways Authority to introduce and enforce a lower speed limit throughout Green Lane, Whitehough Head Lane, and a section of Crossings Road;
- Additionally, the white line road markings along Crossings Road, which have been removed should be restored, particularly between Manchester Road and Eccles Road;
- Insufficient infrastructure to support existing residential developments;
- It is acknowledged that a car park for 1st Chinley Scouts is required, however one had already been built and could have been offered to the scouts had it not been damaged by the builders and appears to be an opportunity to cram more houses in;
- The application site in its current state would offer a good opportunity for the scouts to enhance their environmental studies;
- Several mature trees at the site's eastern boundary with Spring Meadow are subject to a TPO, however, the two sycamore trees within the SE corner have not been identified as such and the canopies and roots of the trees will take up 50% of plots 6 and 7 garden area;
- A tree shown to be retained within the visibility of the application site and subject to a TPO has been removed which has been reported to the Council;
- It further raises concern regarding the safekeeping of other trees within along the boundary with Spring Meadow;
- Item 17 of the landscape and visual briefing note refers to the site falling gently in the direction of Blackbrook is disagreed with whereby the SW corner of the field approaching the tramway rises approximately 4/5 metres within c.12 metres;
- Any removal of this soil would undermine the side of the tram and disturb the protected trees;
- Spring Meadow would be the only existing property substantially affected by the proposed scheme with 7 houses abutting its eastern boundary as well as the conservation area and would require a substantial privacy fence should the scheme go ahead;
- The application site is at a lower level than Spring Meadow requiring a 3.5 to 4.0m screen to provide for adequate privacy levels;
- The Phase 3 plan to Sycamore Meadow is incorrect and may be misleading to other interested parties;
- The incorrect Conservation Area boundary has been put right in principle by the Council's solicitor in a confirmed letter (as hand delivered to the Council);
- Building on the application site would block any remaining views currently enjoyed by visitors and residents to the tramway; and,
- Construction noise complaints in respect of the operation of the existing site.

Friends of the Peak District

Friends of the Peak District wishes to object to the above application.

The site is not allocated for development, but has the potential to perform well against the criteria in the Local Plan policy H1 for developments outside the built-up area boundary. The question then is whether the proposals would constitute sustainable development, which H1 should enable, or whether other considerations go against the development on balance.

In our view there are three strong reasons for refusal of this application:

1. The site provides a buffer of openness between the Forge Manor development, the Whitehough Conservation Area and the Peak Forest Tramway Trail, without which Whitehough would experience a loss of distinctiveness, running contrary to policy EQ7;
2. The boundary treatments of the recent adjacent development against the Tramway Trail are insensitive to this important heritage asset, having a suburbanising effect, and it appears that this application would extend and amplify that effect, putting the scheme at odds with policy EQ6;
3. The three affordable homes account to just 17% of the total provision, while eight of the homes are market homes of 4 or more bedrooms and will not be appropriate to addressing housing need in the area - and the proposal is therefore inconsistent with Policies H3 and H4.

In our view these problems mean that the proposal would not amount to sustainable development, and does not therefore trigger Policy H1. On the basis we ask that you refuse the application.

Support (1):

- The proposal will develop 17 badly needed new homes, including a number of affordable homes, on an area of scrubland which is currently un-managed and a wasted resource;
- The development of the old Forge Works is progressing well and the houses are clearly in demand judging by the level of occupancy already;
- Development of the application site for houses and a car park for the 1st Chinley Scouts will see the area 'rounded off', rather than left as un-managed, vacant and overgrown wasteland;
- The proposal will develop 12 new homes - including a number of affordable homes on an unmanaged scrubby site;
- This development of houses and a car park for the Chinley Scouts is a natural final stage to the development in the area;
- The car park for Chinley Scouts is an important aspect of the application and one which must be given considerable weight in the decision on the application;
- As a parent of two boys who are in the Scout Group, I regularly drop off and pick up my boys at the Scout hut by car;
- As a father of 2, the car park for Chinley Scouts is a very important consideration. I regularly drop off and collect my daughter who is a Beaver Scout and the current parking arrangements are inconvenient and also a safety risk.
- The parking in front of the hut is not just convenient for both parents and leaders, but essential. However it will soon be lost when Forge Road is upgraded and made ready for adoption in the near future;

- The provision of a 20 space car park for the Scout Group as part of this application is therefore essential to prevent parking problems leading to highway safety issues.

1st Chinley Scout Group

The application has recently been revised and now proposes 12 dwellings (open market and affordable), public open space, associated infrastructure together with parking for the Scout Group.

Specifically, the Scout Group are strongly in support of the proposed car park, which is intended for all users of Victory Hall. The Scout Group is a very active community organisation operating two Beaver Colonies, two Cub Packs, a Scout Troop and an explorer Group, with over 80 children in total. In addition, Chinley Guide Group use our facilities, and the Hall is also regularly let out for private parties and events. It is a well-used facility but has not off road parking.

Until recently cars were able to park on Forge Road in the vicinity of Victory Hall, but with the road upgrade works which include installation of footways on either side, parking is no longer possible. This causes issues for people visiting Victory Hall, such as Section Leaders and people attending events, not to mention parents dropping children off and picking up their children for the weekly Scouting sessions.

The Scout Group own the land that is proposed for the 20-space car park. It is immediately adjoining the Victory Hall outdoor area and is a logical place for a car park for users of the Hall. It will remove the existing issues at drop off and pick up times and will ensure that cars are not obstructing Forge Road. The land is not used for any other purpose and with the design now proposed by Wain Homes, which includes extensive landscaping and a drystone wall, the proposed car park is fully supported by 1st Chinley Scout Group.

CONSULTATIONS:

Consultee		Officer response
Chapel-en-le-Frith Parish Council		Noted and discussed within the main body of the report.
<p>01.05.19: Councillor Harris declared an interest. No objection to the revised layout, however, the committee endorse the comments made by DCC Flood Risk Management Team.</p> <p>01.06.18: Strongly object. Cllr Harrison declared an interest. The proposed addition to the current site by way of an additional 17 houses is contrary to the Neighbourhood Plan and the HPBC Local Plan. The proposed site was originally omitted from development as it created a green buffer between the village at Whitehough and the new development. The proposed will corrupt that green barrier and exacerbate the road safety issues.</p>		
Chinley Buxworth & Brownside Parish		Noted and discussed within the main body of the report.

Council		
<p>30.04.19: Chinley, Buxworth & Brownside Parish Council wish to confirm that their previous comments that were submitted on 2 July 2018 relating to this application still stand in relation to the revisions. We would however request that due consideration be given to local concerns regarding the risk of flooding at this site.</p> <p>02.07.18: Comments: Although the proposed development site lies within Chapel-en-le-Frith parish it adjoins Chinley and the impact of any development would be almost entirely on Chinley.</p> <p>On balance, the Parish Council considers the proposed development is acceptable, subject to a S.106 agreement to mitigate its impact, for the following reasons:</p> <ul style="list-style-type: none"> • It would improve the appearance of the area, which otherwise would remain an untidy and unsatisfactory approach to the Forge Manor housing estate and the nursery • It would limit any disruption to the current building period rather than introducing a further period of disruption if and when developed in the future • The proposed car park for 1st Chinley Scouts is welcomed and considered essential for the safety of all users of Victory Hall • It seems to meet the tests of Policy H1 of the High Peak Local Plan • Whilst the Parish Council remains extremely concerned about the impact of the Forge Manor development on highway and pedestrian safety, the total number of dwellings (170) now proposed would be less than originally allowed by the Appeal Inspector (182) <p>If the Borough Council is minded to approve the application we request that any S.106 agreement includes further monies for indoor and outdoor sport and recreation at the Lower Lane site in Chinley and additional works to improve highway and pedestrian safety. To this end discussions are already taking place with Derbyshire County Council.</p> <p>N.B. Wainhomes have shown a willingness to engage with the Parish Council and to mitigate the impact of the Forge Manor development on Chinley. They have offered a £40,000 contribution to the project to refurbish Chinley Community Centre, on top of any S.106 monies required by HPBC. There is some concern locally that this may influence the Parish Council's view. However, it was made clear to councillors that this offer stands regardless of whether or not the Parish Council supports this application.</p>		
DCC Local Highway Authority	Conditional Response	Refer to Highways Section
<p>24.06.19: Recommend conditions: The proposed scouts car park shall not be taken into use until a new vehicular access has been formed to Forge Road in accordance with the</p>		

application drawing No 1566WHD/FRC-Ph301 revision J and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 33m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

24.06.19: I have looked at the revised layout and submitted swept path analysis drawing and can confirm that revised details are now acceptable from highway viewpoint. I have therefore attached my formal response including revised recommended conditions and notes.

1. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
2. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 1 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
3. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
4. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes etc.
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Arrangements for turning vehicles
5. No development shall take place until construction details of the residential estate road and footway (including layout, levels, gradients, surfacing and means of

surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

6. The carriageway of the proposed estate road shall be constructed in accordance with Condition 5 above up to and including at least road base level, laid out at least 5m wide, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageway and footway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageway and footway in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
7. No part of the development shall be occupied until a new estate street junction has been formed to Forge Road in accordance with the application drawing No 1566WHD/FRC-Ph301 revision J, and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the estate street junction, for a distance of 33m in each direction measured along the nearside carriageway edge. The area of land in advance of the sightlines being levelled, forming part of the new street, constructed as footway and not forming part of any plot or other sub-division of the site.
8. No part of the development shall be occupied until a new access to the scouts car park has been formed to Forge Road in accordance with the application drawing No 1566WHD/FRC-Ph301 revision J and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 33m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
9. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No1566WHD/FRC-Ph301 revision J for the parking of residents and visitors vehicles.
10. The garages / car parking spaces to be provided, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garages / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
11. The development hereby permitted shall not be commenced until details of secure

cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

12. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.

13. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. include a timetable for its implementation; and
- c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

14. Any gates shall open inwards only.

12.06.18: Conditional Response.

Environment Agency

Refer to Technical Matters Section.

Revised comments awaited following reconsultation.

15.04.19: None of the uploaded documents relate to our previous comments regarding flood risk, therefore we wish for our previous comments issued 19th November 2018 to be carried forward and be consulted on any future changes with the application.

With reference to the revised FRA submitted with the application (B2086 version 04) dated 16/6/18 we can remove our objection to the proposal. However we wish to make the following comments on this proposal.

The revised FRA now includes reference to the potential flooding of Forge Road and identifies a pedestrian route to higher ground at the tramway footpath. Although an assessment of flood levels from Black Brook with the latest climate change allowance has not been provided, the FRA confirms that all proposed dwellings are sited above and outside the 0.1% AEP extreme flood level. This follows a sequential approach within the

development of directing more vulnerable dwellings to the lower risk parts of the site.

The revised FRA now also includes an assessment of the tributary watercourse and identifies a proposal to divert this to the edge of the eastern boundary in a new channel. This will require the approval of your LLFA engineers and they may request a planning condition relating to the design of this if considered acceptable in principle.

The FRA proposes a surface water attenuation pond within flood zone 2 which is not best practice. In the construction of this, ground levels should not be raised e.g. to form containment banks, and any storage requirements should be achieved by ground lowering. Your LLFA engineers should provide comment on the suitability of the surface water drainage arrangements.

Condition

If you are minded to approve the application the proposed development must proceed in strict accordance with the FRA (B2086 version 04) and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

Severn Trent Water		Refer to Technical Matters Section.
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Awaiting comments.

DCC Lead Local Flood Authority		Refer to Technical Matters Section.
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No objection subject to conditions.

23.09.19 Thank you for the corresponding landscape drawings that correspond with the latest drainage strategy. The LLFA can confirm that these match.

Regarding the 16th August LLFA response, the Site Layout and Landscape drawing 1566WHD/FRC-Ph301 from the applicant supplied on 13th August appears to show two attenuation areas which would therefore suggest that there could have been a different drainage strategy for that element, in relation to the pipe network beneath.

However, the more recent LLFA response is on the basis that the newly supplied information suggests that the pipe network below has not actually been changed and will be in accordance to the 18th July response that the LLFA were able to provide a full response to.

18.07.19: The drainage strategy for the proposed 1.2 Ha development, according to separate technical notes and updates subsequent to the Flood Risk Assessment (FRA), version 4, June 2018, is to dispose of surface water utilising a cellular storage tank via a Hydrobrake chamber through a tidal flap valve into a culverted section of an ordinary watercourse. This, then having crossed under Forge Road, outfalls into a main river, the Black Brook.

Discharge will be restricted to 8.3 l/s for all events up to the 1% plus suitable climate change event with a 10% allowance for urban creep. The detailed drainage drawings show surface water storage volume of 160m³ however this needs to be according to the supplied MicroDrainage file showing 175 m³, or greater, to ensure that the network does not flood from this point beneath Flood zone 3 land. Supporting modelling information relating to both the Black Brook and the eastern ordinary watercourse has been analysed to understand any potential combined events further.

The connecting highway for the development, according to EA modelling of the Black Brook in the FRA, can shallow flood from a 1 in 10 fluvial storm event or higher. The residents, in these conditions it is proposed should be able to walk uphill to the tramway footpath at a higher elevation to the south of the development boundary. A suitable Flood Evacuation Plan will need to be understood by all future residents and be able to be adhered to.

The LLFA are expecting to see separate to this planning application, Land Drainage Consent Applications for works affecting ordinary watercourses, for the upsizing of the culverted section of the ordinary watercourse and the diversion of the ordinary watercourse.

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.

Conditions:

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. Former Forge Mill site Chinley-phase 3 Flood Risk Assessment for proposed housing, Version 4 (by Michael Lambert Associates, June 2018) and 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),

c. Any other information which has been received and approved by the Flood Risk Management Team

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing."

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. 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.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

3. 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.

4. No development shall take place until the proposed watercourse diversion to the east of the site has received Land Drainage Consent.

Reason: This is a regulatory requirement under the Land Drainage Act 1991.

Advisory/Informative Notes (It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA) as detailed in the consultation response.

11.06.19 & 21.06.19 (in bold text): The LLFA have reviewed the further information as supplied in conjunction with the LLFA's previous request as below and wish for further information where highlighted in bold against the LLFA request.

The LLFA need to see the following further information:

1. As the surface water attenuation is now proposed to be provided by cellular storage please can the applicant supply Hydraulic calculations for this up to the 1% annual probability rainfall event plus 30% climate change, plus an allowance for urban creep (10%). – **Please can the applicant supply the Hydraulic Calculations as requested.**
2. The drainage strategy, drawing no 17134/01/01 Rev A shows greenfield run-off rate to be 5 l/s, but the Forge Mill site Chinley-phase 3 FRA, version 4 it states greenfield run-off to be 8.3 l/s. Please can the intended run-off rate be clarified. – **Ok.**
3. According to the FRA version 04 the existing culvert that outfalls to the main river Black Brook of 300 mm diameter is to be replaced with a 600 mm diameter culvert. In the drainage strategy, drawing 17134/01/01/ Rev A, it shows that the 300 mm diameter culvert will be supplemented with additional pipes. Please clarify

