

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

Date: 18<sup>th</sup> January 2021

<b>Application No:</b>	HPK/2020/0201	
<b>Location</b>	Land off Buxton Road, Furness Vale	
<b>Proposal</b>	Residential development (Class C3) with associated access, parking and landscaping comprising of 37 houses with a mix of 2 and 3 bedroom accommodation for affordable housing provision.	
<b>Applicant</b>	Mr Chris Little	
<b>Agent</b>	Bowker Sadler Architecture	
<b>Parish/Ward</b>	Whaley Bridge	<b>Date registered: 01/07/2020</b>
<b>If you have a question about this report please contact:</b> Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 extension 4122		

<b>Application No:</b>	HPK/2019/0275	
<b>Location</b>	Land off Buxton Road, Furness Vale, SK23 7PX	
<b>Proposal</b>	Retrospective application for the creation of temporary access from A6 (Buxton Road) and localised stoning up on site for ground investigation vehicles	
<b>Applicant</b>	Mr Chris Little	
<b>Agent</b>	Bowker Sadler Architecture	
<b>Parish/Ward</b>	Whaley Bridge	<b>Date registered: 21/06/2019</b>
<b>If you have a question about this report please contact:</b> Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 extension 4122		

**REFERRAL**

The full residential planning application is categorised as a small-scale major.

The temporary application is a retrospective submission.

**1. SUMMARY OF RECOMMENDATION**

**APPROVE subject to conditions and 106 legal agreement securing affordable housing provision off-site public open space (HPK/2020/0201)**

**APPROVE subject to conditions (HPK/2019/0275)**

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

2.1 The 1.1 ha site (c.60.0m by 200.0m) is an area of semi wild greenspace situated alongside Buxton Road (A6) at the north west end of Furness Vale. The A6 Buxton Road runs along the southwest boundary, residential properties lie to the southeast towards Furness Vale centre, a vehicle repair

centre lies to the northwest boundary and a railway followed by the Peak Forest Canal and the River Goyt beyond to the southeast.

2.2 The site slopes steeply to the northeast approximately 7.0m down to the railway line, canal and marina. The Canal Towpath is a Public Right of Way and part of the Midshires Way long distance footpath.

2.3 There is linear housing development along A6 on both sides, opposite the site and only on the west side towards Furness Vale thereafter. The nearby housing is predominantly gritstone terraces with slate roofs and gritstone walls to small front gardens. There are also some individual houses.

2.4 The site occupies a large gap in the roadside development to the north east side of the road providing long views to distant hills. It has a well hedged frontage with several ash trees at the northern end and a low stone wall at the southern end. There are several existing trees within the site and along the boundary with the railway line.

2.5 The area of land involved with the temporary access is approximately 0.17ha of the larger site. The proposed access for the development has been cleared and stoned up and lies to the western side of the frontage to the A6.

2.6 The site is allocated for housing development under Adopted Local Plan Policy H2 and is located within the Furness Vale (Larger Village) Built up Area Boundary. The application site falls within the defined Coal Authority Development High Risk Area.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 Full planning permission as revised is sought for a residential development comprising of 37 dwellings with car parking and soft landscaping with vehicular and pedestrian access provided from the Buxton Road.

3.2 Property types would be two-storey to the front and three-storeys to the rear with existing levels being built up at the front to provide level access and car parking provision.

3.3 The residential scheme has been amended as follows:

#### *Site access and highways*

- The proposed junction exit radius, onto Buxton Road / A6 has been enlarged to 10.0m to ensure large vehicles do not over run the centre line of Buxton Road
- The turning head, at the Eastern end of the development has been mirrored so as minimise its impact on the street scene and to help accommodate the required car parking within a landscaped setting
- Vehicle tracking appraisal completed to ensure highway setting out compliance
- Parking courtyard proposed on the northwest boundary accessed via a private / unadopted access way

