

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

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

<b>Application No:</b>	HPK/2019/0164	
<b>Location</b>	Land Off Granby Road, Fairfield, Buxton, Derbyshire	
<b>Proposal</b>	Erection of 73 dwellings with associated infrastructure and landscaping.	
<b>Applicant</b>	Countryside Properties	
<b>Agent</b>	Countryside Properties	
<b>Parish/ward</b>	Stone Bench	<b>Date registered</b> 05/06/2019
<b>If you have a question about this report please contact:</b> Ben Haywood; email: <a href="mailto:ben.haywood@highpeak.gov.uk">ben.haywood@highpeak.gov.uk</a> Tel: 01298 38400 Ext: 4924		

**REFERRAL**

The application is referred to committee as it is a major development on High Peak Borough Council owned land.

**1. SUMMARY OF RECOMMENDATION**

<b>APPROVE, subject to S106 &amp; conditions</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site is located within built up area boundary of Buxton. The site is a residential allocation in the adopted High Peak Local Plan. The Site measures approximately 2.48 hectares in size. It is a greenfield and underutilised site. There are no buildings on the site. The site is bounded by a mixture of residential curtilage, amenity open space and open countryside. On its eastern flank is a residential allocation of 7.16 hectares as contained in the Council's adopted Local Plan.

**3 DESCRIPTION OF THE PROPOSAL**

3.1 This full planning application proposes the erection of 73 affordable dwellings. The units are SHLAA compliant and also include a Wheelchair compliant bungalow and two other bungalows.

- The proposed mix of units is as follows:
- 30no. 2 bedroom (including 2 bungalows)
- 41no. 3 bedroom (including 1 wheelchair property)
- 2 no. 4 bedroom

- 3.2 The submitted Design and Access Statement provides a detailed description of the proposed design. However, the key features can be described as follows:
- Retention and enhancement of landscaped boundaries around the site.
  - A range of parking solutions are proposed, with a high percentage of on-plot parking.
  - Implementation of a Protected Route proposal as contained in the Local Plan.
- 3.3 The application, the details attached to it including the plans, the comments made by residents and the responses of consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=231851>

#### **4 RELEVANT PLANNING HISTORY**

- 4.1 Outline Planning Permission for 104 dwellings previously existed for the site but lapsed in 2013 (HPK/2010/0452 refers).

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

##### **High Peak 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 S7	Buxton Sub-area Strategy
Policy EQ1	Climate Change
Policy EQ2	Landscape Character
Policy EQ5	Biodiversity
Policy EQ6	Design and Place Making
Policy EQ7	Built and Historic Environment
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 Allocations
Policy H4	Affordable Housing
Policy CF3	Local Infrastructure Provision
Policy CF4	Open Space, Sports and Recreation Facilities
Policy CF5	Provision and Retention of Local Community Facilities
Policy CF6	Accessibility and Transport
Policy CF7	Planning Obligations and Community Infrastructure Levy

##### **Supplementary Planning Guidance**

- Residential Design
- Landscape Character

- Housing Needs Survey
- Planning Obligations

## **National Planning Policy Framework (NPPF) 2019**

### Achieving Sustainable Development

- Section 5 Delivering a sufficient supply of homes
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conservation and enhancing the Natural environment
- Section 16 Conserving and enhancing the Historic Environment

## **6. CONSULTATIONS CARRIED OUT**

### **End of Consultation Period**

Site Notice: 27/08/2018

Press Advert: 16/08/2018

Neighbours: 16/08/2018

### **Third Party Representations**

#### Support

- The roadway linking Granby Road and Victoria Park road being implemented first to alleviate build up of construction traffic involved with the project

#### Objections

- The maps provided are not clear to the surround houses and roads, you can not tell how close the new development will be to existing properties.
- There will be an increase of traffic and a higher risk of accidents
- The site is too close to Tongue Lane Industrial estate, usually industrial estates are away from residential areas.
- The development will destroy so much wildlife habitat for animals and birds such as buzzards, sparrow hawks, rabbits, owls, hedgehogs and more.
- The site is greenfield, there are plenty of brownfield sites in and around Buxton better suited to this type of development.
- The size of the proposed roundabout is unclear.
- Noise pollution will increase because of the extra traffic especially from HGVs
- Derbyshire County Council have recommended rejecting the developer's flood plans.
- The development will cause a loss of character to the town and make it feel more like a city
- There are not enough facilities (schools, doctors, dentists) to sustain the development.
- The proposed properties will overlook the existing surround properties which will cause a loss of privacy.

- The mature trees are to be removed, these are living and provide vital oxygen to the environment and remove carbon dioxide which is a climate change issue as well as a home to local wildlife.
- The development will adversely affect the Buxton Mineral Water Catchment area upon it stands and likely the water quality will be affected.
- There is evidence of arsenic on the land and radon.
- The increase of traffic will create a rat run.
- The field to the rear may be an ancient burial site which is currently been investigated.
- There has been a lack of public consultation.
- Existing residents bought their houses thinking it was a quiet area with open countryside, the proposal will change that.
- The buffer zone between Garden House Farm and this development is nowhere near large enough.
- The road structure for this development was poorly advertised.
- There is a major sewer which Severn Trent Water has specifically detailed in writing must not be built over, but the developer is planning to build on this land.
- There is no sensible access to Tongue Land Industrial Estate, bulldozing through a quiet cul de sac is not the answer, the industrial estate needs better access from the A6 to keep lorries away from the residential areas.
- Are High Peak planning to compensate those closet to this development or compulsory purchase our properties and will the residents get market value or reduced value?
- As the link road has been on the development plan for many years, it brings into question why the Council allowed 8 new homes to recently be built at the end of Tongue Lane and why this land wasn't purchased by High Peak and the proposed roundabout could have gone there.
- Buxton should present itself as a spa town, thus attracting more visitors and boosting the local economy, the increase of affordable housing will make Buxton a less desirable place to live or visit.
- The development will increase criminal activity in the area including drug & alcohol related crime.
- The proposed roundabout is too close to existing properties.
- Despite claims that the proposed roundabout could accommodate refuse vehicles and HGV's there is no assessment of the roundabout to back up the claims within the Transport Statement.
- There is a lack of an appropriate assessment of the impact to the proposals upon the local highway network.
- The area already suffers from traffic congestion at the best of times.
- There will be an increase in pollution.
- The proposal will jeopardise the environment further.
- The local community are against the proposal.
- On the local plan the proposed development appears to be situated a lot further away from the current properties.
- The development will overpopulate an already busy estate.

## **Friends of the Peak**

- The boundaries of the allocation in the adopted HPBC Local Plan 2016, as Policy DS18, do not match the boundaries of the applicant's development site. It appears that a substantial area to the west of the allocation on the Local Plan map, designated 'Buxton Mineral Water's catchment', has been included in the development and part of it has become a 'water attenuation area'. This appears to be a sensible use of land although it does not conform to the Local Plan allocation. We understand that this application is for the first phase of the site and that the impact of Ashwood Dale Quarry, referred to in the Local Plan as a potential constraint to development, is an unknown quantity at present (*pers.comm.* Ben Haywood, by email).
- We note in the planning statement that Policy DS18 requires '*further engagement with the Minerals Planning Authority and quarry operator to resolve issues related to the existing working and proposed extension to the Ashwood Dale quarry.*' We understand that the extension application was withdrawn but there are still mineral safeguarding issues to be resolved that the planning statement omits to mention, including regard to Policy MP17 - Safeguarding Resources of the Derby and Derbyshire Minerals Local Plan (2000). Although this plan is now out of date and is being revised, the NPPF also contains similar policies on mineral safeguarding which need to be taken into account.
- The density of the site is low at 29dwellings/ha. Higher density housing of 35-50dw/ha would not only conserve land and provide support for high quality public transport and local shops, but would also make space available for some mixed use development such as a communal space, building or green space in what is currently proposed as a housing estate. The housing should remain affordable in perpetuity as required by Local Plan Policy H4.
- The green field site currently offers local people a space where they can enjoy nature and fresh air. The value and loss of this important space is not recognised by the application. Local Plan Policy EQ 8 requires that new development, through its layout and design, responds to the location of existing green infrastructure and ecological networks, supporting their appropriate uses and functions. In order to compensate for this loss of green space we suggest that the remainder of the site to the east with land extending north/northeast from the boundary of the allocated site to the boundary of the Wye Valley SSSI should be designated as open local space with improvements for wildlife and for access (as in Local Plan Policy CF 4 Open Spaces sports and recreation facilities). Table 4 in the Preliminary Ecological Appraisal Report refers to Local Wildlife Site Cuning Dale North as 215m northeast of the site (although we have been unable to find a map of the site) so an extension in this direction would be logical. Growing areas should also be designed into the estate as required by Policy CF 4.
- New housing developments offer the greatest potential for energy efficiency and carbon neutrality which can lead to substantial savings on energy bills. This is especially important in affordable homes. The application proposes the 'fabric first' approach and high quality condensing boilers through which it claims the development would meet the building regulations for emissions. However, there is no provision for low carbon heating systems, each of which is rejected for various reasons. We urge HPBC to consider the use of renewable energy from solar panels and heat pumps.