- whether additional pipes or enlarging is to be proposed. – **Ok.**
4. The LLFA need to see the hydraulic calculations of the Ordinary Watercourse. – **Ok.**
 5. In the FRA version 04 it is stated that the Ordinary Watercourse running through the site will be diverted, the LLFA will need to see the following regarding this:
 - i. Full hydraulic assessment of Ordinary Watercourse to ensure the existing flood risk is not increased to existing or proposed properties. – **Additional time is requested in order to review the hydraulic assessment, to ensure it is fit for purpose.**
 - ii. Hydraulic assessment to also show that any flows through this watercourse upto 1% annual storm probability will not impact on surface water drainage system for this development (eg flows from the watercourse surcharging the sw drainage outfall) – **Additional time is requested in order to review the hydraulic assessment, to ensure it is fit for purpose.**
 - iii. Hydraulic assessment to also include the proposals whether for additional pipes or upsizing of existing 300 mm diameter culvert under Forge Road. This would be to ensure that these proposals will not increase flood risk to existing properties or infrastructure (highway). – **The 1 in 100 HEC RAS model for Footpath 124 Black Brook used a level of 179.375 m which is the baseflow level on the Black Brook and a discharge of 0.29 m³/s. Please can the applicant inform the LLFA the culvert size that this relates to, as we believe the proposed 3 x 400 mm diameter culverts give a discharge of around 0.771 m³/s.**
 6. The LLFA would need to see that the full range of return periods and storm durations have been considered to ensure that the flood risk will not be increased. – **Additional time is requested in order to review the hydraulic assessment, to ensure it is fit for purpose.**
 7. The LLFA need to be shown the impact of the culverted section being blocked / surcharged on the watercourse, and the potential levels that this could flood through the development and how this will be mitigated. – **Need to see the evidence that supports this in the form of an hydraulic analysis of the proposed culvert incorporating blockage scenarios to ensure that this does not increase the flood risk to existing properties or infrastructure.**
 8. From the supplied EA detailed map from November 2011, at model node 9 at the 10% annual event probability the water level is 180.25m. From the Drainage Strategy drawing No. 17134/01/1 Rev A it shows the existing culvert invert level as 179.466, and therefore the culvert would be surcharged. The LLFA have concerns that this will impact on the free discharge of both the ordinary watercourse (running through the development site) and the sw drainage system for the development. Please clarify how this can be mitigated. – **The response suggests that 5 – 10% of the year it will surcharge. The LLFA still need assurances for these periods that the surface water network for the development will not be compromised.**
 9. The LLFA need to see that the cellular storage attenuation is sized accordingly to accommodate the additional volumes needed for the periods of time when the flap valve will be forced shut by the ordinary watercourse and / or the Black Brook as well as for the required surface water drainage requirements above in point 1. – **Please supply the LLFA with evidence for the longer storm duration events, to evidence that there is sufficient capacity so as to not compromise the surface water network in accordance with DEFRA's non statutory technical**

standards guidance notes on Design Criteria for capacity 4.35, 4.38 and 4.39. This also needs to show the ability for the Surface Water storage (underground attenuation) after a 6 hour storm event, and having factored in the discharge rate of 8.3 l/s, may not be achievable in all events, if the culvert is surcharged. Please provide further evidence that the spare 66m³ in the underground storage would be sufficient to accommodate this.

Please note that the LLFA wish to request an additional week to further review the responses given regarding points 5.i),ii) and 6.

07.05.19: From reviewing the submitted information the LLFA wish to see further information regarding how the site will drain during a 1% probability annual fluvial flood event so that it does not result in ingress to the surface water system, as the modelled Black Brook levels appear higher than the highway drainage which appears to be higher than the site outfall into the Black Brook tributary that the developer is also proposing to divert. Please supply cross sections for the LLFA to be able to understand the detail more easily.

18.04.19: We are unable to provide an informed comment until the applicant has provided further information:

- The revised layout of the drainage scheme shows an offline cellular storage to be placed within flood zone 3, with a hedgerow and new trees to be planted above it. Please can the applicant explain how this would not result in roots to propagate into the cellular system in years to come.
- Please can the applicant detail how the site will drain during a 1% probability annual fluvial flood event so that it does not result in ingress to the surface water system.

16.11.18: As per the response below.

21.05.18: We are recommending an objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information The Flood Risk Assessment (FRA) version 4, June 2018, does not make clear how surface water within the proposed site will be attenuated. If this attenuation is to be planned as a wetland, then the LLFA need to understand if this is to be as a form of infiltration or just storage. The Geo-environmental Investigation Report 17134/GEIR from August 2017 states from the executive summary that Groundwater is expected to represent a very significant issue at this site, and that the site is not capable of adopting a soakaway system of surface water disposal.

The present Flood Risk Assessment (FRA) makes reference to the potential for attenuating in flood zone 2 as a wetland. The proposed wetland area also appears to be probably less than 5 metres from the modelled flood zone 3 extent. As such, could this be considered in respect of whether this will affect the operation of the flood storage area, being so close to Flood Zone 3.

Please can the applicant provide the intended route to outfall for the surface water drainage into the Black Brook watercourse, as suggested in the FRA.

<p>The LLFA are pleased to see from version 4 of the FRA that the LLFA will be approached further, regarding a separate consent application for the ordinary watercourse diversion through the East of the proposed site and also the upsizing of the culvert under the road. However, the LLFA will wish to see ideally 1 in 3 slopes to the watercourse diversion. The proposed watercourse diversion, will need to be hydraulically assessed to ensure that the flood risk does not increase to either proposed or existing housing. Additionally the LLFA request that 40% climate change with an allowance for 10% urban creep is used for any on-site surface water management.</p>		
DCC Education	Financial contributions requested.	Refer to Planning Obligations Section
<p>18.06.19: The analysis indicates that there would be a need to mitigate the impact of the development on school places to make the development acceptable in planning terms.</p> <p>The normal area primary and secondary school would not have sufficient capacity to accommodate the additional pupils generated by the proposed development. The County Council therefore requests financial contributions as follows:</p> <p>£33,624.48 for the provision of 2 primary school places at Chinley Primary School towards Project A. A costed feasibility is in place to provide an additional 2 teaching spaces at the school. The contribution would be pooled with other s106 income and used towards that project. £50,665.78 is also required for the provision of 2 secondary places at Chapel-en-le-Frith High School. This would be utilised towards Project C: Enhancement of support facilities.</p> <p>23.10.18: The analysis indicates that there would be a need to mitigate the impact of the development on school places to make the development acceptable in planning terms.</p> <p>The normal area primary and secondary school would not have sufficient capacity to accommodate the additional pupils generated by the proposed development. The County Council therefore requests financial contributions as follows:</p> <p>£48,562.92 for the provision of 3 primary school places at Chinley Primary School towards Project A. A costed feasibility is in place to provide an additional 3 teaching spaces at the school. The contribution would be pooled with other s106 income and used towards that project, Project A: Additional teaching accommodation. £73,175.19 is also required for the provision of 3 secondary places at Chapel-en-le-Frith High School. This would be utilised towards Project C: Enhancement of support facilities.</p>		
HPBC Environmental Health	Condition Response	Refer to Technical Matters Section.
<p>Contamination: The combined Phase 1 & 2 contaminated land assessment (REFA, ref: 17134-GEIR FINAL; dated 24th August 2017) submitted in support of the application may be accepted. Condition 1 is recommended to protect future residents in the event that contamination is identified during the development.</p> <p>Construction: The construction/demolition stage of the development could lead to an</p>		

increase of noise and dust experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 2 to 8 are suggested.

1. CL05 CONTAMINATED LAND – IF FOUND DURING DEVELOPMENT

If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

2. CDD01 - CONSTRUCTION AND DEMOLITION – DUST

There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456)

3. CDD02 - CONSTRUCTION & DEMOLITION: WASTE DISPOSAL

Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

4. CDD06 - FIRES

There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.

5. PILING

If piling is necessary a written method statement shall be submitted to the Local Planning Authority. This method statement shall detail include noise mitigation measures consistent with best practical means. No piling shall take place until the method statement has been approved in writing by the LPA.

6. CDD04 – PILING: NOISE CONDITION

No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays

7. NS02A - CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS

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

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating 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.

8. CDD14 - ON SITE RADIO

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

HPBC Waste	No objection.	Refer to Technical Matters Section.
-		
HPBC Conservation Officer		Refer to Design and Layout Section

10.05.19: These are useful points raised by Steve Baker (DCC Archaeology) & they need to be acted upon to tighten up the intent of the wall management plan.

The revised scheme is much improved with a more organic feel to the development and a greener, open frontage and generous gardens.

- Whilst there is no potential to have residential development on the road frontage they have at least bolstered up the planting on the road frontage to the car park and angled its alignment to create a softer front edge. It will integrate more readily with the open space alongside.
- Planting to the tramway frontage is also improved but there is not much of a buffer to the rear gardens of Plots 10 & 11. Care needs to be taken with the fencing along this boundary.
- There is now a good buffer between the development site and the Conservation Area and the less than substantial harm to the setting of the Conservation Area is now relatively minor harm which you will need to balance against the public benefits of the scheme.