#### *Site setting out*

- Number of blocks reduced to 8No
- Blocks 3-6 have only 5No dwellings each therefore affording wider gaps, and therefore more landscaping between blocks
- Block 8 is offset from 99 Buxton Road so as to afford distant views to the north between them
- Eastern end of development terminated by landscaped gardens with no car parking
- Landscaping to front gardens increased

#### *Elevational treatment*

- Block 1 roof profile reconfigured so as to accommodate a low eaves on the north and south elevations and to terminate at the western end of the development with a gabled frontage
- Proportions and setting out of rear elevation windows, to Blocks 2-8, reconfigured to rebalance the solid/void ratio
- Western gables to Blocks 3-6 amended to accommodate corner door access to associated dwellings, enhancing the street scene as you travel east along the development

#### *Refuse and recycling bins*

- Space between Blocks 3-7 increased to accommodate bin storage (screened by stone walls) and planting areas with no bins / recycle storage areas to the front of any properties.
- Bin Collection points accommodated adjacent to the adopted highway screened by hedges / soft planting

#### *Landscaping*

- Stone walls introduced as front garden boundaries
- Additional soft landscaping added to front gardens and spaces between blocks
- Acoustic timber fences proposed on south west and western boundaries only in line with submitted Noise Report
- Green screen fencing proposed to a proportion of the rear garden boundaries
- Service access path to northern boundary fence screened by soft landscaping
- Informal play / communal space enclosed by continuous hedge on southern boundary

3.4 The application and details attached to it, including the plans, supporting documents, representations and consultee responses can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=240330>

3.5 In 2019 the application site was developed to create temporary access from the A6 (Buxton Road), with localised stoning up on site for ground investigation vehicles. This application seeks retrospective permission for these works.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=233051>

#### 4. RELEVANT PLANNING HISTORY

HPK/0002/4438 - Bungalows, Dwelling Houses, Flats For First Time Buyers And Elderly Persons. Refused 18/07/1986.

HPK/0002/6942 - Erection of Fourteen Detached Houses And Four Detached Bungalows. Construction of Estate Road and New Vehicular Access to Buxton Road. Refused 26/09/1988.

HPK/0002/7310 - Erection of Motel and Restaurant, Construction of New Vehicular Access, Provision of Car Parking Facilities and Landscaping. Withdrawn 03/01/1989.

HPK/0002/8599 - Erection of 14 Detached Houses and 4 Detached Bungalows; Construction of Estate Road and New Vehicular Access to Buxton Road. Refused 06/12/1989.

HPK/0002/9620 - Restaurant Travelodge and Petrol Filling Station. Approved 18/09/1990.

HPK/0003/2800 - Renewal of Permission No. 029620 For Restaurant Travelodge & Petrol Filling Station. Approved 07/09/1993.

HPK/0003/5677 - Renewal of Permission No. 032800 For Restaurant Travelodge & Petrol Filling Station. Approved 20/12/1996.

HPK/2001/0514 - Renewal of Approval Ref. 036677 For Restaurant Travel Lodge and Petrol Filling Station. Withdrawn 19/04/2005.

#### 5. CONSULTATIONS

##### Expiry:

<b>Site notice</b>	Expired
<b>Press notice</b>	Expired
<b>Neighbours</b>	Expired

Public comments received as follows:

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Objections (37):

- Air quality will be affected with more traffic
- The area does not need more housing that is not made affordable