- The location of this development has the potential to be sustainable as it is within walking distance of local services such as shops, primary school and bus services, and less than a mile as the crow flies from the railway station. However the provision of 2-car parking spaces per dwelling creates a disincentive to walk, cycle or use the bus and train. In order to reduce dependency on the private car the development should meet the Transport for New Homes checklist<sup>1</sup>.
- As proposed, ground level parking provision takes up much space. In our view parking spaces should be limited to one or less per dwelling. Most parking spaces, except those for the less mobile, should be communal and available to all residents and visitors with parking only in defined spaces or purpose-built bays on-street with provision for shared car club vehicles. Electric vehicle charging points should be provided. The area, including adjacent existing streets some of which have speed bumps, should be designated a 20mph home zone.
- The provision of a cycling lane on both sides of the new road is welcome but there is no continuity off-site and it only extends halfway round the new roundabout. HPBC should require that cycle lanes extend as a complete network to the school, shops and bus stop (with secure cycle parking at all locations) and into Buxton centre. A network of safe walking routes between the site and all local services should also be provided.
- If sustainable travel benefits are to be secured from the location, a travel plan is essential, as required by Local Plan Policy CF6 (Accessibility and Transport) and National Planning Policy Framework 2018 para 111, and should be a condition of the development, with targets for each mode.
- As noted in the Local Plan para 6.113 the site falls within Impact Risk Zone for the Wye Valley SSSI, which forms part of the Peak District Dales SAC and as such requires an Appropriate Assessment. We understand that Natural England's response is awaited<sup>2</sup>.
- The Preliminary Ecological Appraisal Report (PEAR) relied on desk-based and field surveys, the latter undertaken between October and April (para 3.5.ii), which limits their effectiveness. Derbyshire Wildlife Trust concludes (response 27 June 2019) that the development *'is likely to result in a net biodiversity loss, given the semi-natural character of the application area and the availability of the habitats to local wildlife. Development will move the edge of the settlement closer to sensitive designated sites, adding gradual further pressure to these important habitats and corridors.'*
- As presented, the application is concerned with landscaping the site, focused on native trees and shrubs, grass and hedges (although this is a limestone dry wall area) rather than with biodiversity gain. Local Plan Policies SI and EQ 5, and the Government's 25-year Environment Plan all seek net gain for biodiversity. HPBC should seek this net gain adjacent to the site, as a condition of the development, and the enhancement recommendations in the PEAR should be followed. In addition the Cunning Dale North Local Wildlife Site should be extended to the edge of the development, and ponds should be created in water attenuation sites and on what remains of the allocation.

## **AES Waste**

- I wasn't able to see the Waste management plan, however looking at the site plan there are no issues for waste collection for AES.

## **DCC Flood Risk**

- The applicant has demonstrated the site is able to drain should infiltration not be achievable. The surface water discharge rate and attenuation volume may need further revisions if the application progresses beyond the outline stage but this can be addressed in the future. The LLFA would prefer surface water to be managed in smaller mini sub-catchments, utilising swales and other SuDS techniques rather than making use of one large attenuation basin.

- **Recommended conditions :**

**1. Submission, approval and implementation of** 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. Granby Drive, Buxton, Flood Risk Assessment. RSE\_2097\_03\_V2 (July 2019). 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),

**2. Submission, approval and implementation of** 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.

**3. Submission, approval and implementation of** a details indicating how additional surface water run-off from the site will be avoided during the construction phase.

## **Derbyshire Wildlife Trust**

- We have reviewed the Ecological Impact Assessment of land at Granby Drive, Fairfield, Buxton and the Shadow Habitat Regulations Assessment (Stage 1 and Stage 2).
- We consider that the ecological impacts of the development have been fully assessed within the documents above and that the methodology used in the reports is acceptable. With regard to the Habitats Regulations Assessment we advise the LPA to consult with Natural England for further advice and comments.
- We note that there is a loss of around 2.5 ha of semi-improved grassland which supports a range of typical plant species including around 10 that are considered to be indicative of grasslands of higher nature conservation value.

The distribution and abundance of these species within the site appears to be such that no individual field is of sufficient interest to meet the LWS threshold. Nonetheless the grassland habitat does have some local biodiversity value and will be supporting a range of more common and widespread species.

- Impacts on protected species have largely been ruled out by the assessment and we consider that this is a reasonable conclusion for the assessment to make based on the desktop and survey evidence. We agree with the proposals for precautionary working with respect to badgers and reptiles.
- Although the impacts that have been identified are at the lower end of the scale they do still represent a loss of biodiversity especially in relation to the loss of 2.5 ha of semi-improved grassland. The ecological assessment does not include any specific measures to address the loss of the grassland and the layout design for the development does not include any significant retention and/or enhancement of grassland habitat.
- Enhancement measures proposed in the ecological report include landscape planting and bird boxes. We would consider the landscape planting to be the bare minimum in terms of enhancement and the bird boxes are welcomed, but do not really address the site specific impacts. The details of the landscaping can be agreed via a condition, but we would recommend agreeing details of bird boxes at this stage along the following lines:-
  - 10 bird boxes suitable for blue tits etc
  - 5 built-in and 5 external boxes for swifts
  - 5 sparrow colony nest boxes

We consider that the proposal will result in a net loss of biodiversity due to the loss of 2.5 ha of semi-improved neutral grassland. We therefore do not consider that the application complies with planning policy guidance as set out in the NPPF and Local Plan.

We would advise the LPA to seek additional measures as part of the application to provide suitable mitigation/compensation for the loss of the grassland. This could potentially include the enhancement and sympathetic management of adjacent land within the applicant's ownership. However, at this time the exact nature of how this would be achieved is unclear and requires further discussions with the applicants.

If the LPA is minded to grant consent for the application at this time we recommend that a number of conditions are attached as follows:-

1. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken
2. Submission, approval and implementation of Construction environmental management plans (Biodiversity)
3. Submission, approval and implementation of Ecological mitigation and management plans (EMMP)

## **DCC Highways**

- The submitted details suggest a development of 73no. dwellings served by new estate streets including a link between the existing highways of Granby Road and Victoria Park Road. The following comments are based on the

revised Planning Layout drawing (ref:-GDB/PL/01 rev E) that has been received in the time since submission of the application.