13.12.19: The site adjoins the Chinley and Whithough Conservation Area.

It is important that the site is viewed in its condition prior to the development which has occurred on surrounding land as this has had a knock on effect on this site (removal of boundary wall, fencing and formation of car park). Streetview gives a more accurate image of its appearance and its relationship with the Conservation Area, road frontage and tramway.

Whilst the Conservation Area at this point has a strong boundary (trees and mature hedge) which limits outward views from the Conservation Area, the open field contributes to inward views from along Forge Road and The Tramway, providing a transition between the urban housing on the Forge Works site and the historic village, and this is part of the Conservation Area's setting. The open field also reinforces the rural setting to the historic tramway.

Whilst the site may have some development potential, the site constraints restrict the developable area and this severely limits the ability to respond to local character and distinctiveness. Without the constraints I would be suggesting that the development is moved away from the Conservation Area boundary to allow a substantial green buffer, and a further green buffer adjoining the tramway. I would also suggest a less-dense, more organic scheme to mark the transition towards the more open and looser historic settlement.

The road frontage is problematic as a car park will not present an attractive road frontage and will create a visually weak site boundary. Ideally the development should be moved to address the road frontage to present an attractive site entrance. I would suggest a frontage development based the traditional terraced cottages set behind a low stone wall further along Forge Road (see attached photo).

As the scheme currently stands the site layout, density and building form do not address the challenges presented by this site and would constitute less than substantial harm to the setting of the Conservation Area and Tramway.

DCC Archaeology

Refer to Design and Layout Section

15.05.19: Further to the revised management plan below, I suggest that this is now secured by condition, with some requirement for the developer to provide evidence when different parts of the management plan are in place.

09.05.19: Thanks for forwarding on the proposed management plan. Overall I think this is great – it is a really positive way forward for securing the future of the tramway retaining wall and making the most of it within the development.

What I'd like to suggest is that the planning consent is conditioned to secure the ongoing management of the wall as per the plan. To that end I recommend that the wording in the document is tightened up a little to make it specific and enforceable. It needs to state exactly what is being proposed and how this will be implemented and monitored (with evidence being provided to the local planning authority).

In particular, at section 1.4 'it is envisaged that no part of the wall will be within private curtilage' – this sort of thing needs tightening up. Please state what is proposed. Throughout, there needs to be some detail on who is responsible at each stage for ensuring that the management plan is being adhered to, and how this will be communicated to the local planning authority.

01.05.19: I note comments from my colleague Sarah Whiteley dated 12th November 2018, as follows:

My colleague Steve Baker commented on this scheme in June this year. At this time he recommended that more detail was required relating to the treatment of the Peak Forest Tramway retaining wall as part of the development. In response to this the Heritage statement for the scheme was amended and some additional information provided on this issue. A relatively brief statement covers the proposed mitigation measures (section 1.3 of the revised Heritage Statement), and says only that the boundary will be retained and

repaired. There is no clear detail of how this will be undertaken, nor how the line of the tramway will be protected from encroachment by domestic curtilages.

On the basis of the assessment of the condition of the retaining wall included in the revised Heritage Statement I would recommend that the developer is asked to produce a brief management plan for the retaining wall, supported by a clear drawn plan which depicts these measures. Please re-consult us when this information is available.

The revised plans do not seem to include the brief management plan discussed above, and I recommend that the applicant is asked to provide this information, to demonstrate how the significance of the regionally important heritage asset (the Peak Forest Tramway) will be conserved/enhanced through the development proposals.

12.11.18: My colleague Steve Baker commented on this scheme in June this year. At this time he recommended that more detail was required relating to the treatment of the Peak Forest Tramway retaining wall as part of the development. In response to this the Heritage statement for the scheme was amended and some additional information provided on this issue. A relatively brief statement covers the proposed mitigation measures (section 1.3 of the revised Heritage Statement), and says only that the boundary will be retained and repaired. There is no clear detail of how this will be undertaken, nor how the line of the tramway will be protected from encroachment by domestic curtilages.

On the basis of the assessment of the condition of the retaining wall included in the revised Heritage Statement I would recommend that the developer is asked to produce a brief management plan for the retaining wall, supported by a clear drawn plan which depicts these measures. Please re-consult us when this information is available.

08.06.18: The proposal site is adjacent to the Chinley and Whitehough Conservation Area and the local planning authority should be advised by its conservation officer in relation to this locally designated asset.

The site is also adjacent at its southern edge to the course of the Peak Forest Tramway (Derbyshire HER 99011), an important early industrial railway dating from 1796 and running from Dove Holes to the Peak Forest Canal basin at Buxworth. The Tramway is a heritage asset of regional importance and as it does not form part of the development proposal it is assumed that the Tramway and its associated assets will be retained in situ.

Of relevance to the current application is the retaining wall (HER 3597) retaining the Peak Forest Tramway to its northern side, which forms the southern boundary of the proposed development. Although a heritage statement has been provided with the application, no discussion is given to the retaining wall and its proposed treatment within the development, nor is the treatment of this boundary detailed within the other application documents. I also note concerns among the public comments on the application, relating to potential for undermining of the Tramway (and potentially this retaining wall) at the south-western corner of the development, and in relation to erosion of public views to and appreciation of the Tramway. Other problems could arise through incorporation of the retaining wall into domestic curtilages with associated PD rights.

In the absence of information allowing us to understand how the Peak Forest Tramway

and its retaining wall will be impacted at the southern edge of the development, the application is deficient in terms the heritage information requirements of NPPF para 128. To address this omission the applicant should provide an amended heritage statement including a walkover of the site with identification of Tramway features including the retaining wall, and a clear statement of the proposed treatment along this boundary. Once this information has been provided I should be reconsulted on the application.

Derbyshire Wildlife Trust

Refer to Nature Conservation Section.

Awaiting revised comments following submission of amended landscaping plans.

19.07.19 (including conditions): We have reviewed the application and the accompanying ecological survey report. We are not aware of the presence of any protected species or habitats at this site. Equally the site does not have any nature conservation designations in place and has not been flagged as having potential value as a Local Wildlife Site. The ecological report has undertaken a desktop review and a Phase I habitat assessment and walkover. The timing of the survey is sub-optimal as the visit was undertaken in February. However, from the information available including photographs and aerial mapping as well as information provided in the report it seems a reasonable assessment to conclude that the site is of low ecological value.

The report outlines a range of measures designed to mitigate and avoid potential impacts on species resulting from the development, but the loss of the semi-natural habitats will have a negative impact on biodiversity and represents an overall net loss in biodiversity at a local scale. This is not fully addressed in the application and ideally further measures should be secured. There is the potential to create and manage habitats of biodiversity value within the open space areas included in the layout.

It is recommended that all or part of the open space areas are used for biodiversity enhancements and that retained habitats are managed to ensure they are in good condition. If these additional measures are adopted as well as the measures outlined in the ecology report the impact on biodiversity should be minimised.

It is recommended that gardens within the development are accessible for hedgehogs to ensure movement of this species is not impeded by the development.

If the Council are minded to approve the application we recommend that the following conditions are attached:-

1. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
2. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of reasonable avoidance method statements to cover amphibians, reptiles, hedgehogs and birds).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as required).
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

3. D.4.5 Landscape and ecological enhancement and management plans (LEMPs) – Condition. (Also referred to as a Habitat or Biodiversity Management Plan)

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP should combine both ecology and landscape and address biodiversity enhancements and their subsequent management. It should include the following:

- a) Description of features to be enhanced and/or created and managed.
- b) Methods to be used to establish habitats of biodiversity value
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan
- i) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
- j) Locations of bat boxes, bird boxes, hedgehog holes and habitat piles (include specifications/installation guidance/numbers)

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

4. Badger

It is now more than 6 months since the last survey and as recommended in the ecological report we advise that a condition should be attached as follows:- A pre-commencement walkover survey should be undertaken to check that badgers have not started to use the site and/or established a sett within the site since the last survey was undertaken.