- The developer has already acted to remove trees and hedgerows without permission, dumped waste and cannot be trusted further
- Contractors have not treated local people with respect
- This development will not be in keeping with the rest of the village
- The access point for the development is on a dangerous bend, known as an accident blackspot
- Previous applications on this road have been refused on access grounds
- It is already difficult to access drives opposite the site due to poor visibility
- Insufficient infrastructure e.g. schools, GPs
- Extra pressure will be put on GPs, dentists and hospitals
- Residents must travel to New Mills for amenities with pressure on the road infrastructure
- Many people work in Greater Manchester and travel north every day
- A large proportion of homes should be starter homes for locals
- The site should be a lower density development with trees
- Increased traffic will damage wildlife
- The village needs this green space
- If anything the site should be a green space to mitigate pollution
- Pressure will be put on the road and village through construction traffic
- The A555 has already put extra strain on the A6
- Traffic regularly exceeds speed limits
- Traffic noise is already an issue, even very early in the morning
- Children walking along the road to school would have another junction to cross
- Extra pressure will be put on the sewage plant which already smells
- The site is regularly waterlogged
- The Transport Statement lists non-existent or closed local facilities
- A traffic survey should be provided
- The Coal Authority have not been consulted in a high-risk area
- The Guinness Partnership have had issues about poor quality work/maintenance in other areas of the country
- Highways consultation response is not on website
- The site is not sustainable, as argued
- Surface water treatment ignores the effects of runoff from adjacent to the site – properties upstream have previously been flooded from the sewer

Neither (5):

- Why was this site removed from the green belt?
- Tree removal concerns. Will it be ensured that the developer does not remove the trees?
- What about those affected by interrupted views?
- What measures will control increased traffic flow?
- Concern regarding flooding arising from development and the impact of shallow lying sewer network
- Why does no.39 have steps and will these overlook the neighbouring plot?

- Inaccurate 45 degree angle measurement
- Interrupted views

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Neither (1):

- There is a concern that this is a retrospective application
- No attempt was made to consult or inform residents in the vicinity about the removal of trees, clearing of the land and traffic disruption
- Apart from the usual concerns about increased levels of traffic and consequent pollution the access point is situated at a curve in the road and could present a hazard to vehicles entering and exiting the site as many drivers exceed the speed restrictions at that point.

### **Consultees**

<u>Consultee</u>	<u>Comment</u>	<u>Officer response</u>
<b>Canal and River Trust</b>	<b>No comment.</b>	<b>Noted.</b>
Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.		
<b>Coal Authority</b>	<b>No objection.</b>	<b>Refer to Environmental Section.</b>
<p>04.01.21 (revised):</p> <p><u>The Coal Authority Response: Material Consideration</u></p> <p>The application site falls within the defined Development High Risk Area.</p> <p>The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth and workings associated with thick coal seam outcrops.</p> <p>The Coal Authority previously provided a consultation response to this planning application in a letter to the LPA dated 25 November 2020. Based on the information contained in the letter (dated 13 November 2020) from Grounds and Project Consultants Ltd, which recommended further intrusive site investigation be undertaken to confirm ground conditions, the Coal Authority recommended the LPA impose a suitable condition.</p> <p>The Coal Authority now notes the submitted Coal Mining Risk Assessment Report (December 2020 prepared by Grounds and Project Consultants Ltd), which confirms the drilling of a further two boreholes on site to confirm ground conditions.</p>		

On the basis that the boreholes intersected the Red Ash coal seam intact, with no evidence of any workings, the Coal Authority is able to revise its recommendation as was previously confirmed in our letter dated 25 November 2020:

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (December 2020 prepared by Grounds and Project Consultants Ltd) meets the requirements of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

<b>DCC Economy &amp; Transport</b>	<b>See below.</b>	<b>Members will be updated Via the Update Sheet</b>
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28.07.20:

No education S106 Contribution are required at this time.

<b>DCC Highways</b>	<b>See below.</b>	<b>Refer to Highways Section</b>
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07.01.20 (revised):

No details of the existing 85<sup>th</sup> percentile vehicle approach speeds have been submitted in support of the 2.4m x 70m sightlines demonstrated in the inset on drg 2651-SP04 revA, however, these are considered to be commensurate with approach speeds of 36 - 39mph, i.e. in excess of the speed limit on the fronting road, and may be extended to a point offset into the carriageway by 1.0m from the nearside channel line. As such, exit visibility is considered to be acceptable.

