

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 4<sup>th</sup> November 2019**

<b>Application No:</b>	HPK/2019/0221	
<b>Location</b>	Land Adjacent and to the rear of Nos 54 To 64, Buxton Road, Bridgemont, Derbyshire	
<b>Proposal</b>	Application for Variation or Removal of Condition 2 in regards to HPK/2017/0536	
<b>Applicant</b>	Mr Chris Draper Peaks And Plains Housing Trust	
<b>Agent</b>	Mr David Wilcock BAND Architects	
<b>Parish/ward</b>	Whaley Bridge/Whaley Bridge	<b>Date registered</b> 20/05/2019
<b>If you have a question about this report please contact:</b> Faye Plant -Email <a href="mailto:faye.plant@highpeak.gov.uk">faye.plant@highpeak.gov.uk</a> ; Tel: 01538 395400 Ext: 4995; Mob: 077775695346 (Mon-Wed)		

## REFERRAL

This application has been brought before the Development Control Committee as it involves the variation of a planning condition imposed on a major development.

### 1. SUMMARY OF RECOMMENDATION

<b>APPROVAL</b> , subject to conditions
---

### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is located within Bridgemont, to the north of Whaley Bridge and to the south of Furness Vale. The site comprises a broadly rectangular piece of land measuring approx. 0.23 ha, located in between the A6 (Buxton Road), which lies to the east, and a railway line to the west. The southern end of the site extends behind an existing row of terraced properties comprising 54–64 Buxton Road (their frontages being onto Buxton Road). The site is accessed from 'Bridgemont', a road leading from the A5004 which serves the dwellings along this street, a nursery, playground and a small industrial estate west of the railway line. Part of this road is unadopted (including the section from where the access into the site is to be taken from). The land slopes gradually upwards in a north westerly direction, as such the site is in an elevated position above the A6. There are several trees within the site, mainly at the northern end and along the eastern boundary. The industrial site is approx. 60m to the west of

the site and the playground is on the opposite of the proposed site access point. In terms of the Local Plan designations, the site is located within the Green Belt, Countryside and 'settled valley pastures' landscape character area.

2.2 Planning consent was granted ref HPK/2017/536 for five two bed houses and eight one bed apartments and conditions subsequently discharged.

### 3. DESCRIPTION OF THE PROPOSAL

3.1 The application seeks approval for the variation of condition 2, to amend the listed plans under consent HPK/2017/0536. The application is submitted by Peaks and Plains Housing Trust and will be 100% affordable housing. The development as originally approved comprised the erection of 5no 2 bed houses and 8no 1 bed apartments. The application now seeks to increase the number of bed spaces within the dwellings to 3 beds to better reflect the requirements of the housing trust. Other amendments to the scheme are detailed below;

1. Amendment of parking layout to consolidate parking areas to north and east of site and to front of dwellings,
2. Amendment to the layout of the dwellings to incorporate part of the internal terrace to provide an additional bedroom.
3. Position bin storage area to site entrance within enclosed collection area,
3. Enlargement of the ground floor flats to 51m<sup>2</sup> (from 48m<sup>2</sup>) and amendment from communal space to private gardens at the rear,
4. Amendment to the design of the rear retaining wall,
5. Design changes to flats to remove timber cladding and glass balustrade and utilise Upvc for windows and doors rather than aluminium.
6. Design changes to dwellings to remove timber cladding, omit roof lights

3.2 The application is accompanied by a revised site plan, revised elevations and floor plans. The submitted details including the plans, and representations and responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=232511>

### 4. RELEVANT PLANNING HISTORY

4.1 The following is a summary of the relevant planning application relating to the site.

HPK/2017/0536	New build development of five two bed houses and eight one bed apartments at Bridgemont, Whaley Bridge for Peaks and Plains Housing Trust	Approved 26 <sup>th</sup> March 2018.
DOC/2019/0042	Discharge of conditions 3, 4, 7, 8, 9, 10,	Pending 2019