- A Transport Statement has been prepared in support of the proposals in which it's noted that Outline Consent has previously been granted for development of the site although this has now expired. The content of this document has been reviewed and, whilst it should be understood that the Highway Authority does not "agree" this or concur with every detail contained within, it is not considered that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 109 of the National Planning Policy Framework.
- The principle of providing a link road, of suitable geometry to accommodate use by buses and provided with a shared cycle/ footway on one side, by extension of both Granby Road and Victoria Park Road is acceptable. However, the current layout at the Victoria Park Road interface does not allow for a footway or margin linking with the footway on the northern side of the existing road. In order to meet Highway Authority requirements, the layout will need to be revised to demonstrate a margin of 1.0m minimum width.
- It's noted that provision has been made to serve further future development to the east of this site. With this in mind, it's recommended that the currently proposed cul-de-sacs (and link between assuming this will eventually have frontage development to each side) to the east of the spine road are laid out and constructed to an adoptable standard i.e. so as not to prejudice future development, be of 5.5m minimum width carriageway with 2.0m width footways to each side. Adoption of these roads, or parts thereof, may be withheld until such time that further development is brought forward.
- Suitability of the proposed link road alignment for use by buses should be demonstrated by means of swept paths. It's recommended that the views of the Local Refuse Collection Service are sought with respect to the proposals for their purposes, particularly the streets serving the eastern part of the site (Plots 42 – 52) if these are to remain private until further development is served, with swept paths demonstrating suitability for a Large Refuse Vehicle of 11.6m length submitted.
- There should be no vertical deflection within the proposed highway i.e. the carriageway ramps demonstrated outside Plots 47 and 53 will need to be removed.
- There's an extensive length of dropped kerb around the outside of the bend to serve parking for Plots 16 – 18 and 59 – 61. Ideally, the access arrangements should be reconfigured to introduce an element of full face kerb somewhere within this length.
- It should be ensured that exit visibility sightlines of 2.4m x 25m are provided to the nearside carriageway channel in each direction at all proposed road junctions and private driveways/ parking spaces. All areas in advance of the sightlines at junctions should be constructed as footway and dedicated as highway. Any areas in advance of sightlines from driveways/ parking spaces behind the proposed highway boundary should be identified to be Conditioned to be maintained clear of any obstruction greater than 1.0m in height (600mm

in the case of vegetation) relative to the nearside carriageway channel level e.g. Plots 1 – 6, 8, 25, 27, 70, etc.

- Pedestrian links with existing such routes to the west of the proposed development site (3no. mentioned within the Transport Statement) should be clearly identified on the Proposed Layout e.g. with Cromford Place / Winster Square. The route of a claimed Public Right of Way (Footpath 85 Buxton) passes between Chatsworth Road and land to the East of the proposed development site. The applicant may wish to seek legal advice with respect to potential implications of impact on this.
- The Transport Assessment states that off-street parking is to be provided in accordance with the requirements of your Authority's Local Plan and I trust that you will ensure the proposals are suitable in this respect. It should be noted that current recommendations are that off-street parking spaces should be of 2.4m x 5.5m minimum dimension (2.4m x 6.5m where in-front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. Any under provision would be likely to result in vehicles being parked on the proposed highway, or part on its footways, situations considered against the best interests of safe operation of the roads.
- Suitably sized areas should be provided adjacent to, but not within, the proposed highway for standing of waste bins on refuse collection days.
- Measures to prevent surface water run-off from entering the proposed highway will be required where development plots are at a higher level than the proposed estate streets e.g. dished channel across driveways at the rear of highway boundary discharging into a private gully.
- The proposal to provide a Travel Pack to future residents to encourage sustainable travel is commendable and it's suggested that a copy of this is forwarded to this Authority for comment prior to issuing.
- Therefore, it's recommended that the applicant is given opportunity to submit revised details including measures to address the above issues. However, if you are minded to determine the application, the Highway Authority would be grateful to receive opportunity to provide recommendations for inclusion within the determination.

### **County Planning Officer**

- Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area junior school would not have sufficient capacity to accommodate the 8 of the 9 junior pupils arising from the proposed development.
- Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 11 secondary and 4 post 16 pupils arising from the proposed development.
- There would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms as the normal area junior school would not have sufficient capacity to accommodate all of the additional pupils generated by the proposed development. The County Council therefore requests a financial contribution as follows:

- £134,497.92 for the provision of 8 junior places at Fairfield Endowed CE Voluntary Controlled Junior School towards Project A - Creation of additional education and resource spaces.
- The County Council requests that an advisory note be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.

## **Severn Trent**

No objection subject to conditions:

- Submission approval and implementation of drainage plans for the disposal of surface water and foul sewage.

## **Environmental Health**

- The land contamination assessment reports submitted in support of the report suggest that contamination is not a significant issue and should not preclude site development. The reports may be accepted.
  - GRM, Phase 1 Desk Study for Countryside Properties (ref: GRM.P8831-DS.1); Dated March 2019.
  - GRM, Phase 2 Site Appraisal Report for Countryside Properties (ref: GRM.P8831.F.1.Rev.A-1836); Dated May 2019
- The report identifies the need for further assessment of ground gas at the site, The ground gas assessment report submitted in support of the application may be accepted
  - GRM, Gas Addendum Letter for Land off Granby Road, Buxton (ref: GRM/P8831/GAL); date 25<sup>th</sup> July 2019
- The report identifies the site a “very low hazard potential”, and determines that gas protection measures are not necessary. The report confirms that basic Radon protection should be incorporated into ground floor construction. No further assessment for ground gases is required.
- The proposed residential end use of the development is particularly sensitive to the presence of land contamination, for this reason the following conditions 1 is recommended.
- The noise impact assessment submitted in support of the application may be accepted.
  - REC, Noise Impact Assessment Granby Drive, Buxton (ref: AC106994-1R0); dated 21<sup>st</sup> May 2019
- The report identifies that although noise can be heard this is not at a level where changes in behaviour or attitude are predicted. Traffic noise on the A6 may slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. The assessment determines that noise mitigation measures are not required.

- The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 3 to 8 are suggested.
- To ensure that the development does not cause breaches in local Air Quality Objective and help secure a long-term improvement in AQ, condition 9 is recommended.
- The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.
  - Prior to development, a detailed Air Quality (AQ) Assessment shall be submitted and approved by the Local Planning Authority. The full scope of assessment shall be agreed in writing with the local Planning authority and shall be appropriate to both the location and scale of development, and designed to quantify the impact of the proposed development upon the existing air quality within the local area.
  - If the assessment indicates a potential breach in local AQ objectives as a result of the development, the development shall not precede until an air quality action plan, detailing possible mitigation measures that could be adopted to improve AQ in the area, has been submitted and approved by the local planning authority.
  - 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.
  - There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site.
  - 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.
  - No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Friday
  - 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.
  - Prior to commencement of development the developer must either submit evidence that the building was built post 2000 or submit a intrusive pre-demolition asbestos survey in accordance with HSG264 and a mitigation plan to reduce risks to potential occupiers and the wider public. The report shall be approved in writing by the LPA. NB it should be noted a management survey report is unlikely to be acceptable as this does not meet the requirements of the guidance
  - The approved mitigation scheme must be carried out in accordance with its terms prior to the commencement of development.

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

## **HPBC Tree Officer**

There are a number of mature trees to be removed to accommodate the proposals. There is no overriding objection to this as long as there is adequate and achievable good quality landscaping scheme

The landscape proposals are generally acceptable subject however it could be approved with some minor amendments. Some further clarification will be needed but this could be conditioned.

- There is no Landscape and ecological management plan (LEMP) which identifies which land is to be managed as public open space and how this management will be secured and undertaken . This will need to be conditioned as part of an approval.
- The substation near the attention pond will need additional landscaping to help screen it.
- There is quite a lot of hedging in the gardens whilst this potentially will provide attractive and wildlife friendly boundary treatment. It could be problematic as it will be liable to being removed / and or be left unmaintained. Some of the species used for hedging is quite vigorous and will need regular maintenance. This isn't an overriding objection but consideration may be given to using walls at key locations, I would suggest that our landscape Colleagues from DCC are asked to advise on this.
- It is not clear from the landscape plan what the boundary treatments are in particular between the proposed and existing houses. I assume this close board fencing but it does not explicitly state this. Again one for the DCC landscape officer to comment on.

## **Open Spaces**

In terms of developer contributions, we wouldn't request any on site play or open space provision with the existing recreational facilities at Granby Road being so close. The calculations are based on a formula for each typology and relate to a monetary figure per dwelling.