- All areas in advance of the above sightlines will need to be constructed as footway and dedicated as highway on completion. I'd suggest that this may be covered by Condition for the detailed design.
- Revisions to the exit radius have been noted.
- The proposed carriageway, footway and margin widths are acceptable.
- By suggesting making the subject of Condition, it's assumed that the applicant is confident that a maximum gradient of 1 in 30 for the initial 10m of the proposed estate street and a maximum gradient of 1 in 20 beyond can be achieved without impact on the proposed internal site layout i.e. avoid the need for any future application to vary the approved layout.
- The provision of a footway/ margin to either side of the proposed estate street is noted. It is likely that the proposed footway terminating at the parking space for plot 15 will need to be extended to the south to provide a pedestrian crossing point with tactile paving at a point between the driveways/ parking spaces for Plots 17 & 18.
- The proposed private shared driveway for Plots 2 – 11 is noted. Access to this area will need to be via a dropped kerb crossing of the footway rather than kerbed radii. It is suggested that this may be covered by the Condition for a

detailed design.

- It is noted that retaining wall details are to be submitted at a later date and considered that a Condition to this effect will need to be included within any Consent. It should be noted that any structure to be maintained in the future by the Highway Authority will require a Commuted Sum to be paid by the applicant for this purpose.
- Bin collection points are noted and it is assumed that the local refuse collection service have confirmed in writing that they will collect from these and return emptied bins to the same locations.
- It is considered that measures to prevent surface water run-off, where required, may be made the subject of Condition.

As stated previously, the new road will have a footway or margin to each side of the carriageway and will not therefore be a shared surface. As such, the carriageway will need to be constructed in the same manner for its entire length. Again, this may be resolved at the detailed design stage.

I note that the proposed level of off-street parking is in line with your own Authority's guidance, however, I am somewhat concerned that car ownership for 2no. bedroom units in this location will be in excess of that required in the guidance. Any under provision would be likely to result in vehicles being parked on the proposed estate street, or part on its footway.

Of particular concern would be such parking within the vicinity of the proposed junction with the A6 (NB the swept path details requiring the full carriageway width) or the proposed turning head, that barely accommodates use by a Large Refuse Vehicle when clear of any obstructions in the vicinity, thereby negating it for its designated use and resulting in overlong, or awkward, reversing manoeuvres within the proposed highway.

I would, therefore, recommend that a thorough review of the off-street parking proposals is undertaken to ensure that each dwelling is served by an adequate number of conveniently located spaces to reduce the likelihood of vehicles being parked on street, especially in the vicinity of the junction and turning head, and avoid the consequential implications should this occur.

No further details appear to have been submitted to allay the previously raised concerns regarding the location of the 1800mm width culvert (e-mail 15 December 2020) that, if unaltered, will be likely to prejudice adoption of the road to be maintained in future at public expense.

It should be noted that the Highway Authority will not seek to adopt the stepped access to the A6 under any circumstances.

I would suggest that the main outstanding concerns are those relating to gradients for the new road and location of oversized drainage apparatus, each of which may jeopardise future adoption as publicly maintained highway and provision of adequate, conveniently located, off-street parking particularly in the vicinity of the proposed junction and turning facility.

Whilst it is likely that suitably engineered retaining walls can be provided to support both existing highway and/or land adjacent to the highway, as requested in my



earlier response, the civil/structural pack details (that may well include relevant details) should be forwarded for review.

I would recommend that further confirmations/details are sought to satisfactorily allay the above issues and thereby reduce the likelihood of further applications being required for variations of any Consent or future adoption of the proposed road being prejudiced.