17.07.19: We have reviewed the application and accompanying ecological survey report.

We are not aware of the presence of any protected species or habitats at this site. Equally the site does not have any nature conservation designations in place and has not been flagged as having potential value as a Local Wildlife Site. The ecological report has undertaken a desktop review and a Phase 1 habitat assessment and walkover. The timing of the survey is sub-optimal as the visit was undertaken in February. However, from the information available including photographs and aerial mapping as well as information provided in the report it seems a reasonable assessment to conclude that the site is of low ecological value.

The report outlines a range of measures designed to mitigate and avoid potential impacts on species resulting from the development, but the loss of the semi-natural habitats will have a negative impact on biodiversity and represents an overall net loss in biodiversity at a local scale. This is not fully address in the application and ideally further measures should be secured. There is the potential to create and manage habitats of biodiversity value within the open space areas including in the layout.

It is recommended that all or parts of the open space areas are used for biodiversity enhancements and that retained habitats are managed to ensure that they are in good condition. If these additional measures are adopted as well as the measures outlined in the ecology report the impact on biodiversity should be minimised.

HPBC **Aboricultural**
Officer

Refer to Layout and Design
Section.

23.09.19: I am OK with the revisions.

The arboricultural report should be approved as part of the scheme.

The landscaping is ok but we need a LEMP, which clearly defines what is POS and how this will be managed.

Residents purchasing houses should be made aware of their obligation to retain approved landscaping and replace any that dies or is removed.

30.07.19: No objections to the revised plans.

19.06.19: I revisited the site yesterday and the existing vegetation (at this time of year at least) to the west of the boundary offers a good natural screen. However to the east it is more open and the proposed planting is essential. Form the details provided it is not clear whether this will be in private ownership within the plots and therefore vulnerable to removal by future residents. Could some of the planting be undertaken on the 'tramway' side of the boundary? I think this area is managed by DCC and I accept that for formal agreement to landscaping would complicate matters but and informal agreement to plant some hedgerow trees might offer a more sustainable solution to the landscaping of this boundary.

18.06.19: With regards to the revised layout this is an improvement and the juxtaposition of the protected trees and the proposed dwellings is more acceptable. I have reviewed the landscaping which has also been improved. It is important that the boundary along the tramway is a substantive natural hedgerow.

07.02.19:

Car park

- This needs a strong frontage with Forge Road. We discussed taking a line from the frontage through the open space to landscaping at the front of the nursery to create a coherent landscaping statement
- This needs to be defined by a stonewall using the stone from the walls taken down to accommodate the new footway.
- Behind the traditional stone wall adjacent to the car park there will need to be a native hedge (Hawthorn, hazel, blackthorn holly) to give a little bit more screening to the car park area.
- Standard trees between the parking bays will need to be in some sort of engineered tree pit, this could be designed to contribute to the SUDS requirements for the site. Species – wise I consider that more upright varieties might work best is suggest cultivars of species such as Field Maple, rowan would be suitable in this situation
- We also discussed possibly some planting in the scouts land to the west of the car park to soften the edge. Eg continuing the native hedgerow around this edge with some small variety standard trees.

Open space

- The planting of the open space should reach a happy balance between formal and natural possibly a village green feel as the properties face on to it. Some structured tree planting towards the edge and occasional groups of trees to break up the centre
- Species wise this should reflect the landscape character (Settled valley Pastures) and the potential for this area to become wet. The ecological survey noted some ephemeral ponds and I am not sure whether there is an ecological/suds justification for a dew pond/flood attention area as part of the open space.

The landscape character defines the following species for wet areas.

08.08.19: These suggest some minor amendments to the layout, bringing proposed dwellings further from the trees. This is an improvement but I still have concerns about the juxtaposition of the mature trees and the proposed dwellings. It appears that the layout is very restricted by the flood zones therefore forcing the location of the dwellings close to this boundary.

I note the comment about levels on the site. But the ground – particularly in plots 7 and 8 is very uneven and spot heights along don't reflect this. There will be some grading of the garden areas required within the RPA of these trees.

Section 5.3.4 of BS5837:2012 sets out issues that may arise from the close proximity of trees to buildings and specifically notes that a 'realistic assessment of the proposed impact of the development on trees and visa versa is made' ... 'to maximise the probability of successful tree retention'. I still consider that the relationship between plots 1 and 2 and the protected third party trees is such that there will be pressure for inappropriate pruning or tree removal.

The consultant has not addressed the issue of the landscaping along the PROW so my

original comments with regards to this still stand.

22.06.18:

- The tree report only shows the approximate locations of third party trees and does not indicate all the trees in the garden to the west. This gives the impression that the site is more open to the west than it is. The trees to the west shade the gardens and rear aspects of plots 1-7 in the late afternoon and early evening. Some plots will be more affected than others but I consider that the proposal layout is likely to lead to pressure to fell or inappropriately prune these trees.
- Plot one is most effected. The dwelling and garden will be dominant by the large protected tree in the third party property. The proposals show the estimated RPA for this tree within a couple of meter of the proposed dwelling. I consider that it may be difficult to accommodate the required RPA for this tree and accommodate construction. Further details would be required via an Arboricultural method statement
- The levels on site will require significant changes in level to accommodate finished floor levels indicated in the case of plots 6 and 7. I consider that this will encroach within the rooting zone of third party protected trees.
- Proposed landscaping scheme does not show all the trees in the neighbouring land – it gives the impression that the site is more open to the west than it is. Also as the trees are not accurately shown and the landscape proposals show significant tree planting in the rear gardens that will be shade by these trees. The have included planting trees under the canopy of existing trees. I am unclear about the boundary treatment along the tramway. The treatment of this boundary needs to be sensitive to the rural nature of this PROW.

I consider that the proposed layout does not take full account of the impact on mature trees and although there is significant open space within the proposals the built element is too close to sensitive boundaries.

**Police Architectural
Liaison Officer**

Noted.

23.04.19: No comments or objections regarding the reduced number and amended detail of housing.

06.11.18: Amended plans for this application are noted.

My only comment previously related to securing the garden access route for plot 15. In the latest site plan revision (E) the access route has changed to run at an angle around the back corner of plot 14, and is now L shaped and situated behind a screen hedge. In my view this small amendment makes gating access at an early point more critical, bearing in mind that it is still directly adjacent to a public footpath. I've marked up on the attached plan in yellow where the access gate for plot 15(circle) and a small section of additional fencing behind hedging should be located, just outside of the near root protection zone.

25.05.18: From a community safety perspective of designing out crime the proposal as a whole is well thought out and appropriate to the context. One very minor point is that the secure garden gate for the central affordable plot 15 is located at the end of an open L

shaped access route, which is close to open land and footpath 172. I would advise that the gate position is moved to a point just behind the gate for plot 14 to secure this strip of land for use by the occupants for plot 15 only.		
HPBC Project Officer	The scheme would not qualify for Public Open Space Contributions.	Noted.
13.02.19: There is no trigger threshold within the High Peak plan area, however the related planning guidance states that 15 and above would be a reasonable figure.		

7. POLICY AND MATERIAL CONSIDERATIONS

Planning Policy Context

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan 2016. The site also adjoins the Chapel-en-le-Frith Neighbourhood Plan boundary, and therefore lies outside of the Neighbour Plan area.

7.3 The NPPF (National Planning Policy Framework) as revised was issued in February 2019. The NPPF is considered to be a mandatory material consideration in decision making. The applicable contents of the NPPF will be referenced within the relevant sections of the officer report as detailed below.

7.4 As before achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. This requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built*

environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.5 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 The housing land supply position has recently been confirmed by the Planning Inspector at the Leek Road appeal whereby he concluded that the Council had just over 5 years. The Council's housing supply planning policies are therefore considered to be up-to-date. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.