We would therefore look to request the following off-site contributions:-

- Play contribution – targeted at enhancing the existing Granby Road Play Area - £14,016
- Outdoor Sport contribution – targeted towards improvements for small sided facilities (MUGA etc) in Fairfield, mainly in the area around Bench Road and

Victoria Park Road where existing community facilities area located - £35,726.20

- Allotment contribution - towards existing unused plot improvements and infrastructure at Cuningdale Allotments - £5,617.35

There is no on-site open space proposed which is acceptable given the proximity of Granby Road Open Space.

## **Archaeology**

- Having now read the Heritage Assessment, and looked at the site on Google earth, I would concur with the recommendations in the HA (section 8, para 8.5 ) that a geophysical survey should be conducted on the proposed development area. Aerial images of the site indicate that the western sector of the site has not seen recent agricultural cultivation, therefore subsurface archaeological remains could be well preserved here. There also appears to be some earthwork features in this area as well, though they are not described in the HA.
- We would recommend that the geophysical survey be undertaken prior to a planning decision on this scheme. This would be in line with NPPF para 189 which requires that applicants establish the significance of heritage assets, and the level of proposed impact to that significance through their development proposals. The requested study will enable the identification of any previously unrecorded archaeological features which may be impacted upon by this scheme.

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

### **Planning policies**

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 Adopted 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 Adopted High Peak Local Plan April 2016.

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

7.4 Once again achieving sustainable development sits at the heart of the Framework as referred to within paragraphs 10 and 11. As before, achieving

sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental 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 Paragraph 11 of the Framework requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means approving development proposals that accord with an up-to-date development plan without delay.

7.6 Section 5 of the Framework relates to delivering a sufficient supply of homes. Paragraph 59 identifies that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

7.7 Adopted LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within the Framework.

### **Principle of development**

7.8 The site comprises greenfield land and lies within the built up area of Buxton where there is a general presumption in favour of new development. The site also forms part of a larger area of land amounting to 7.16ha allocated under Policy DS18 of the adopted Local Plan for the development of 139 dwellings. This application seeks full planning permission and all matters such as layout, landscaping, design and access fall to be considered as part of this application. However, provided that the detail of the scheme is found to conform to other relevant policies of the local plan the principle of development on the site, is considered to be acceptable. In particular Policy DS18 of the Local Plan states that approval will be subject to:

- Further engagement with the Minerals Planning Authority and quarry operator to resolve issues related to the existing working and proposed extension to the Ashwood Dale quarry;
- The required proportion of affordable housing (currently 30%);
- Developer contribution towards the provision of infrastructure, in particular, the new Fairfield Link road, public transport provision, commuted sum to Education Authority, and other community services and needs as required;
- A Transport Assessment;
- Design of open spaces, boundary treatment and hard landscaping to reflect guidance in the Landscape Character SPD;
- Building design to reflect guidance in 'Residential Design' SPD and 'Designing Out Crime';
- An archaeological evaluation pre-application;
- Project-level Habitats Regulations Assessment in order to address potential urban effects on the Peak Dales Special Area of Conservation.
- All dwellings (excluding curtilage) to be located at least 200m away from the potential blasting area of Ashwood Dale Quarry (as identified on the Policies Map) until such time that blasting permanently ceases.

The site is located within the Buxton Mineral Water Catchment area. Nestle Waters have been consulted on the application and no objection has been received. With regard to proximity to Ashwood Dale Quarry, the site does not lie within the 200m buffer zone noted on the proposals map and the County Planning Officer has been consulted but has raised no objection on minerals safeguarding grounds. Other matters are addressed in the relevant sections of the report below.

## **Sustainability**

7.9. The adopted Local Plan seeks to reduce the need to travel and widen transport choices. This Policy reflects the NPPF which encourages patterns of growth that make the fullest possible use of public transport, walking and cycling. The supporting text to Policy DS18 of the Local Plan notes that the site "is well related to the existing settlement, and has good access to amenities and employment in Fairfield and to local and district bus routes."

7.10 The nearest bus stop is approx. 87m (1min walk) away on Cornwall Avenue. In terms of proximity to local services and facilities, a local centre including the infant school, junior school, youth and community centres, and convenience store lies a short distance of 500m away along Victoria Park Road (6 mins walk). Other facilities are available around the Fairfield Common area including churches, public house and golf club. These are located around 15mins walk or 1.2km from the site. The town centre of Buxton is also easily accessible on foot, by bike or public transport and lies around 1.5km (19 mins walk or 6 mins cycle from the site). A major supermarket (Morrisons) is around 14mins walk (1.2km) or 6 mins by bike.

7.11 It is also noted that the Council has granted planning permission on the site previously and allocated for residential development in the local plan having found it to be a sustainable location for new residential development. Therefore, with these factors in mind, sustainability of location is not a decisive factor on its own which

would prevent the grant of planning permission. Consequently it is considered that the development does not conflict with Policy TR1.

### **Design / Layout / Character & Appearance**

7.12 The NPPF highlights that good design is a key aspect of sustainable development, and is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and reflect the identity of local surroundings and materials whilst reinforcing local distinctiveness. Planning decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 130 of the Framework advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and how it functions.

7.13 Local Plan Policies S1 and EQ6 seek 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.

7.14 The Residential Design Guidance SPD recognises the need to ensure new development is accessible to everyone and it is important to create places which are welcoming and inclusive.

7.15 The proposed site layout comprises a single spine road through the site linking the existing “dead-ends” of Granby Road and Victoria Park Road in a “loop”, with 2 cul-de-sac’s being served from it. This would provide potential future access points for further land within the allocation. Incidental areas of public open space are proposed, including larger area with a water attention feature in the south western corner of the site alongside the spine road.

7.16 Active frontages are maintained elsewhere throughout the development, including on to the open space. Double fronted and “corner turning” units have been provided on corner plots throughout the site. This provides for good natural surveillance of public areas. It is therefore considered that the scheme has taken into account Policy requirements in respect of designing out crime.

7.17 The proposal comprises a mix of 2, 3 and 4 bedroom, terraced, detached and semi-detached properties, and the type and density of development is considered to be broadly reflective of that found elsewhere in the area, particularly Kinder Way to the east. Overall, therefore the layout is considered to be acceptable.

7.18 It is noted that sectional and levels details have not been provided through the site. However, the site is relatively level and therefore it is considered that major retaining structures will not be required. Nevertheless a condition requiring submission and approval of engineering drawing showing details of all retaining walls and on-plot engineer prior to commencement of development, with express

reference within the condition that no retaining structure will exceed 1m is considered to be appropriate.

7.19 In terms of boundary treatment, it is not clear from the landscape plan what the boundary treatments are in particular between the proposed and existing houses. The design and access statement refers to a mix of closed boarded fencing, hedging and walls. However, conditions could be imposed requiring this detail to be submitted and agreed. Closed boarded fencing should only be provided between private gardens. Where garden boundaries front on to public areas, such as the side boundaries to private rear gardens with 1.8m stone wall or hedging should be provided which will produce a higher quality finish.

7.20 The surrounding development comprises a mix of modern suburban housing, ranging from 1960's / 70's terraces in Winster Grove, Winster Square and Alsop Way, much of which has been finished in buff brick and concrete tile. The 1980's / 90's semi detached housing in Kinder Way, has been finished in a high quality artificial stone and concrete tile. The proposed elevational detail of the scheme respects the simple traditional pitch-roofed form of the surrounding development but incorporates detailing which is more locally distinctive such as stone cills and lintels. Some units include brick header and cill details. It is considered that these should be substituted for stone lintel and cill details or window surrounds and this could be secured by condition. The properties are predominantly 2 storeys with some bungalows. However, these are on a limited number of plots. Small open porches, canopies and gables add detail and interest to the front elevations of some units.