**DCC Flood Authority**

**Comments awaited on the revised report.**

**Members will be updated via the Update Sheet**

18.12.20 (revised):

The LLFA has reviewed the applicant's response to the most recent LLFA response and the LLFA require further information:

1. The drawing submitted as 'Proposed Drainage Strategy Plan, 7396-HBL-XX-XX-SK-D-1002, Revision P05' shows three existing Surface Water Land Drains that align across the site in three separate areas before joining a perpendicular land drain along the base of the site heading effectively north offsite in close proximity to Network Rail land. The land drains are considered more than likely to have upstream connectivity as either A6 highway drainage outfalls or as minor culverted watercourses passing under residential properties and the A6, Buxton Road. Please can these be fully investigated with a camera survey to fully understand their upstream and downstream connectivity and condition, and to show where they will be proposed to be safely diverted to as should not be constructed over as part of any future proposed layouts, (in the current layout one land drain appears to be passing directly under the attenuation storage, one under plot 12 and one under the steps between plots 33 and 34).

Please also note, if the LLFA were to consider these land drains as ordinary watercourses then these would need Land Drainage Consent Applications and approvals separate to the planning process.

2. The LLFA is currently waiting for United Utilities to confirm whether the site will be able to use a gravity connection to the proposed combined sewer. The LLFA has also requested United Utilities to confirm whether a potential additional 6.5 l/s discharge rate to the combined sewer can be safely accommodated to not cause capacity issues in this location. Please note that if United Utilities are not able to provide confirmation on these two items then the site would need to review how the site intends to safely discharge surface water.
3. The LLFA have noted the Highway Team's response from 15<sup>th</sup> December 2020, has concerns regarding their ability to safely maintain the proposed adoptable highway with an 1800 mm diameter pipe underneath it and whether the attenuation crates can be increased proportionately to enable a reduction in size of the oversized pipes under the adoptable highway.
4. The applicant engineer's response to the LLFA response dated 26<sup>th</sup> November 2020, has suggested that United Utilities would be agreeing the discharge rate. However, United Utilities will wish to see an appropriate

discharge rate is not exceeded to their asset to be able to adopt, the LLFA may still require to see a reduced rate. The FEH models as considered to be not as up-to-date as FSR modelling is not something that the LLFA has available to verify. The LLFA note that where different models suggest two different values for greenfield runoff it would be considered good practice where practical to do so to choose the more conservative of the models for greater protection to the designed network.

<b>DCC Landscape Architect</b>	<b>Comments awaited on the revised plans.</b>	<b>Members will be updated via the Update Sheet</b>
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02.12.20:

Following discussions revised drawing have been submitted which address some concerns, including reconfiguring parking, garden boundaries, tree and hedge planting. These improvements are welcome, and whilst they will help to soften the impact of the proposals, parking areas and the proposed access road still tend to dominate frontages and this will create a harsh hard surfaced outlook from the Buxton Road in contrast to the existing green outlook. It is unfortunate that the constraints of the levels of the site and drainage have resulted in the proposed dwellings being two storey to the front and three storey to the rears with existing levels being built up at the front to provide level access. Raising the levels to the frontages will result in the proposed access road and parking areas being all the more prominent and prohibits siting parking between the properties further into the site where it would be less prominent. The proposed dwellings are relatively narrow with narrow front gardens leaving little garden other than a parking space and frequent crossovers from the road and little opportunity for boundary treatments along the road edge. The pressure for parking areas also results in the greenspace at the front of the housing not being very usable mostly comprising left over areas around the road and parking areas.

Overall the pressure on space in the proposed layout is problematic to creating a well-designed street scene and whilst I consider that some valuable improvements have been made in the revised proposals, the density of development needs to be reduced further to allow additional improvements.

09.10.20:

Site

The site is an area of semi wild greenspace situated alongside Buxton Road (A6) at the North West end of Furness Vale. It occupies a large gap in the roadside development to the North East side of the road and this provides long views to distant hills. It has a well hedged frontage with several ash trees at the northern end and a low stone wall at the southern end. There are several existing trees within the site and along the boundary with the railway line. The nearby housing is predominantly gritstone terraces with slate roofs and gritstone walls to small front gardens. There are also some individual houses. The site slopes steeply to the North East approximately 7m down to the railway line, canal and marina. The Canal Towpath is a Public Right of Way and part of the Midshires Way long distance footpath.