Principle of development

7.7 As set out above, the application site lies outside the Built-up Area Boundary of Whitehough as defined on the Policies Map within the Adopted LP (Local Plan). The site therefore lies within the countryside with a landscape character type of Settled Valley Pastures. The Chinley & Whitehough Conservation Area lies immediately to the west of the application site on land also designated as open countryside. The historic tramway and land to the south of the site is categorised as Green Belt. The Built up Area Boundary of Whitehough forms the site's eastern and north boundaries with established residential and community development beyond. The Chapel-en-le-Frith Neighbourhood Development Plan area applies in respect of land to the north of Forge Road.

7.8 LP Policy S 2 'Settlement Hierarchy' herein applies. It states that development will be directed towards the most sustainable locations in accordance with the following settlement hierarchy: Market Towns, Larger Villages and Smaller Villages. Accordingly, Chinley is identified as one such larger village where a moderate scale of development may be acceptable. This is to be consistent with meeting local rural needs and maintaining or enhancing their role, distinctive character or appearance whilst also maintaining existing facilities and services. The scheme must also be tested against other LP policies, logically including those that seek to protect the local environment.

7.9 Policy S2 also refers to Other Rural Areas. It says that in all other areas outside the settlement boundary of settlements, including those villages, hamlets and isolated groups of buildings in the Green Belt and the countryside, which do not have a settlement boundary, development will be strictly controlled in accordance with policies EQ3 (Rural Development) and H5 (Rural Exception Sites). Policy EQ3 identifies those circumstances where new residential development will be permitted and includes development which would meet with Policy H1.

7.10 LP Policy S3 'Strategic Housing Development' sets out that provision will be made for at least 7,000 dwellings over the plan period (2011-2031) at an overall average annual development rate of 350 dwellings. It goes on to say that sufficient land will be identified to accommodate up to 3,549 additional dwellings on new sites. The policy makes it clear that this will be met from large sites allocated in policy H2 and from small sites which accord with policy H1. Allocations account for 623-729 dwellings with the remainder (a total of 400 dwellings) to be met on small sites at for the Central Area and the villages within the Central Area. Accordingly, given the scale of development, and that this site is considered to be a small scale development in the context of the Forge Works wider site, the development is considered acceptable under Policy S3, subject to compliance with Policy H1.

7.11 As the application site is outside any defined settlement boundary, LP policy H1 'Location of Housing Development' is relevant to the proposal. It states that the Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other LP policies, provided that four criteria are met, which are:

- (1) the development would adjoin the built up area boundary and would broadly be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and
- (2) it would not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and
- (3) it would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities and
- (4) the local and strategic infrastructure would be able to meet the additional requirements arising from the development of this scale.

7.12 The site adjoins the built up area boundary to the north and east, therefore it is necessary to consider whether the site complies with the remaining three criteria. These aspects of the development scheme will be discussed in further detail within the relevant sections below.

Heritage

7.13 The Chinley and Whitehough Conservation Area boundary lies alongside the site's west boundary accommodating Spring Meadow and Scout Hut / Community Hall. Between this lies the extended garden to Sycamore Garden and land in association with the scout hut. The site's southern boundary adjoins the Peak Forest Tramway Trail.

7.14 As a consequence, the scheme raises potential harm to designated heritage assets in relation to the setting of the Chinley and Whitehough Conservation Area and setting of the non designated historic Tramway requiring the applicant to describe the significance of any

heritage assets affected, including any contribution made by their setting in accordance with NPPF para 189. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special regard shall be had to the desirability of preserving or enhancing the character and appearance of the area.

7.15 The Council's Conservation Officer has been consulted in respect of heritage matters raised. It is discussed that the Conservation Area at this point has a strong boundary consisting of trees and mature hedges, which seek to limit outward views from it. Conversely, the open field contributes to inward views along Forge Road and the historic tramway. This in turn provides for a transition between the urban housing on the Forge Manor site, the historic village and this part of the Conservation Area's setting. As well, the open field aspect also reinforces the rural setting to the historic tramway.

7.16 In respect of the scheme's layout, the Officer has also acknowledged those site constraints concerning local flood risk which restricts the site's developable area and in turn limits the site's ability to respond to local character and distinctiveness. This would require the development area to be moved away from the Conservation Area boundary to allow for a substantial green buffer to the west and a further green buffer adjoining the tramway to the south. It is further stated that the car park would not present an attractive road frontage thereby resulting in a visually weak site boundary. In these circumstances, the built development should be moved to address the road frontage in the form of traditional terraced cottages set behind a low stone wall with built development within the eastern portion of the overall site area.

7.17 The applicant has attempted to address those heritage concerns raised via a less-dense and more organic, greener scheme with an open frontage and generous gardens to establish the transition towards the more open and looser historic settlement. The applicant has confirmed that there is no potential for residential development on the road frontage in view of the requirement to site the scout car park there. Positively, the increase in buffer planting on the road frontage with its angled alignment has created a softer frontage edge to integrate more readily with the open space alongside. The planting to the tramway frontage has also improved, however, careful consideration will need to be given to any boundary fencing along this boundary. Facing materials and hard surfaces should also seek to enhance the Conservation Area and Tramway setting and the applicant has been advised that a good quality artificial slate will be required as the roof material for the dwellings and garages not concrete tile. DCC Archaeology has also confirmed the acceptability of the submitted management plan for the Tramway retaining wall and critically stand off distances from this. These aspects of the scheme would be dealt with by means of a planning condition should Members be minded to approve the scheme.

7.18 In these circumstances, the Council's Conservation Officer confirms that a good buffer has been achieved between the development site and the Conservation Area and the less than substantial harm to the setting of the Conservation Area now constitutes relatively minor harm within this context.

7.19 NPPF para 196 sets out that where a development proposal would 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 scheme. This matter will be considered below in the conclusion and balance section of this report.

Landscape Impact

7.20 The Council should properly consider whether the proposal would conflict with the second criterion of LP Policy H1, which resists development which would lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside. The proposed development of the agricultural field, would be appreciated from the historic tramway footpath, which is raised above the level of the site.

7.21 The first criterion of the third part of LP policy H1 requires development to adjoin the built-up area boundary. The application site would be enclosed by more urban development to the east with reference to the creche building with modern housing beyond. Development across to the west is low key in respect of the Scout Hut, 'The Dell' and 'Spring Meadow' which each occupy generous grounds. In terms of land levels, the application site is set down from the historic tramway to its southern boundary, which is contained by the embankment and retaining wall. In these circumstances, it is considered that the application site lies immediately next to the built up area boundary to the east and at least part of the proposed built form would adjoin it.

7.22 The scheme seeks to retain peripheral hedging and established trees, which is to be further enhanced by buffer planting to filter and soften views from the higher historic tramway route and site edges. An extensive ecological planting area would be provided to the east of the site and together with the landscaped car parking area would serve to retain a sense of openness and 'greenness' within the wider site. The narrow access road and landscaped frontages would limit the engineered impacts of the scheme. Additional information provided by the applicant shows no proposed retaining wall provision within the site area. Development form is mostly limited to two storeys other than the Raleigh house type, which proposes a mastersuite within the roof space. The applicant's standard house types create a sense of continuity from the existing estate to the east. As before, high quality facing / hard surfacing as well as landscaping / boundary treatment are critical to the scheme's success given its appreciation from the historic tramway and setting to the Conservation Area. In addition, the removal of householder PD rights is considered to be appropriate to maintain a sense of spaciousness within the site. These matters would be secured via appropriately worded planning conditions should Members be minded to approve the scheme.

7.23 The Council's Arboricultural Officer confirms no objections to the scheme subject to the provision of a LEMP (Landscape Ecological Management Plan) to clearly define how the Public Open Space / Ecological Area and other buffer areas would be managed and maintained. It is also highlighted that there is the requirement for the standard management and maintenance landscaping condition in respect of dwelling plots.