12, 13, 14, 15, 16, 17, 18, 19, 25, 32, 33, 34 relating to HPK/2017/0536
---

## **5. PLANNING POLICIES RELEVANT TO THE DECISION**

### **Adopted High Peak Local Plan 2016**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S6 Central Sub-area Strategy
- EQ1 Climate Change
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green belt development
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ9 Trees, Woodlands and Hedgerows
- EQ10 Pollution Control and Unstable Land
- EQ11 Flood Risk Management
- H1 Location of Housing Development
- H2 Housing Allocations
- H3 New Housing Development
- H4 Affordable Housing
- H5 Rural Exception Site
- CF3 Local Infrastructure Provision
- CF4 Open Space, Sports and Recreation Facilities
- CF6 Accessibility and Transport
- CF7 Planning Obligations and Community Infrastructure Levy

### **Supplementary Planning Documents**

- Residential Design
- Landscape Character
- Housing Needs In The High Peak
- Planning Obligations

### **National Planning Policy Framework**

- Introduction
- 2 Achieving sustainable development
- 4 Promoting sustainable transport
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities

- 9 Promoting sustainable transport
- 12 Achieving well designed places
- 13 Protecting Green Belt land
- 15 Conserving and enhancing the natural environment

## National Planning Practice Guidance

## National Design Guide 2019

### 6. CONSULTATIONS

<b>Site notice</b>	Expiry date for comments: 09.07.2019
<b>Press notice</b>	Expiry date for comments: 04.07.2019
<b>Neighbours</b>	Expiry date for comments: 27.06.2019

### Neighbours

6.1 4 Letters of objection have been received and summarised as below;

- There is an extremely dangerous boundary wall 20ft high adjacent to 64 Bridgemont which supports the whole banking [adjacent to the site]
- The access is a single track adjacent to a childrens play area and nursery and will bring HGVs and extra traffic onto this road,
- Pedestrian access from the front of houses leads directly onto this single road,
- This is a lovely green space for wildlife and nesting birds would be lost,
- Parking is already in very high demand,
- The access from the site is very narrow and on a bend,
- The construction will be very noisy and dirty and will attract lots of vehicles which will block the road,
- The proposal will increase disputes, parking chaos and noise,
- Lack of consideration of the working businesses and residential properties likely to be affected,
- Bin store will affect sightlines,
- Loading or unloading outside the site boundary will block the road,
- There is no mention of the services which run to Ringstones Industrial Estate or plans to avoid disruption

<b>Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
------------------	----------------	-------------------------

<p><b>Whaley Bridge Town Council</b></p>	<p>The Town Council believes it is vital that some form of agreement is made for the maintenance of the unadopted road servicing as access to the site to protect the road from the entrance of Bridgemont up to the railway bridge.</p>	<p>7.21-7.24</p>
<p><b>DCC Highway Authority</b></p>	<p>From a highways viewpoint, it would appear that this generally relates to the revised private access road/ parking layout.</p> <p>The proposed access geometry appears to be unchanged from that consented although it's noted that a bin store is located on the western side in advance of the previously recommended 2.4m width visibility envelope across the entire site frontage. It's suggested that the bin store is revised in order to maintain maximised exit visibility from the site access.</p> <p>The private access road turning facility has been relocated to the south of that previously consented. As a consequence, several of the proposed dwelling units are now in excess of the recommended mancarry distance of 25m from such a facility. In addition, due to the limited space available, it's likely that vehicles parked at the northern end of the site would be reversed over an appreciable distance to/ from the turning facility rather than undertake awkward manoeuvring in the vicinity of the apartments. The longer the reversing requirements, the less safe the access road is likely to be for the more vulnerable users.</p> <p>The approved Proposed Site Diagram (drg. A/L/01/06 rev 1) provided for a 5.5m width carriageway for the full length of the private access road whereas that demonstrated on the Proposed Site Plan (A/L/01/05 rev8) forwarded to this office scales around 1.0m less than this to the north of the proposed turning head. The narrower carriageway is likely to make manoeuvring to/ from the townhouse parking spaces more awkward and it may prove difficult for two vehicles travelling in opposite directions to pass along this length when all parking spaces are utilised. The latter issue is somewhat allayed by the presence of intervisible widenings where vehicles may pass more easily.</p>	<p>7.21-7.24</p>