## Proposals

The proposals are for 39 dwellings, two storey to the front and three storey to the rears with existing levels being built up at the front to provide level access. The proposed ridgelines will be approximately at a similar level as the adjacent existing property to the south.

A native hedge is shown to the Buxton Road frontage which is welcome, however it is replaced by ornamental shrubs at the parking areas, some being low growing species. Whilst it is acknowledged that spiny species would be problematic near to footpaths alongside the car parking spaces, I consider that additional space needs to be allowed so that the native hedge could continue and a robust green edge is provided to Buxton Road. The non-spiny *Corylus avellana* and *Viburnum opulus*, specified in the hedgerow mix could be used adjacent to areas of activity.

The Design and Access Statement includes a visualisation with hedges being the predominant front garden boundary making a good contribution to the street scene. Whilst the proposals show hedges to the middle section of the row of dwellings, timber fencing is included in lieu at both ends, in addition, due to the large number of car accesses included, hedges are mostly restricted to side boundaries rather than frontages. Front garden boundaries very important to street scene and views from Buxton Road of the housing frontages. Adjacent existing housing is characterised by gritstone garden walls and I consider these should be included in key areas with hedging in others to assimilate with existing local character. I consider that the inclusion of timber fencing should be avoided in front gardens.

Generally I am very concerned that parking and the proposed access road dominate frontages and this will create a harsh hard surfaced outlook from the Buxton Road which is presently a pleasant green outlook. The proposed tree planting, whilst welcome in principle, in some places blocks the long views to the hills between dwellings and some adjustment of positions to enable this would be beneficial.

The greenspace at the front of the housing is not very usable mostly comprising left over areas around the road and parking areas. It is likely that the new access road will be the focus for social interaction and play and I suggest that it is redesigned to be a more inclusive multifunctional area. The need to provide the amount of parking as shown is problematic to creating a well-designed street scene and I consider that the density of development needs to be reduced.

The Canal Towpath to the north east of the site is a Public Right of Way and part of the Midshires Way long distance footpath, it is an important recreational route and, in terms of potential visual impacts, receptors here are of high sensitivity. Ensuring views of the proposed development are minimised is therefore important. The new dwellings are proposed to have ridgelines at a similar height to the existing houses to the south west. Whilst existing vegetation bordering the railway line is an effective screen in summer, views are likely during winter. The existing trees T4, T5 and T8 along the railway boundary of the site are shown to be retained on the latest Landscape Drawing. However, the trees have broad low canopies and the proposed fencing is close and this will result in removal of much of the lower branches. Slab paving and gravel is shown right up to the existing wall along the railway boundary and this will require removal of all vegetation around tree stems. The multiple fences at the rears of gardens are due to the complex garden assess

path arrangement and security fencing required to the railway, however they are too close to the existing trees and provide inadequate space around the existing trees for the inclusion of a native tree and hedgerow buffer.

Recommendations

I consider that a layout which maintains long views from Buxton Road as much as possible, has a well vegetated frontage to Buxton Road and a well vegetated boundary to the railway line is required. The open space at the front of the houses needs to be a friendly multifunctional space incorporating car access, pedestrian access, and informal recreation and play spaces within a well landscaped structure and I suggest it is redesigned on the principles of a 'Woonerf' to maximise the use of the available space.

**DCC Urban Design**

**Comments awaited on the revised plans.**

**Members will be updated via the Update Sheet**

02.12.20:

This is a difficult site with complex constraints that restrict the configuration of development on this site. One of the key urban design considerations was that a terraced form would be appropriate to this location. However, given the long narrow linear nature of the site, the terrace form results in fewer gaps between buildings and limited areas for parking spaces. On another site, of greater depth and more rectangular in shape there are more options for the pattern of development. This site also drops away significantly from the main road and therefore due to requirements for gradients on the access road and drainage linkages, the solution is to lift the site and it is therefore more visible.

