5TH OCTOBER 2020

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES SHEET

HPK/2020/0301 - 184 Taxal Edge, Macclesfield Road, Whaley Bridge

Since the publication of the agenda, the applicant has submitted Counsel Opinion which discusses the fall back position of the lawful use of the building and the extant permissions as valid material considerations. Further commentary has also been provided in respect of housing mix. Officers have had insufficient time to consider the points raised and therefore have withdrawn this application from the agenda. The application will be presented to the Committee at a later date.

HPK/2020/0259 – Whycote, Palace Road, Buxton

Erratum:

The recommendation sites the need for a Section 106 Agreement. This is incorrect.

As such, the recommendation to members is to approve the proposed change of use subject to appropriate conditions.

HPK/2020/0073 Carpenter plc. Dinting Lodge Industrial Estate, Dinting, Glossop

HPBC Environmental Health, Pollution Specialist Officer

Further to this application; given the proposals and the proximity to the air quality management area, it will be necessary for the applicant to include mitigation measures.

We would be looking for the applicant to put together a mitigation plan:

Points to cover

Electric vehicle charging points. This would consider 5% of spaces allocated to EV, however, the applicant may choose to have some dedicated as ‘EV ready’ or having more spaces identified as ‘EV ready’ to futureproof, i.e. putting in the underground infrastructure now to allow cables to be run more easily in future.

- Travel plan (where required) including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies
- Eco-driver training and provision of eco-driver aid to all employees
- EV recharging infrastructure within the development
- Car club provision within development or support given to local car club/eV car clubs
- Designation of parking spaces for low emission vehicles
- Improved cycle paths to link cycle network
- Adequate provision of secure cycle storage
- Using green infrastructure, in particular trees to absorb dust and other pollutants
- Differential parking charges depending on vehicle emissions
- Public transport subsidy for employees
- All commercial vehicles should comply with either current or previous European Emission Standard
- Fleet operations should provide a strategy for considering reduced emissions, low emission fuels and technologies
- Use of ultra-low emission service vehicles
- Support local walking and cycling initiatives
- On-street EV recharging
- Contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development
- Contribution to low emission vehicle refuelling infrastructure
- Low emission bus service provision or waste collection services
- Bike/e-bike hire schemes
- Contribution to renewable fuel and energy generation projects
- Incentives for the take-up of low emission technologies and fuels

The above list is not exhaustive and further options can be considered where suggested, appropriate and justified.

Highways England

No comments received at the time of writing.

Officer Response:-

In respect to air quality impacts, the Environmental Health Officer (EHO) has recommended that the applicant submit a mitigation plan for approval due to the nature of the proposals and close proximity to the Air Quality Management Area (AQMA) on the A57, and a variety of possible mitigation measures have been suggested, including a Travel Plan, provision of EV recharging facilities and improved cycle paths and cycle storage. It would be reasonable to attach a condition to require submission of a scheme of mitigation measures to address the air quality impacts of the development with the submitted scheme to be subject to consultation with the EHO. The EHO has also suggested possible funding contributions as part of the mitigation plan, including contributions towards renewable fuel and energy generation projects. However, a requirement to contribute funding is considered onerous and unnecessary given that the proposals seek to consolidate current car parking spaces onto the Carpenters site, there won’t be a significant increase in
overall car parking or traffic levels compared to the current arrangements, and the site itself is not within the AQMA.

ADDITIONAL CONDITION:-

(1) The new staff car parking facilities hereby approved shall not be brought into use unless and until a detailed scheme of mitigation measures to address the air quality impacts of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be implemented in accordance with the approved scheme prior to the first use of the car park hereby approved or in accordance with a timetable to agreed in writing by the Local Planning Authority.

Reason:- To mitigate the air quality impacts arising from the development in accordance with Policy EQ10 of the High Peak Local Plan.

Ecological Matters

Derbyshire Wildlife Trust set out that it will be necessary for the applicant to obtain a Natural England Licence. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

The conservation and enhancement of the natural environment is a core principle of the NPPF where planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for. Similarly, Local Plan Policy EQ5 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological resources of the plan area and seeks to ensure that development proposals will not result in significant harm to these interests.
Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

On this basis the Local Planning Authority is able to satisfy itself that the tests can be met and that there is every likelihood that Natural England License will be forthcoming.

**HPK/2019/0376 - Land at Waterswallows Road, Green Fairfield, Buxton**

Following the publication of the agenda, a late objection has been received from the Environmental Health Officer. Concern has been raised about the lack of information and the impact of the development on air quality along the A6. Consequently officers have withdrawn this application from the agenda to allow further discussions to be undertaken with the applicant. The application will be presented to the Committee at a later date.