

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

Date 2<sup>nd</sup> December 2019

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**Date of Meeting:** 2<sup>nd</sup> August 2019  
**Report of:** Head of Development Services  
**Subject/Title:** HPK/2017/0534 for Residential development comprising 96 units including means of access and associated works at Land off Hayfield Road, New Mills.

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## **1.0 Purpose of Report**

1.1 Members may recall that at their meeting on 12<sup>th</sup> August 2019 they resolved to approve a full consent for a proposed residential development of 96 dwellings at Land off Hayfield Road, New Mills by Wain Homes Northwest Ltd.

1.2 It was resolved:

1. *That the application be approved as set out in the report, subject to:*
2. *Delegated authority be granted to the Chairman of the Committee and Head of Development Services to resolve highway matters and a Section 106 Agreement to secure:*

- *30% onsite affordable housing provision to be split as affordable rent (20 units) and affordable intermediate (10 units);*
- *The County Council requests financial contributions as follows: £319,432.56 for the provision of 19 primary places at Thornsett Primary School towards Project A - Creation of additional teaching spaces;*
- *The Council requests financial contributions as follows: £18,624 for the provision of improvements at Portland Road Play Area, £47,471.80 for the provision of improvements at Ollersett Playing Fields and £7,464.15 for the provision of improvements at Ollersett Avenue Allotments;*
- *Off-site highway mitigation sum of £43,261.46 to be index linked from July 2014; and,*
- *Travel Plan monitoring contribution sum of £1,015 per annum for 5 years totalling £5,075.*

1. *The following additional conditions:*

- *Landscaping condition to make specific reference to mature trees and fruit trees being included in the submitted details of landscaping.*
- *A condition to require details for the provision of an emergency access controlled by bollards from High Hill Road.*
- *A Landscape and Ecological Management Plan condition to include details of hedgehog runs through the site.*

*2. That 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 be given delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

1.3 The applicant's submissions maintain the position that DCCs (Derbyshire County Council's) request for financial contributions towards school places as a result of the development scheme fails CIL (Community Infrastructure Levy) Regulation 122 tests are noted. DCC have responded to these and the issues raised are still the subject of ongoing discussions. The Applicant has agreed a time extension to the determination period until 31<sup>st</sup> December which is before the next meeting of the Development Control Committee. As a consequence, it is recommended that the Committee delegate authority to the Head of Development Services, in conjunction with the Chairman to further consider the applicant's submissions and DCCs response and to determine whether under the circumstances, the requested education contribution is compliant with the CIL Regulations and agree the final Section 106 package.

1.4 The purpose of this report is also to seek Members resolution to confirm the 30% onsite affordable housing provision split as affordable rent (20 units) and affordable intermediate (9 units).

## **2.0 Recommendations**

2.1 That authority be delegated to the Head of Development Services, in conjunction with the Chairman, to agree the final Section 106 Package (including whether an education contribution should be payable) and to grant planning permission subject to the satisfactory completion of a Section 106 agreement to secure the agreed Package which shall include (inter alia) the 30% onsite affordable housing provision to be split as affordable rent (20 units) and affordable intermediate (9 units) and the conditions as set out in the report considered by the committee on 12<sup>th</sup> August 2019 and those further conditions as identified in the relevant committee minutes.

## **3.0 Ward Affected**

3.1 New Mills East Ward

## **4.0 Local Ward Members**

4.1 Councillor A. Barrow  
Councillor I. Huddleston

## **5.0 Financial Implications**

5.1 There would be a financial risk to High Peak Borough Council if the Applicant

refused to enter into a Section 106 Agreement to secure the contribution and the scheme was subsequently refused, as costs would be incurred in defending any Appeal and the Council could be liable for the Appellants costs if it were determined that it had acted unreasonably in refusing the application.

- 6.2 If an Appeal against that refusal were lost or if it is deemed that an education contribution is not CIL Compliant Derbyshire County Council would not receive £319,432.56 for education contributions as is sought.

## **7.0 Legal Implications**

- 7.1 The Council's Solicitor has been consulted and has raised no objection.

## **8.0 Risk Assessment**

- 8.1 Not applicable.

## **9.0 Access to Information**

- 9.1 The background papers relating to this report can be inspected by contacting the report writer:

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