We have had several meetings to resolve the design issues on this site and have come to agreement on many finer details of the A6 frontage, the building form, access and boundary treatments. The number of units have been reduced and amount of parking has also been reduced. The applicant has worked hard to dissipate the effect of the parking, maintaining the hedge line along the frontage to minimise views from the A6, reducing continuous runs of parking and adding extra verges between spaces to dissipate the effect of parking. Stone walls along the front gardens also encloses and gives a more characterful, less open frontage. The parking spaces are also to be in block paving which will give a better sense of placemaking.

The applicant has gone to great lengths to solve the issue of parking and the organisation and pattern has changed during the project. It is much improved, but on balance this is still a scheme that has frontage parking that dominates the layout, and despite the changes, it is not enough to fundamentally shift the perception of the scheme being dominated by cars.

In view of this, I would revert to my previous comments of a more terraced form but maintaining a greater gap between the new and existing houses on the eastern boundary. By doing this, rural views are kept, and the parking arrangement could then mirror the parking arrangement along the western boundary, taking parking away from the frontages. We may still need to lose one or two units in order to create more parking to the side and reduce the number of parking spaces required.

I conclude that the site shape and size, dictates a linear design response. However, the only way to achieve a less dominated car frontage, is a further reduction in density to meet the overall high quality of design required. At this point in time I am unable to support the application.

29.09.20:

### Site

The site is currently an agricultural field and woodland with the appearance of being disused for some time with overgrown scrub and ruderal vegetation. The area is approx. 60m by 200m over approximately 1.1ha. The site slopes from 171m on the A6 Buxton Road in the southwest down to 164m AOD in the northeast, approximately 7m towards the railway and canal.

The A6 Buxton Road runs along the southwest boundary, residential properties lie to the southeast towards Furness Vale centre, a vehicle repair centre lies to the northwest boundary and a railway followed by the Peak Forest Canal and the River Goyt beyond to the southeast. There is linear housing development along A6 on both sides, opposite the site and only on the west side towards Furness Vale thereafter. Nearby housing is predominantly gritstone terraces with slate roofs and gritstone walls to small front gardens. There are also some individual houses. There are long views to hills and a well hedged frontage with some mature trees. The south end of the A6 boundary has a stone wall with a gap in the wall and stone gate posts rather than a hedge.

The proposed access for the development has been cleared and stoned up and lies to the western side of the frontage to the A6.

### Comments on Proposals

I am concerned that the parking and the proposed access road will dominate the frontages, and this will create a harsh hard surfaced outlook from the A6 which is presently very green. The parking may need to be rationalised to reduce the impact on the street scene. The use of more gritstone walls should be provided to form front boundaries to gardens which would provide greater placemaking characteristics looking into the development. In places, the parking is too close to the A6 boundary wall. The amount of parking reflects two per unit with the overall number of 78 reflecting a very built up frontage.

The proposed siting of most of the housing is set back within the site. The levels have been raised to the extent that the rooflines and chimney tops match the height of the ridgeline of the houses opposite. Whilst this helps with the constraints of the access road and drainage into the site and allows for a more relatable development to existing houses, it does result in loss of rural views along the A6 to countryside beyond. The building blocks have been shortened to blocks of three and four and there are now more gaps between the housing to maintain some glimpsed views, but I think the overall impression is still of a more urbanised style of development than I would like to see on this rural edge.

The setting of the canal behind the development is screened by trees and the railway line. It is important that the new housing at three storeys facing towards the canal does not detract from the footpath route along the canal. The increased height of building rooflines may be seen in the absence of leaves in winter. I would

like to see an indicative section from the canal to the roofline of the new houses to ensure there was no impact on pathways along the Peak Forest Canal and the River Goyt.

The proposed gateway and footpath link at the south end of the development to the A6 footpath using an existing gap in the wall is welcome. However, it could be slightly wider with wider steps to have a greater presence to reinforce a stronger connection and placemaking qualities.