7.21 Details of materials have been provided. According to the Design and Access Statement the developer is proposing the use of red multi brick and red / grey concrete roof tiles. This would be wholly inappropriate in this area. According to the Material Palette drawing, however, Warm Golden Buff bricks and Grey concrete tiles are proposed. However, the local plan states that "The poor standard of layout and design on much of the adjacent housing at Fairfield, and the open nature of this site, require that a high standard of design is required". It is considered that, in view the Local Plan policy the development should be finished in a good quality artificial stone such as Edenstone Buff Darlstone and a good quality artificial slate such as the Russell Moray concrete plain tile in slate grey would be more appropriate. This can be secured by condition.

7.22 Overall, subject to the imposition of appropriate conditions, the development is considered to comply with Local Plan Policies S1 and EQ6 along with guidance contained within the Councils Residential Design SPD and Paragraph 127 and the Design Chapter of the Framework all of which seek to ensure that the overall design, scale, density, massing, landscaping and use of materials are sympathetic to the character of the area.

### **Amenity**

7.23 The surrounding development comprises the existing dwellings in Winster Square, Alsop Way, Kinder Way and Chatsworth Road to the west, Victoria Park Road to the north and Granby Road to the South. To the east, for the most part the site bounds undeveloped open countryside.

7.24 The Council's Supplementary Planning Guidance requires minimum separation distances of 21m to be achieved between principal windows. This will be achieved in the majority of cases between both existing and proposed dwellings and between the proposed dwellings themselves. In some cases separation distances between existing and proposed dwellings are reduced to c.20.5m. However, this shortfall is not considered to be sufficiently detrimental to residential amenity to warrant refusal, particularly where properties are not directly opposing. Separation distances of c.13m will be achieved between gable elevations and neighbouring principal windows which will be sufficient to ensure a suitable level of light. Minimum garden sizes of between c.46m<sup>2</sup> for the smallest terraced units to over 170m<sup>2</sup> for the largest detached units will be provided which is considered to be commensurate with the size of the dwellings themselves and similar properties in the vicinity. However, it is considered to be appropriate to impose a condition removing permitted development rights on the terraced units, which are those with the smallest gardens to allow the Council to maintain control over future development.

7.25 Overall therefore the proposal is considered to comply with Local Plan policies in respect of amenity. Amenity implications arising from construction activities will be addressed through the conditions recommended by Environmental Health which were attached to the previous outline consent.

### **Noise Impact**

7.26 An acoustic assessment has been submitted with the application which states that a series of Noise Surveys have been completed in order to measure the impact of road traffic from the A6 and the quarry to the east of the site. The Noise Impact Assessment has identified that the key noise source impacting upon the development is from road traffic using The A6. Consequently, a noise model has been constructed in order to predict noise levels across the site due to road and rail traffic sound. The assessment has determined that an acceptable level of noise can be achieved across the site based on the provided layout without any further mitigation measures in place. The Noise Impact Assessment has determined that without mitigation measures in place, the **NOAEL with noise being noticeable and not intrusive and with the following advice: "Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life."** The assessment states that it has been based on robust and worst-case assumptions. This assessment has shown that, in principle, there should be no adverse impact at the closest receptors as a result of the existing noise sources.

7.27 The report has been considered by the Environmental Health Officer who has accepted these conclusions. Therefore he raises no objection to the application on these grounds.

### **Air Quality**

7.28 The Environmental Health Officer has also recommended that prior to development, a detailed Air Quality (AQ) Assessment should be submitted and approved by the Local Planning Authority. If the assessment indicates a potential

breach in local AQ objectives as a result of the development, the development should not precede until an air quality action plan, detailing possible mitigation measures can be adopted to improve AQ in the area.

7.29 In response, and to avoid the need for a planning condition, the developer has provided an Air Quality Assessment with the application. In summary, it states:

- The proposed development site is located within proximity to the A6, which is considered a significant source of road vehicle exhaust emissions. As such, there is the potential for the development to introduce future site users to poor air quality. Additionally, due the nature and scale of the development, the proposals have the potential to cause air quality impacts at sensitive receptor locations associated with the operational and construction phases. An Air Quality Assessment has been prepared to determine baseline conditions, consider location suitability for the proposed end-use and provide consideration of potential effects as a result of the proposals.
- Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.
- Dispersion modelling was undertaken at the site to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the proposed development and to quantify annual mean pollutant concentrations across the site. Results were subsequently verified using the latest monitoring data from High Peak Borough Council.
- The dispersion modelling results indicated that pollutant concentrations across the site did not exceed the relevant air quality standards at any location. The location is therefore considered suitable for the proposed end-use without the inclusion of mitigation methods to protect future users from poor air quality.
- Additionally, the assessment concluded that impacts on pollutant levels as a result of operational phase pollutant emissions were predicted to be **not significant** at any sensitive location in the vicinity of the site.
- Based on the assessment results, air quality is not considered a constraint to planning permission for the proposed development.

7.30 This has been considered by the Environmental Health Officer who has stated that unfortunately he cannot accept this report at this stage. The consultant has omitted a rather crucial survey result from Fairfield Road. An amended version of the report has been provided and this has been forwarded to the EHO for comments, which were awaited at the time of report preparation.

### **Contaminated land**

7.31 A Phase I Site Assessment has been submitted with the application. It states that:

- The risk from ground contamination is considered low to very low.

- The risk from ground gas is considered to be low, however the risk from radon is considered to be medium.
- Prior to development a ground investigation will be required, the scope of which is outlined in Section 6. At this stage, based on the desk study information available, it is considered that allowance be made for the following:
  - Allow for source removal or clean soil capping in soft landscaped areas where localised Made Ground is present.
  - Gas protection measures comprising under floor venting (i.e. beam and block floors), radon barrier membrane fully sealed around service entries and extended across cavities. For budgetary purposes, an allowance should be made for 25% of plots to upgrade to a methane barrier membrane due to the potential for localised Made Ground.
- A Phase II ground investigation is recommended to determine more accurately the effect of the identified hazards on the development. Initially, this should include:
  - A ground investigation designed to BS10175:2011 and BS5930:2015 and comprising window sampling and trial pitting will be required to confirm ground conditions and collect samples for analysis.
  - Permeability testing is required to confirm the use of soakaway drainage is suitable.
  - Chemical analysis of soils followed by risk assessment so that the risk to human health and controlled waters can be determined.
  - Based on the Phase I Conceptual Model (Section 3) the ground gas risk has been assessed as low. A ground gas investigation designed to current guidance will be required to determine the ground gas regime beneath the site and allow any necessary mitigation measures to be recommended. At this stage allowance for 6 visits over 3 months should be made to assess potential liabilities.
- This Phase I Site Appraisal has shown the site is suitable for the proposed development, assuming compliance with all the recommendations contained within this report.

7.32 A Phase II report has also been submitted which concludes “*Assuming compliance with all the recommendations contained within this the site is suitable for the proposed development. Based on the evidence currently available the site is assessed as being of generally low and locally low to moderate risk for geotechnical hazards and a very low risk for contamination hazards. These are summarised in the Post Ground Investigation Hazard Plan (Ground Model)*” The Environmental Health Officer has considered the report and has commented that the land contamination assessment reports submitted in support of the report suggest that contamination is not a significant issue and should not preclude site development. The reports may be accepted. On this basis, subject to a condition to address discovery of any previously unexpected contamination it is concluded that the proposals comply with Local Plan policies in respect of contaminated land

### **Highway Safety / Access**

7.33 Policy CF6 states that the Council will seek to ensure that development can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. This will be achieved by, inter alia:

- Requiring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development
- Requiring that new development can be integrated within existing or proposed transport infrastructure to further ensure choice of transportation method and enhance potential accessibility benefits
- Ensuring development does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic

7.34 The applicant has submitted a Transport Statement with the application which concludes that:

- The proposals promote a development of 73 new houses on vacant land on the east side of the residential area of Fairfield. The development has previously secured outline planning permission although this has now expired. The site is allocated for residential development in the Local Plan.
- The layout includes a mix of 2 and 3 bedroom dwellings. Each property would have two off-street parking spaces and therefore conforms to Highway Authority standards. A new residential road, with a width of 6.75 metres and suitable for use by buses, would connect Granby Road and Victoria Park Road.
- Planning obligations applied to the planning permission (expired) include the construction of a roundabout to facilitate a connection between Victoria Park Road, Tongue Lane and ultimately Fairfield Road. The proposals would not prejudice the construction of a roundabout at a later date.
- Traffic generation for the development would be approximately 35 two-way movements in a peak hour. The development would add traffic to the junction of Queens Road and Fairfield Road and other connections to the wider road network. By consideration of the wider residential area, the project would create an increase of 4% to the housing numbers of Fairfield. Therefore, a simplified assessment would suggest that the project would increase traffic at areas such as the Queens Road junction by no more than 4%.
- Surveys of queuing on Queens Road at the junction with Fairfield Road have been completed. The existing queuing cannot be described as excessive or severe. The junction has a good safety record with three slight injury incidents only in the last five years. Additional traffic from the development, distributed over a selection of alternative routes, is not expected to have an adverse impact.
- The site is located close to local shops, a primary school and bus services, such as route 185/186. The site is an excellent example of sustainable development and would not create an over-reliance on the use of the private car.
- It is our view that traffic from the residential development would not adversely affect the operation of the highway network in the vicinity of the site. Therefore, it is concluded that there are no sustainable highway reasons why

planning permission should be withheld for the residential development on land at Fairfield.

7.35 The application and Transport Statement has been carefully considered by the Derbyshire County Council Highway Engineer. He has concluded that the development would not have a significant adverse effect on capacity or safety of the local road network. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 109 of the National Planning Policy Framework. However, he has raised a number of issues / concerns regarding the design and geometry of the proposed internal road layout including:

- Lack of adequate margin width at the Victoria Park Road interface
- Inadequate cul-de-sac widths to the east side of the spine road to serve future development
- Lack of swept path analysis for refuse vehicles and buses
- There should be no vertical deflection within the highway
- Excessive lengths of dropped kerbs
- Need to demonstrate adequate exit visibility sight lines
- Demonstration of Provision of pedestrian links

7.36 These issues have been brought to the attention of the developer who has provided a number of revised plans. These have been sent to DCC Highways for comment and a further update will be provided to Members prior to the meeting.

7.37 Other matters can be addressed through the use of conditions including:

- Provision of bin storage
- Measures to address surface water run-off
- Provision of a Travel; Pack

7.38 Off road parking would be provided in accordance with the Council's parking guidance at Appendix 1 of the adopted Local Plan. Two and three bedroom units would be provided with two off road parking spaces. Once amended plans have been received to address the NDSS issue, the level of parking provision will need to be checked to ensure that it remains compliant with the Council's standards. An update on this issue will be provided.

7.39 Subject to the Highways Engineer being satisfied with the amended plans, it is considered that there are no highway safety objections and the development would not have a significant adverse impact on the local road network and would provide safe and suitable access. The proposal therefore complies with the provisions of the NPPF and policy CF6 of the adopted Local Plan 2016 in this regard.

### **Trees and Landscaping**

7.40 Policy EQ9 of the adopted Local Plan seeks to protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. This will be achieved by:

- Requiring that existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.
- Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1.
- Resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.

7.41 The site is currently overgrown in parts with self-set scrub and there are a number of trees which will need to be removed in order to accommodate the proposals.

7.42 An arboricultural report was submitted with the application which states:

- The survey assessed 29 individual trees and 3 groups of trees, with the site being made up of limited tree cover and arboricultural value with the highest value surveyed being trees of low quality (Category C).
- There are currently no tree preservation orders (TPO) at this location and the site is not situated within a conservation area. Therefore, none of the trees detailed within this report were subject to statutory protection at the time of the survey.
- The proposed development will require the removal of 18 individual trees and 2 groups of trees T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T17, T18, T19, T20, T21, T22, T23, T27, G2, and G3 all of which are of low quality (Category C).
- It is not considered that the removal of the above trees will result in a significant loss of amenity value within the amendment or surrounding area.
- It is recommended that temporary protective fencing should be erected in order to create a construction exclusion zone which adequately protects the retained trees from damage during the construction works. This fencing should be erected at the outset of the development before any activities are carried out or materials/ plant is brought onto the site. For full details see the Tree Protection Plans (Appendix D).
- Any tree works detailed in the Tree Survey Schedule at Appendix A have been identified solely in the context of the sites current use and would be considered good arboricultural management irrespective of any development proposals. It should not be inferred that any such recommended tree works are necessary to implement the proposed development.

7.43 The report has been considered by the Council's Arboricultural Officer, who has raised no objection to the proposed tree removal subject to the provision of a good quality landscaping scheme for the finished development. A landscaping scheme has been provided with the application and the Council's Arboricultural Officer has made some comments regarding the need for a Landscape and ecological management Plan, and additional landscaping adjacent to the pond. These could be secured by condition. She has also raised concerns regarding the amount of hedging which could be liable to being removed. However, it is considered that this is a negative aspect of the scheme in terms biodiversity and should be left within the scheme. Conditions can be imposed requiring the hedging to be maintained and

retaining. Subject to these conditions, overall the proposed development complies with Policy EQ9 of the adopted Local Plan.

## **Drainage**

7.44 The applicant submitted, a detailed Flood Risk Assessment (FRA) with the application. The findings of the report can be summarised as follows:

- This Flood Risk Assessment has been written in accordance with the requirements set out in the NPPF for the proposed residential development located between Granby Road and Victoria Park Road in Buxton, Derbyshire.
- The site lies entirely within Flood Zone 1, away from any floodplain and as such is not affected by fluvial flooding. Despite this, the site is likely to alter the permeability of the ground which has potential to promote pluvial flooding. At present the site is undeveloped and entirely permeable, and for the purpose of this assessment is considered greenfield.
- Proposals for the site show the construction of 73 dwellings which will form a residential development, resulting in an increase of 59% impermeable area (including a 10% urban creep allowance). Alteration to the existing ground surface is likely to significantly promote surface water runoff unless attenuated within development proposals.
- It is recommended that soil soakage tests are completed at the site to confirm if infiltration drainage is feasible for draining the site. Owing to the soil type and geology of the site the use of infiltration drainage is considered highly likely.
- Attenuation storage should be provided and designed to promote infiltration drainage. Calculations for surface water attenuation have therefore been completed based on a nominal 59% impermeable area, post development (including a 10% urban creep allowance). On this basis, it has been calculated that the overall attenuation volumes at the site would be 1,808m<sup>3</sup> for the 1 in 100 year + climate change event. It is normal practice to store at least the 1 in 30 year event runoff to prevent surface flooding. However, to minimise the risk of exceedance flooding it is suggested that the 1 in 100 year + climate change volume be attenuated.
- The site lies entirely within Flood Zone 1 and is shown to be at very low to low risk from surface water flooding, however it is recommended that finished floor levels be set 150mm above external levels to prevent flooding from temporary surface water ponding.
- Providing the mitigation measures discussed are implemented it is considered that the risk of flooding to the site and adjacent land will be minimal.

7.45 The Lead Local Flood Authority, have considered the report and raise no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk. Subject to planning conditions being attached to any approval, the proposal complies with CS Policy SD4 'Pollution and Flood Risk' and the NPPF.

## **Ecology**

7.46 Policy EQ5 – Diversity seeks to ensure that biodiversity interests are conserved and where possible enhanced. An ecological assessment has been submitted with the application which states that:

- A desk based study and field study were conducted in order to identify habitats on site and to determine the suitability for any ‘protected and notable’ species to occur on site. As a result of the initial field study, further nocturnal bat surveys were undertaken upon two buildings with no roosting bats found to be present on site. Following the survey work, the key recommendations are summarised in the table below
  - a pre-commencement badger check is undertaken no more than 1 month prior to works starting on site.
  - The site was considered to have ‘low’ suitability for commuting and foraging bats, whilst a number of commuting and foraging bats were identified within the nocturnal bat surveys. It is recommended that where possible trees on site are retained, particularly areas of mixed woodland on the southern and western boundary.
  - Any trees, hedgerows, scrub or buildings on site to be removed should be done so outside of the breeding bird season (which is from March to August inclusive). If this is not possible, a suitably experienced ecologist should check the habitat for breeding bird activity no more than 24 hours before clearance. If nesting activity is found, nests need to be left in situ until the young have fledged.
  - An area of cotoneaster was identified on site. This shrub is an invasive species listed on Schedule 9 of the Wildlife and Countryside Act. If it is to be removed from site it should be done so carefully and in a controlled manner to avoid the spread of this species.