7.24 In these respects, the scheme would not result in a significant and harmful intrusion into a currently open, undeveloped area. There would be no serious adverse effects for the wider landscape given the partial enclosure of the site and set down from the historic tramway. As a consequence, the proposal would not be detrimental to the character of the local landscape or fail to protect its intrinsic character and distinctiveness thereby being in accordance with LP policies EQ2 'Landscape Character' and EQ3 'Rural Development'. Further scheme compliance would arise with the advice and aims of the Council's Landscape Character Supplementary Planning Document. It would also accord with LP

policy S6 'Central Sub Area Strategy', which amongst other things, seeks to ensure development protects and / or enhances landscape character and the setting of the NP. Lastly, the proposal would also accord with LP policy EQ6 'Design and Place Making', which includes similar objectives. It is concluded that the scheme would not conflict with LP policy H1, insofar as it would not lead to a prominent intrusion into the countryside nor have a significant adverse impact on the character of the countryside. The scheme would further comply with those relevant sections of the NPPF.

Community Facilities

7.25 The car parking element of the scheme would provide for 20 spaces in association with 1st Chinley Scouts and the general community use of the hall. It would be positioned to the site frontage facing Forge Road behind a proposed planted buffer and to the western side of the proposed access road into the residential aspect of the site and therefore in close proximity to the existing community building. Vehicular access to the car park would be directly off Forge Road and separate to the proposed housing element.

7.26 LP policy CF5 'Provision and Retention of Local Community Services and Facilities' sets out that the Council will seek to maintain and improve the provision of local community services and facilities. In respect of new community facilities, the policy sets out that preference will be given to sites within a built up area boundary. In exceptional circumstances facilities will be allowed where it can be demonstrated that this is on the only practical option and where a site is well related and connected to an existing settlement.

7.27 The applicant advises that the approved changes to Forge Road has resulted in the loss of frontage parking to Victory Hall as a result of the road adoption scheme. It is set out that the proposed car park is located on land owned by the First Chinley Scout Group and would be sited in the safest possible place to ensure that children (some of which are as young as 6 years old) have a safe access route from the car park to Victory Hall. Furthermore, it is stated that the car park cannot be located elsewhere because the First Chinley Scouting Group does not own any other land that would be suitable. The applicant, at the request of officers, has further provided evidence from the adjoining nursery operator to conclude that dual usage would not be available for reasons of safety, security and public liability.

7.28 The visual aspects of the car parking scheme are discussed in the relevant section above. In view of these combined factors, the car parking element of the scheme would accord with the requirements of LP Policy CF5 and the NPPF where it has been demonstrated that this location appears to be the only practical option and broadly would be well related and connected to the existing settlement.

Housing Mix / Size

7.29 LP policy H3 'New Housing Development' requires all new residential development to provide for a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs, based on evidence from the SMHA (Strategic Housing Market Assessment). As well as providing a mix of housing that

contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality.

7.30 Within the framework of NDSS (National Described Space Standards), the revised dwelling types as proposed in this scheme have been categorised by dwelling type, overall GIA (Gross Internal Area) and bedroom capacity as follows:

- 2-bed Britten x 2 (affordable provision) @ 2b4p 79.5sqm GIA (semi-detached)
- 2-bed Brancaster SA x 2 @ 2b3p plus study 83.61sqm GIA (semi-detached)
- 4-bed Priestly x 3 @ 4b6p 142.4sqm GIA (detached)
- 4-bed Shakespeare x 2 @ 4b6p 125.4sqm GIA (detached with integral garage)
- 5-bed Richmond x 2 @ 5b9p 200.5sqm GIA (detached)
- 5-bed Raleigh x 1 @ 5b10p 254.6sqm GIA (detached)

7.31 The proposed housing types are broadly in compliance with the NDSS. The exceptions to this include the Britten house type which includes a single bedroom which is 0.5 sq m below standard, the Brancaster house type, which includes a study, which would be too small to be counted as a bedroom, and the Priestly and Richmond house types which have double bedrooms, but are only suitable as single bedrooms. Accordingly revised plans will be requested for the Priestly and Richmond house type to ensure that the bedrooms are correctly identified and a condition imposed ensure that the Brancaster house type is only marketed as a 2 bedroom unit.

7.32 Despite the scheme's lack of specialist housing accommodation, all units would meet NDSS (National Described Space Standards) and score well against accessibility standards as set out in the Optional Requirement M4 (2) of Part M of the Building Regulations. The scheme is policy compliant in respect of the provision of two onsite affordable housing units in the form of the Britten house type and a s106 planning obligation would be required to secure these.

7.33 In respect of housing mix, it would be expected that there would be a higher proportion of 1 and 2-bedroom properties and a lower percentage of 4-bedroom properties than is proposed when comparing the existing stock as identified in the Ward Census data with the recommended levels from the SHMA. The scheme proposes 33% 2-bedroom provision with the remaining 77% constituting 4 and 5 bedroom accommodation. Of note the Richmond and Raleigh 5-bedroom units are of a size and scale, which are in stark contrast to the smaller Brancaster and Britten house types.

7.34 The SHMA, however, has recognised that a flexible approach is required to take account of viability issues and local provision. The mismatch between need and aspiration in relation to the requirement for larger properties has also been acknowledged by the SMHA. This is a point touched upon by the applicant who also suggests that prospective purchases of such larger properties may sell and therefore free up 2 and 3-bedroom properties for others. Such upscaling, however, seems unlikely given the significant floor area of the 5-bedroom Richmond and Raleigh nine and ten person capacity dwellings at 200.5sqm and 254.6sqm GIA, which are more likely to provide for a transition from a 4-bedroom rather than 2 / 3 bedroom dwelling. In these respects, the scheme does not present an inclusive and balanced housing mix.

7.35 Despite the applicant's fleeting references to scheme viability, no such evidence has been submitted to substantiate the proposed housing mix, which is heavy reliant on 4 plus bedroom provision. The applicant, however, has had some regard to the characteristics of the existing housing stock with respect to the provision of the 4, two-bedroom units, the Conservation Area setting and NDSS minimum space standards. This is a finely balanced judgment, particularly given the lack of viability evidence, however in taking into account all matters, it is considered that the scheme is considered to accord with LP policy H3 and the NPPF.

Highways

7.36 Matters of sustainable patterns of transport concerning site location and means of site access were established at the outline stage for the adjoining site to the east. The detailed matters (other than the employment unit) have been approved in three separate phases for this major scheme, which is well underway and occupied in parts for a total of a 153 dwellings and crèche. Condition 10 of the outline consent requires the wider site layout to be designed to adoptable standards.

7.37 For this scheme, a Transport Statement dated June 2019 has been found to be acceptable by DCC Highways to support the scheme for a total of 12 dwellings. The car parking element of the scheme would provide for 20 spaces in association with 1st Chinley Scouts and general community use of the hall. Vehicular access to the car park would be taken directly off Forge Road. To the east of the car park, a separate access off Forge Road would lead into a cul-de-sac type of arrangement serving the 12 properties. The revised layout plan would provide a scheme, which would meet DCC highway standards, including parking provision.

7.38 Subject to those recommended conditions the site layout would provide a highway compliant scheme to accord with LP policy CF6 'Accessibility and Transport' and the NPPF.

Other Technical Matters

7.39 Of relevance, LP policy EQ10 'Pollution Control and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary. The Council's Environment Health Officer confirms that the combined Phase 1 & 2 Contaminated Land Assessment dated 24th August 2017 submitted in support of the application scheme can be accepted. Conditions are recommended during the construction stage of the development to protect standards of amenity at nearby noise sensitive properties. Accordingly, the scheme is considered to meet the terms of LP policy EQ10 subject to the imposition of appropriate conditions.

7.40 LP policy EQ11 'Flood Risk Management' discusses that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development. The LLFA (Lead Local Flood Authority) confirms that the updated FRA (Flood Risk Assessment) proposes the disposal of surface water utilising a cellular storage tank via a Hydrobrake chamber / tidal flap valve into a culverted section of an ordinary watercourse. This then having crossed under Forge Road would outfall into the Black Brook to constitute the drainage strategy for

the proposed development. It is stated that the connecting highway, according to EA modelling of the Blackbrook in the FRA can shallow flood from a 1 in 10 fluvial storm events of higher and recommends that the residents in these conditions should be able to walk up the tramway footpath at a higher level to the south of the development boundary. The LLFA have stated that they are expecting to see separate to this planning application, Land Drainage Consent Applications for works affecting ordinary watercourses, for the upsizing of the culverted section of the ordinary watercourse and the diversion of the ordinary watercourse.