	<p>Driveways for the townhouses are considered to be of insufficient length to accommodate 2no. vehicles parking in series and inadequate width between the property walls i.e. current recommendations are for spaces to be of 2.4m x 5.5m minimum dimension with an additional 0.5m width to any side adjacent to a physical barrier e.g. wall, fence, etc. The driveways demonstrated for the four southerly townhouses scale circa 2.4m x 9.0m. The parking for the most northerly townhouse would probably be better laid out in series by extending the driveway a little to the west although access between the corner of the dwelling and apartment block does look tight. That said, it's noted that a similar arrangement was previously accepted.</p> <p>Therefore, it's recommended that exit visibility is maximised and considered that the previous private access road layout was preferable to that now proposed.</p> <p>Notwithstanding, it's assumed that you will ensure that the proposed level of off-street parking adequately meets the requirements of your own Authority's parking standards and the latter issue (e.g. reduced width, relocation of turning facility, etc.) is unlikely to cause harm to safe operation of the public highway.</p> <p>It's assumed that all other highway related Conditions included within the previous Consent will remain unaltered.</p>	
<p><b>Network Rail</b></p>	<p>The boundary is adjacent to the toe of an embankment, it is noted that the proposal includes a 2m gap between one of the structures on site and the railway boundary the applicant will still need to enter into a Basic Asset Protection Agreement with Network Rail to facilitate the works on site as well as the following:</p> <p>(1) The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. The applicant /developer should submit</p>	<p>7.33</p>

the RAMs directly to

AssetProtectionLNWNorth@networkrail.co.uk

(2) If not already in place, the developer will provide (at their own expense) a suitable trespass proof fence of at least 1.8m in height adjacent to Network Rail's boundary to ensure that there is no unauthorised access onto the railway. Network Rail's existing boundary treatment must not be removed or damaged in any way. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own boundary treatment. The fencing and its foundations must be constructed and maintained wholly within the developer's land ownership footprint without encroaching onto Network Rail land or over-sailing the railway boundary.

(3) The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land.

(4) Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed.

(5) If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

(6) All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

(7) Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure

	<p>as well as determining relative levels in relation to the railway.</p> <p>(8) Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and the railway boundary.</p> <p>(9) Network Rail is aware that residents of dwellings adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the LPA via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.</p> <p>(10) The proposal calls for trees to be removed from the applicant's land, which is adjacent to the boundary with Network Rail. As the site is next to the operational railway (and this includes overhead lines) we would require the developer to submit appropriate information to Network Rail regarding works to trees.</p> <p>(11) As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The applicant / developer should liaise directly with Asset Protection to set up the BAPA. For major works / large scale developments an Asset Protection Agreement will be required with further specific requirements - AssetProtectionLNWNorth@networkrail.co.uk</p>	
<b>HBPC Arboricultural Officer</b>	No objections subject to conditions carried across from HPK 2017 0536.	7.29 – 7.30
<b>HPBC Regeneration Officer</b>	No objection with proposal to change 2 beds to 3 beds as these will be delivered as shared ownership units. This scheme will be delivered as 100% affordable.	7.11 - 7.12
<b>Environmental Health</b>	Comments awaited.	
<b>Waste and Minimisation</b>	No issues.	7.23

<b>Officer</b>		
<b>Coal Authority</b>	The site falls within the development low risk area and there is no need for a coal mining risk assessment. Refer to standing advice.	