7.47 Derbyshire Wildlife Trust (DWT) has considered the application and has raised some concerns about the proposed species mix to be used in the landscaping scheme. However, as noted above, a revised landscaping and planting scheme can be secured by condition. No other issues have been raised by DWT and they have confirmed that they have no objection in principle subject to suitable conditions to ensure adequate mitigation and protection for ecology on site. With the imposition of suitable conditions, it is considered that the scheme will provide acceptable biodiversity enhancements, in accordance with Policy EQ5.

## **Archaeology**

7.48 A heritage impact assessment has been submitted, including the results of archaeological desk-based assessment of the site. This concludes that:

- The Heritage Assessment has established that there are no Registered Battlefields or parks and gardens within the study area or within the site. There is a single Scheduled Monument located to the southeast of the site. The Fairfield Conservation Area is located towards the north and the Hardwick Conservation Area is situated towards the west. All of these assets are located towards the edge of the study area and in the case of the scheduled Cowdale Quarry, it lies within the steep wooded valley of Ashwood Dale which topographically is significantly lower than the level of the site.

Views to and from the assets are limited and thus will have little or no impact on the setting of the assets. Similarly, they are screened by topography and modern development, with the latter having a negative influence on the historical integrity of the scheduled monument.

- The Listed Buildings and Conservation Areas are located towards the north along with the Conservation Areas. These are shielded and screened by modern development.
- There is a moderate potential for prehistoric and Roman activity to occur within the site based on that recorded within the study area and the topographic position of the Site.
- Both the map regression and fossilised fields recorded in the historic landscape characterisation suggest that the site has been used for cultivation from the medieval period onwards.
- On the basis of this assessment it is recommended that a geophysical survey is undertaken to further determine the archaeological potential of the Site.

7.49 The report has been considered by the County Archaeologist who has commented that in accordance with the recommendations of the HA a geophysical survey should be carried out prior to determination of the application in order to identify whether there would be any harm to non-designated heritage assets. The NPPF states at paragraph 197 that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* Therefore without knowing whether there would be any harm or the degree of any such harm it is not possible to carry out that balancing exercise.

7.50 The developer has been made aware of this and is commissioning the work. An update will be provided prior to the committee meeting. However, if the report is not received before the meeting it is recommended that, delegated authority is granted to the Head of Development Services in consultation with the Chairman to approve the application. In the event that harm is identified the application should be brought back before the committee to allow the planning balance to be reconsidered.

### **Open space**

7.51 Local Plan policy CF4 seeks to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields. This will be achieved by, amongst other things, resisting the loss of such facilities, encouraging improvements to facilities, securing financial contributions towards off-site provision of such facilities and exploring options for the management of new areas of open space.

7.52 The proposal includes a small area of informal public open space in the south western corner of the site which can be used for informal play, recreation, dog walking etc. as well as providing for water attenuation in periods of wet weather. However, other than this no on-site public open space is proposed. The open spaces officer has been consulted and has recommended that off-site public open space contributions will be required and secured via a Section 106 Agreement.

## Education

7.53 The County Planning Officer has commented that there is capacity in the Local Secondary and Post-16 educational establishments to cater for pupils generated by the proposed development. However, there would be a shortfall in primary school places. Therefore, in accordance with the standard formula, Derbyshire County Council have requested £134,497.92 for the provision of 8 junior places at Fairfield Endowed CE Voluntary Controlled Junior School Project A . It is considered that this request meets the requirements of the CIL Regulations. Subject to this sum being secured through the Section 106 Agreement, it is considered that the scheme is acceptable in terms of the impact of the development on local education provision

## Affordable Housing

7.54 Policy H4 of the adopted Local Plan seeks to ensure that affordable homes are designed to be well integrated with existing and new housing development. Policy H3 of the Local Plan requires new residential development to address the housing needs of the area and therefore a mix of housing types and sizes should be provided, including an appropriate level of affordable housing. This policy requires that on sites of over 25 units 30% of the housing should be for affordable purposes.

7.55 The applicant has confirmed that the scheme will comprise 100% affordable housing. It would therefore exceed the requirements of Local Plan Policy H3 in respect affordable housing provision. Nevertheless, it is recommended that a Section 106 Agreement is entered into to secure the 30% policy requirement and nomination rights over the balance of the affordable housing. The developer has confirmed that this is acceptable.

## Housing Type, Size and Mix

7.56 Policy H3 of the Local Plan requires new residential development to address the housing needs of the area and therefore a mix of housing types and sizes should be provided. It is necessary, therefore, to consider the mix of house type and space standards. With regard to house type mix, the Strategic Housing Market Assessment recommends the following property size and type mix for both market and affordable dwellings.

### Percentage of dwellings

1 bed flat	10%
2 bed flat/ house/ bungalow	45%
3 bed house/ bungalow	35%
4 bed house	10%

7.57 The breakdown of house types for the development as a whole is outlined below, and would include a mix of detached, semi-detached and terraced properties:

### House Type Number of properties

- 0No. 1 bed flat (0%)

- 30no. 2 bedroom (41%)
- 41no. 3 bedroom (61%)
- 2 no. 4 bedroom (3%)

7.58 These percentages are broadly reflective of the SHMAA requirements and are considered to be acceptable. Although no 1 bedroom units are provided, and the number of 3 bedroom units is roughly twice what the SHMAA recommends and the number of 4 bedroom units is significantly below the requirement, the scheme provides predominantly 2 and 3 bedroom units which is where the majority of demand lies.

7.59 The submitted plans show that all of the house types fail to meet the Nationally Described Space standards. This has been brought to the attention of the developer and they have agreed to provide a suite of amended housetypes which are NDSS compliant. These were awaited at the time of report preparation and a further update on this issue will be provided to Members.

7.60 In terms provision for elderly accommodation, Policy H3 of the adopted Local Plan under criteria (e) states that flexible accommodation, which is capable of future adaption should be provided in accordance with the National Described Space Standards and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. As noted above the size of the dwellings has been assessed against NDSS and found not to be compliant, although the developer is working to address this. The general purpose of Part M of Building Regulations is to ensure that both internally and externally new buildings are designed to provide accessible and adaptable dwellings to meet the requirements of older people and people with specialist housing needs. Matters which are addressed in this section include, for example, the ability to wider driveways/parking spaces to accommodate a wheel chair, step free access and internal circulation space of a certain size to ensure that dwellings can be adapted if required. The SHMA identified a need to provide 20% of dwellings as bungalows/specialist elderly accommodation.

7.61 The scheme as submitted includes a wheelchair accessible bungalow. Whilst this is a positive aspect of the scheme, it fails to meet the policy requirement which would be for 14 of the units to be bungalows. Elsewhere the Council has accepted that this is acceptable where a high proportion of the other dwellings on site would meet Part M4 (2) of Building Regulations. This includes adequate internal circulation spaces, parking and access widths which could be widened if required and level access to dwellings. No evidence has been provided as to whether the dwellings proposed would meet these requirements, and the developer has been asked to address this as part of their revised house type package. A further update on this issue will also be provided to Members.

### **Section 106 and CIL Regulations.**

7.62 Under the Community Infrastructure Levy (CIL) Regulations, any contributions secured under a Section 106 Agreement must meet the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

7.63 As noted above, contributions have been requested towards primary education and open space. The education contribution is considered to comply with the 3 tests subject to clarification of the calculation following the reduction in dwelling numbers. The Open Space contribution is also compliant provided that the precise details of the scheme on which it will be spent are supplied. On this basis, the proposed contributions are considered to be compliant with the CIL Regulations.