7.41 Accordingly, the LLFA no longer object in principle to the scheme subject to conditions securing a detailed design and associated management / maintenance plan of the surface water drainage of the site, which is to accord with the PPG drainage hierarchy and the control of surface water run-off during the construction phase. A Grampian style condition has been recommended preventing development until the proposed watercourse diversion to the east of the site has received Land Drainage Consent. In respect of consideration of LP Plan EQ11, the applicant has now retained the watercourse 'ditch' to the east of the site as per policy requirements and the recommendations of the Phase 1 Ecology Report. The scheme can be considered as complying with the terms of LP policy EQ11 and the NPPF.

Nature Conservation

7.42 LP policy EQ5 'Diversity' seeks to ensure that biodiversity interests are conserved and where possible enhanced. The Ecological Phase 1 Habitat Assessment, including site walkover has been reviewed by DWT (Derbyshire Wildlife Trust). DWT confirm that they are not aware of the presence of any protected species or habitats at this site neither does the site appear to have any nature conservation designations in place or raised as having potential value as a Local Wildlife Site. It is stated that the timing of the survey undertaken in February 2018 is considered to be sub-optimal. Although from the information available including photographs and aerial mapping as well as information provided in the report, DWT confirm that it seems a reasonable assessment to conclude that the site is of low ecological value.

7.43 The applicant's ecology report outlines a range of measures designed to mitigate and avoid potential impacts on species resulting from the development, however, DWT state that the loss of the semi-natural habitats would have a negative impact on biodiversity interests, which represents an overall net loss in biodiversity at a local scale. In these circumstances, it is advised that all or part of the open space areas are used for biodiversity enhancements and retained habitats are managed to ensure they remain in good condition. DWT conclude that if such additional measures are adopted as well as the measures outlined in the ecology report, the impact on biodiversity interests should be minimised. Recommended planning conditions include: garden accessibility for hedgehogs; restriction of the works during the bird nesting season; CEMP (Construction Environment Management Plan); LEMP (Landscape and Ecological Enhancement and Management Plans) and a pre-commencement badger walkover survey.

7.44 Revised landscaping plans, including the retained watercourse are subject to the comments of DWT and Members will be informed on the Update Sheet. Notwithstanding this, DWT has confirmed that they have no objection in principle to the scheme subject to suitable conditions to ensure adequate mitigation and protection for ecology onsite.

Accordingly, the scheme will provide for acceptable biodiversity enhancements subject to the inclusion of relevant conditions to accord with LP policy EQ5 and the NPPF.

Impact on residential Amenity

7.45 Policy EQ6 seek to ensure that new development has a satisfactory relationship to surrounding properties, taking into account matters such as overlooking, loss of privacy, shadowing, noise and light pollution. The Councils adopted Residential Design Guide SPD 2005, sets out that a minimum distance of 21m should be achieved between windows to protect privacy.

7.46 The closest residential property, Spring Meadow, lies to the west of the site. The garden associated with this property adjoins the western boundary of the site, with the building itself positioned nearly 50m from plots 3-6. Even taking into account level changes, this distance is more than sufficient to ensure that the amenities of this neighbour is not unduly harmed. Accordingly the development meets the requirements of Policy EQ6 and the adopted SPD.

Planning Obligations

7.47 The proposed obligation in respect of 20% affordable housing for the onsite provision of 2 x Britten house types is supported by LP policy H4 'Affordable Housing'. The financial sum totalling £84,290.26 towards education provision, including for 2 primary school places at Chinley Primary School and 2 secondary places at Chapel-en-le-Frith High School is also supported by LP policy CF3 'Local Infrastructure Provision' and LP CF7 policy 'Planning Obligations and 'Community Infrastructure Levy'. These obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to it in scale and kind to meet the statutory tests as set out in planning guidance. The applicant's Planning Statement confirms that there are no known viability issues which would preclude a policy compliant scheme coming forward. The scheme will require the satisfactory completion of a s106 agreement before permission is issued should Members be minded to approve the scheme.

8. PLANNING BALANCE AND CONCLUSION

8.1 It has been concluded that the scheme would not unacceptably harm the character and appearance of the surrounding area. As such, it would accord with LP policy S3, H1, LP policy S6, which amongst other things, seeks to ensure that development protects landscape character, LP policy EQ2, which protects landscape character, LP policy EQ3, which controls new rural development for purposes including the protection of the landscape's intrinsic character and distinctiveness, and LP policy EQ6, insofar as it similarly requires development to respect High Peak's landscapes. Further scheme compliance would arise with the advice and aims of the Council's Landscape Character Supplementary Planning Document. The new planting would assist to mitigate against net biodiversity loss and so this factor is neutral in the planning balance.

8.2 The development would be in a sustainable location. As noted above, the Council can demonstrate a five year housing land supply. The NPPF seeks to boost significantly the supply of housing and therefore the presence of a five year supply does not preclude the

grant of planning permission for additional housing, as long as there would be accord with the development plan. Despite housing mix concerns, the scheme would increase the supply of housing in the area, including affordable provision, which is afforded moderate weight in view of the scale of development proposed.

8.3 The contribution to the economic dimension of sustainable development would include the jobs created during construction and the addition revenue through Council Tax. In addition to maintenance costs, the new residents would be likely to spend money on goods and services in the area, supporting the local economy. They would also contribute to the social life of the area. These social and economic benefits weigh in favour of the scheme.

8.4 In respect of heritage matters, the less than substantial harm to the setting of the Conservation Area constitutes relatively minor harm in this context. In accordance with NPPF para 196 such harm to the significance of a designated heritage asset has been weighed against the public benefits of the proposed housing scheme within a sustainable location and is found to outweigh any less than substantial harm.

8.5 It is therefore concluded that the proposal would not conflict with the development plan as a whole and so the application should be approved.

9. RECOMMENDATION

APPROVE, subject to conditions and the completion of s106 planning obligation securing matters of onsite affordable housing provision and education contributions by the 7th October 2019 (the determination date in the event of an otherwise suitable and agreed time extension with the Council).

Code	Condition
TL01	Time Limit – Full Planning Permission.
	3 Years.
AP01	Approved Plans
	To be listed.
DE01	Sample Materials – All External Surfaces.
DE13	Details of Means of Enclosure.
NSTD	Removal of Householder / Boundary Permitted Development Rights, including outbuildings, extensions and hardsurfacing.
NSTD	All external door (including garage doors) and windows shall be set back from the face of the building by a minimum of 70mm (new build).
NTSD	Existing and Proposed Site Levels & Sections
COM15	Details of External Lighting
COM17	Details of Bin Storage
NSTD	Submission of Window / Door Details, including Heads & Cills &

	Rooflights
LA01	Hard and Soft Landscaping Details
NSTD	Compliance with approved Tree Protection and Method Statement
LA14	Tree Protection during Construction
NC09	LEMP (Landscape & Ecological Management Plan)
NSTD	CEMP (Construction Environmental Management Plan: Ecology)
NSTD	Badger Survey
NSTD	No Works during the Nesting Birds
CL06	Unexpected Contamination
MS12	Construction – Dust
MS13	Construction – Waste Disposal
	Controlling.
NSTD	Detailed Design, Associated Management & Maintenance Plan of site Surface Water Drainage.
NSTD	Demonstration of the proposed destination for surface water would accord with the PPG para 80 hierarchy and to obtain a full understanding of the springs within the site and any associated mitigation requirements.
NSTD	Control of Surface Water during the Construction Phase.
NSTD	No development shall take place until the proposed watercourse diversion to the east of the site has received Land Drainage Consent.
NSTD	Foul & Surface Water shall be Drained on Separate Systems.
NSTD	DCC Highway Conditions.
NSTD	CEMP (Construction Environmental Management Plan).
NSTD	Historic Tramway Retaining Wall Management Plan.
NSTD	Scout Car Park Ancillary to Main Use.

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/informatives/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 Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informatives:

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of the Adopted Local Plan and NPPF. Accordingly paragraph 38 of the NPPF has been adhered to.

Location Plan