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Procedural Matters**

7.1 Section 73 of the Town and Country Planning Act 1990 allows for the removal or variation of some or all conditions on a planning approval. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. There is no statutory definition of “minor material amendment” however, it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

7.2 In deciding an application under section 73, it is necessary to consider whether the changes proposed are a minor material amendment to the development, and whether they substantially differ in scale and nature to the development approved in addition to considering whether planning permission for the development should be granted subject to conditions which differ from those previously approved. It is not a complete re-consideration of the application.

### **Planning Policies**

7.3 The determination of a planning application is to 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.

7.4 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances 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.

7.5 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision taking this means when considering development proposals which accord with the development plan they should be approved without delay; or where there are no relevant development plan policies, or relevant policies are out of date, grant planning permission unless the application of policies in the framework that protects areas or assets of particular importance provides a clear reason for refusal or any

adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.6 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

### **Principle of Development within the Green Belt**

7.7 Policy EQ4 of the Local Plan seeks to protect the Green Belt and maintain its openness and permanence and that development in the Green Belt will not be granted unless it accords with National Planning Policy.

7.8 Section 13 of the NPPF deals with protecting Green Belts. New buildings in the Green Belt are deemed to be inappropriate development; inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances. Para 89 of the NPPF lists some development exceptions which are deemed not to be inappropriate development in the Green Belt, one of which is

“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan...”

7.9 The Council, in approving the previous application considered that evidence submitted with the application demonstrated a local need for affordable housing. As such within the context of the NPPF Green Belt policies, the proposed development comprised limited affordable housing for local community needs and therefore met the requirements of section 13 of the NPPF.

7.10 Local plan policy H5 provides support for affordable housing on rural sites that would not normally be released for housing in exceptional circumstances. This is provided;

- the development is of a size and type which can be justified by evidence of need from a local housing needs survey,
- the affordable housing would meet a genuine local needs as defined in the affordable housing SPD,
- Appropriate safeguards are put in place to keep this affordable in perpetuity,
- The site is within or adjoining the settlement boundary of a village and is adequately served by existing services and facilities,
- The development takes full account of environmental considerations,
- The development provides all affordable housing unless it can be demonstrated that market housing is required to deliver the affordable housing.

7.11 This application varies slightly the size of the dwellings, increasing the 2 bed 4 x person units to 3 bed 4 x person units, with a floor space enlargement of 71m<sup>2</sup> for house type A to 84m<sup>2</sup>; and from 84m<sup>2</sup> to 88m<sup>2</sup> for house type B. There is also an increase in size of the ground floor apartments from 48m<sup>2</sup> to 52m<sup>2</sup>. The total number of

units will not change although the mix will slightly alter with the scheme now comprising 8no 1bed units and 5no 3 bed units.

7.12 The proposed size and mix of units is acceptable as they will remain affordable and reflect the specific needs of the housing trust in this location. The increase in floor area of the units is welcomed and the units now exceed the nationally described space standard as outlined within local plan policy H3.

7.13 It is considered that the proposed variation accords with Local and National Green Belt policies and can be deemed to be a rural exception site as outlined in Local Plan policy H5. The proposals are also considered to address the housing needs within policy H3 and H4 providing a mix of appropriately sized affordable units.

### **Design and Visual Impact**

7.14 The NPPF explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. The National Design guide 2019 highlights that the underlying purpose for design quality is to create well-designed and well-built places that benefit people and communities.

7.15 Paragraph 127 of the NPPF seeks to ensure developments function well and add to the overall quality of the area for the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate landscaping. Local Plan Policies S1, EQ2 and EQ6 seek to protect, enhance and restore the landscape character of the area for its intrinsic beauty and its economic, social and environmental benefits and to secure high quality design in all developments. Developments should respond positively to the environment and contribute to local distinctiveness and sense of place by taking account of the distinct character, townscape and setting of the area.