## **8. PLANNING BALANCE & CONCLUSION**

8.1 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.

8.2 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.

8.3 The site comprises greenfield land and lies within the built up area of Buxton where there is a general presumption in favour of new development. The site also forms part of a larger area of land amounting to 7.16ha allocated under Policy DS18 of the adopted Local Plan for the development of 139 dwellings. This application seeks full planning permission and all matters such as layout, landscaping, design and access fall to be considered as part of this application. However, provided that the detail of the scheme is found to conform to other relevant policies of the local plan the principle of development on the site, is considered to be acceptable.

8.4 The site is located within reasonable walking distance of a number of local amenities and bus links and has previously been established as a sustainable location for new development through the allocation of the site and granting of a previous planning permission which has now lapsed.

8.5 The scheme is considered to be acceptable in terms of design and layout and would provide an adequate standard of amenity for existing and future residents. Subject to suitable conditions there are no objections on any environmental health grounds such as noise or contaminated land. There are no concerns regarding loss of existing trees and an improved scheme of proposed landscaping can be secured by condition. This would also satisfy DWT in terms of ecology. The Lead Local Flood Authority, have considered the application and raise no objections on drainage and flooding grounds subject to the imposition of appropriate planning conditions.

8.6 Open space requirements can be catered for through off-site contributions secured through a Section 106 Agreement in accordance with the Open Spaces Officer's requirements. The County Planning Officer has commented that there is capacity in the Local Secondary and Post-16 educational establishments to cater for

pupils generated by the proposed development. However, there would be a shortfall in primary school places. Therefore, in accordance with the standard formula, Derbyshire County Council have requested £134,497.92 for the provision of 8 junior places at Fairfield Endowed CE Voluntary Controlled Junior School towards Project A - Creation of additional education and resource spaces.

8.7 The proposal the scheme will comprise 100% affordable housing. It would therefore exceed the requirements of Local Plan Policy H3 in respect affordable housing provision. Nevertheless, it is recommended that a Section 106 Agreement is entered into to secure the minimum 30% policy requirement and nomination rights over the balance of the affordable housing. The submitted plans show that all of the house types for which consent is sought do not meet the Nationally Described Space standards. However, this has been brought to the attention of the developer and they have agreed to provide a suite of amended housetypes which are NDSS compliant. These were awaited at the time of report preparation and a further update on this issue will be provided to Members.

8.8 With regard to house type mix, and property sizes, the proposed percentages are broadly reflective of the SHMAA requirements and are considered to be acceptable. Only one bungalow is proposed against a 20% requirement. However, the applicant has been requested to submitted evidence to show that the dwellings would meet Part M4 (2) of Building Regulations.

8.9 The Derbyshire County Council Highways Engineer has raised no objections in terms of the impact of the scheme on the wider highway network. However, he has made a number of points with regard to internal design detail and visibility at the site access. Amended plans have been submitted to address these issues and his comments were awaited at the time of report preparation. Members will be updated prior to their meeting.

8.10 A Heritage Assessment has been provided with the application. The County Archaeologist has been consulted and has stated that this should be provided prior to determination in order to correctly undertake the “planning balance” in accordance with the tests set out in the NPPF. The developer has been made aware of this and is commissioning the work. An updated will be provided prior to the committee meeting. However, if the report is not received before the meeting it is recommended that, provided that the report identifies that there would be no harm to heritage assets, delegated authority is granted to the Head of Development Services in consultation with the Chairman to approve the application. In the event that harm is identified the application should be brought back before the committee to allow the planning balance to be reconsidered.

8.11 In conclusion, subject to:

- i) the highway authority considering the revised plans and not raising any objection,
- ii) amended plans being provided to demonstrate compliance with the NDSS and Part M4 (2) of Building Regulations.
- iii) A geophysical survey being provided which concludes that there would be no harm to heritage assets

It is considered that the development accords with the provisions of the relevant development plan policies and, in the absence of any material considerations to indicate otherwise, should be approved without delay.

## 9. RECOMMENDATIONS

**A. That DELEGATED AUTHORITY be granted to the Head of Development Services and the Chairman of the Committee to approve the application subject to A geophysical survey being provided which concludes that there would be no harm to heritage assets AND a Section 106 Agreement to secure:**

- **30% affordable housing with tenure split in accordance with Housing Officer requirements**
- **£134,497.92 for the provision of 8 junior places at Fairfield Endowed CE Voluntary Controlled Junior School towards Project A - Creation of additional education and resource spaces.**
- **Play contribution – targeted at enhancing the existing Granby Road Play Area - £14,016**
- **Outdoor Sport contribution – targeted towards improvements for small sided facilities (MUGA etc) in Fairfield, mainly in the area around Bench Road and Victoria Park Road where existing community facilities area located - £35,726.20**
- **Allotment contribution - towards existing unused plot improvements and infrastructure at Cunningdale Allotments - £5,617.35**

**And the following conditions:**

<b>Code</b>	<b>Condition</b>	<b>Notes</b>
<b>NSTD</b>	<b>12 month time limit</b>	
<b>NSTD</b>	<b>Approved Plans</b>	
<b>NSTD</b>	<b>Materials to include artificial stone and Russell Moray concrete plain tile in slate grey to all plots</b>	
<b>NSTD</b>	<b>Submission, approval and implementation of detailed design and associated management and maintenance plan of the surface water drainage for the site</b>	
<b>NSTD</b>	<b>A detailed assessment to be provided, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the planning practice guidance</b>	
<b>NSTD</b>	<b>Study or office shown on drawings not to be marketed as bedrooms</b>	
<b>NSTD</b>	<b>Submission, approval and implementation of details indicating how additional surface water run-off from the site will be avoided during the construction phase</b>	
<b>NSTD</b>	<b>Submission approval and implementation of</b>	

	<b>scheme of lighting</b>	
<b>NSTD</b>	<b>Submission approval and implementation of scheme of Construction Environmental Management Plan (CEMP)</b>	
<b>NSTD</b>	<b>Submission approval and implementation of Biodiversity Enhancement Strategy</b>	
<b>NSTD</b>	<b>Submission and approval of revised landscaping scheme</b>	
<b>NSTD</b>	<b>Implementation of landscaping scheme</b>	
<b>NSTD</b>	<b>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site</b>	
<b>NSTD</b>	<b>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted</b>	
<b>NSTD</b>	<b>Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water disposal needs to be submitted to and approved by the local planning authority. The scheme shall be implemented as approved</b>	
<b>NSTD</b>	<b>Arboricultural method statement, including a tree protection plan and provision for arboricultural supervision as a condition of approval</b>	
<b>NSTD</b>	<b>Landscape and ecological management plan</b>	
<b>NSTD</b>	<b>Archaeology - Submission, approval and implementation of a Written Scheme of Investigation.</b>	
<b>NSTD</b>	<b>Submission, Approval and Implementation of contaminated land report / mitigation</b>	
<b>NSTD</b>	<b>Submission, Approval and Implementation of Noise Insulation Scheme</b>	
<b>NSTD</b>	<b>There shall be no visible dust emissions beyond the site boundary</b>	
<b>NSTD</b>	<b>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.</b>	
<b>NSTD</b>	<b>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.</b>	
<b>NSTD</b>	<b>If piling is necessary a written method statement</b>	

	<b>shall be submitted</b>	
<b>NSTD</b>	<b>Limit site working hours for noisy operations to 08:00 - 18:00 hours (Monday to Friday); 08:30 - 14:00 hours (Saturday) No working is permitted on Sundays or Bank Holidays.</b>	
<b>NSTD</b>	<b>Submission and approval of engineering drawing showing details of all retaining walls and on-plot engineer prior to commencement of development, with express reference within the condition that no retaining structure will exceed 1.5m is considered to be appropriate</b>	
<b>NSTD</b>	<b>Removal of permitted development rights on the terraced units.</b>	

**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 Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Site Plan**