7.16 The application sets out a number of changes to the layout of the parking area and creation of a bin storage area with subtle changes to the design of the dwellings and apartments. The access will remain to the south with residential units to the west. It is proposed to relocate the parking to the east around a turning head with 4 spaces in parallel and 3 spaces to the east of the apartments. A revised plan was submitted during the course of the application which repositioned the parking area further away to the north from the existing residential dwelling at 64 Bridgemont and boosted the planting and included a timber fence to enclose the parking area. Parking for the dwellings will remain in tandem and to the front of each unit allowing for 2 spaces each. A stepped path is proposed down to a bin store area and refuse collection point which is to be enclosed with a 1.5m reconstituted stone wall with the bins placed within timber bin storage housing.

7.17 The communal garden space at the rear of the apartments is to be subdivided and enclosed with timber fencing to create private gardens for the ground floor apartments.

7.18 With regards to elevational changes, the removal of roof lights from the dwellings and the amendment from a GRP (fibreglass) to a rendered chimney is acceptable. The alteration from aluminium to upvc and composite for doors and windows on both the dwellings and apartment blocks is not considered to affect the character or design of the development. The enclosure of the majority of the integral first floor terrace of the dwellings is considered to be a design improvement as it will create more usable space internally. The removal of the timber cladding from the apartment is also welcomed as this will be replaced by a grey cladding panel which will assimilate better with the palette of materials proposed throughout (artificial stone and grey render). The removal of glass balustrades on the apartments is not considered to detract from the design approach as a whole.

7.19 The proposed site plan illustrates the retained and proposed trees and a landscaping scheme has been agreed by condition. The proposals do not differ in any significant way with regards to landscaping. The repositioning of the bin store area to the south west of the site is acceptable and will be appropriately screened. The landscaping buffer to the eastern side of the site will remain to screen the development from the A6.

7.20 It is therefore considered that the proposals result in relatively minor changes which would not be of a scale or nature that would result in a development which is substantially different to that previously approved. Consequently the proposed changes to the layout are minor-material amendments that can be appropriately considered pursuant to the current application. As such the proposed development would accord with Local Plan policies S1, EQ2, EQ3, EQ6 and S7 and Section 7 of the NPPF.

### **Highway safety**

7.21 Section 9 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. New development should ensure that a safe and suitable access to the site can be achieved for all users.

7.22 Local Plan Policy CF6 'Accessibility and Transport' seeks to ensure that new development can be accessed safely, provides access to a range of transport modes and minimises the need to travel by unsustainable modes.

7.23 With regards to highways, the proposal generally accord with the previously approved scheme aside from the bin store area. The highway officer has recommended this is set back to maintain maximised exit visibility although the bin stores are a maximum 1.5m in height and retain a footway margin for a visibility splay. The officer also highlights that the repositioned turning facility will make manoeuvring awkward in the vicinity of apartments and would be in excess of 25m from the turning head although he does not raise objection to this. As with the previously approved scheme, it is

acknowledged that the parking area for each of the dwellings is a little below the desired size, although this position was previously considered acceptable.

7.24 It is noted that a number of local residents raise concerns over the impact of the development on the operation of adjacent roads, including the unadopted section of the adjacent highway. The site has previously been granted planning consent for the same number of dwellings/flats, whereby the Highway Authority did not raise an objection. The access road within the site will be subject of a management and maintenance plan (secured by planning condition). Although the site is accessed from an unadopted road, it would be unreasonable to require the developer to maintain the entire length of the unadopted section of the road, given that there are other premises which use the road, and a public right of way which runs along it. The amendments proposed are considered to be minor-material amendments that do not result in a development which is substantially different in scale or nature to the development approved and meets the requirements of Policy CF6 with regard to highway safety.

### **Amenity**

7.25 Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan policies S1 and EQ6 seek to protect the amenities of both existing and future residents and seeks to ensure that new development achieves a satisfactory relationship to adjacent development taking into account factors such as overlooking, privacy and overshadowing.

7.26 The proposed elevational changes to the dwellings and apartments would not have any adverse impact on any existing residential properties and do not propose any additional windows which may otherwise cause overlooking.

7.27 The amendments to the bin store location are not considered to affect existing residents and will reduce the need for a refuse wagon to enter the site and drive behind the existing residential properties. The parking area will be closer to the existing residential properties than previously agreed although additional landscaping and fencing has been included to reduce the impact of the parking area on these properties.

7.28 The proposals as a whole are not considered to result in a development which is substantially different in scale and nature to the development previously approved and it meets the requirements of Policy EQ6 in terms of amenity.

### **Landscaping, Trees and Biodiversity**

7.29 Section 11 of the NPPF seeks to conserve and enhance the natural environment. Policy EQ5 of the Local Plan seeks to conserve and enhance the biodiversity and geological resources of the area whilst Local Plan policies EQ3 and EQ9 seeks to protect the landscape's intrinsic character and distinctiveness and protect existing trees, woodland and hedgerows.

7.30 The proposals do not substantially alter the layout of the development in terms of its impact within the landscape. It is considered that there are no significant ecological issues arising from the proposal. As such, the proposal accords with Local Plan policy EQ5 and section 11 of the NPPF.

### **Flooding & drainage**

7.31 Policy EQ11 of the Local Plan seeks to support development which avoids areas of current or future flood risk. Paragraph 100 of the NPPF states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

7.32 The proposed variation does not alter the drainage scheme nor is site is located within an area susceptible to flooding. As such the proposal does not raise any additional issues regarding drainage or flooding. Therefore, it is considered that the proposal accords with Local Plan policies EQ6 and EQ11 and section 10 of the NPPF.

### **Other matters**

7.33 Given the proximity of the application site to the railway line Network Rail has stated that that the applicant would still have to enter into a 'Basic Asset Protection Agreement' with Network Rail to facilitate the works on site whilst also ensuring that Network Rail land and assets are protected and all safety matters are adequately dealt with.

7.34 Although a number of residents raise concerns about, noise, general disruption and problems with car parking, conditions relating to the parking of site operatives vehicles, wheel washing facilities, dust and working times are once again recommended. This will ensure that disruption will be kept to a minimum during the construction phase.

7.35 The previous planning conditions on HPK/2017/0536 have been agreed via the application to discharge DOC/2019/0042 and will be carried across in a monitoring capacity for the avoidance of doubt.

### **Planning obligations & s106 legal agreement**

7.36 The applicant, Peaks and Plains, is a registered provider of social housing. A viability statement was submitted during the course of the 2017 application which concluded a) the RSL is only able to deliver the scheme with funding from the HCA (Homes and Communities Agency) and Right to Buy grant. b) Even on current figures the RSL still has to overcome an identified shortfall. Consequently planning obligations were not sought and the affordable housing was secured via planning condition.

7.37 This application does not alter this previously agreed position and the appropriate condition to secure the affordable units in perpetuity can be carried across to the new consent.

## **8. Conclusion & Planning Balance**

8.1 The development of the site has been accepted by the granting of the planning permission in March 2018. The changes proposed are considered to be minor amendments to the approved scheme and would not result in a development which would substantially differ from the original planning consent.

8.2 The revised layout and design of housing is considered to be acceptable in highway safety terms, layout and amenity.

8.3 There are no other planning issues are raised. Accordingly, the proposal is considered to be sustainable development under the terms of the NPPF, and complies with Policies S1, S1a, S2, S5, EQ6, EQ7, H1, H2, H3, H4, H5, and CF6 of the High Peak Local Plan 2016 which seek provide sustainable development. It therefore benefits from the presumption in favour and accordingly is recommended for approval.

## **9. RECOMMENDATION**

**A. It is recommended that the Committee APPROVE the application subject to the following conditions:**

1. Revised condition 2 listing the amended plans
2. All other conditions imposed on HPK/ 2017/0536.

**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 Operations Manager - 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.**

**Site Plan**