The Alignment of the Block 12 in relation to No 99 Buxton Road is uncomfortable and this house should be in line with the rear building line or just slightly in front of it in order to avoid looking directly into the rear elevation at close range from the proposed side bedroom window. A wider gap would be preferred with the removal of Unit 39 to maintain some glimpsed views to the hillside beyond.

The density overall is still high, at approximately 35dph with a reduction of 2 units from the previous layout. Generally, I would consider removing blocks 1, 3, 10 and 39 to gain more space and gaps through to the countryside beyond and to allow for more flexibility in organising parking spaces. The density still constrains the ability to create a more characterful frontage layout and parking arrangement.

Removal of Unit 1 and relocation of two parking spaces close to the frontage wall will give a broader more continuous green strip along the frontage and remove the uncomfortable relationship of the flank wall of Unit 1 abutting the A6 with the use of cutting into the bank and retaining walls.

Block 3 appears inconsistent in size and form. Its positioning is disconnected the rest of the layout. I would prefer this to be removed or used as a bookend to the scheme. I think the parking area terminating the street view in the westward shared driveway is a poor termination into the boundary wall and this needs to be reconfigured.

I would prefer the mature hedge along the front to be retained and extended behind the stone wall. The hedgerow can be maintained to 1.5m height at least. Other planting should follow the recommended palettes of the Landscape Character of Derbyshire, particularly at the boundaries and frontage of the site with more ornamental species restricted to rear gardens. Keeping the existing mature trees along the frontage and occasional new tree in the hedgerow would break up views of the housing and maintain a green corridor along the A6.

Minimalizing hard surfacing is a preference. The amount of parking is 2 per unit whereas standards are 1.5 per 2 bed unit. I understand that this can lead to on street parking, but I think the removal or rearrangement of parking areas P2, P12 and P38 where they are close to the roadside wall/hedge is required to gain a stronger green verge along the main road. The parking at the eastern edge will be very visible if not given a wider green screen from the road as the level is only slightly below the A6 walkway at this point.

Regarding landscape views, I think this scheme has more impact on the landscape due to increased filling in the central part of the site which leads to a higher roofline. My original perception at pre-application stage was of a row of houses at a lower level to maintain views to the wider landscape, and of a more distinctive

architecture that also compensated for the scheme not directly relating architecturally to the existing pattern of development.

I would still favour two distinct gaps in views to the countryside beyond. One from opposite the main entrance and one at an angle through the gap between the existing house No 99 Buxton Road and the first of the new housing, as previously indicated.

There are two ditches mentioned in the baseline ecological survey running from the A6 to the railway line. Whilst mainly dry these could be used as features corridors linking through to planting along the rear boundary and the wildlife corridor along the railway.

Materials will be important to this scheme and rooftops will need to be recessive with the use of natural stone and slate in general throughout the scheme. The materials proposed are stone and slate roofs. These should be both natural stone and natural slate in keeping with the traditional building styles in the village. The style and fenestration are generally acceptable with anthracite grey windows and doors. The style is more contemporary and standardized and whilst acceptable I do not perceive it as being particularly locally distinctive. It would be preferable if there were some bespoke detailing within the scheme.

Rear boundaries with close bordered fences are generally between 1.5 with a 0.3 trellis on top to rear boundaries. Bin stores have 1.2 high bordered and in front of some properties there will be 1.2m post and rail fences. I am unconvinced the bin stores or post and rail fences will look attractive at the front and would look towards more screen planting or low stone walls.

The footpath arrangements to the rear of the properties need simplifying. This footpath should be designed to appear pedestrian friendly. The footpath between a trackside 2.4m high weldmesh and close bordered fence will be unfriendly. There should be some characterisation along these footpaths towards the rear where they will enjoy views to the hills beyond. The walkways give no character to the design or placemaking qualities.

Mix: The new homes will comprise affordable housing for rent (19) and shared ownership (20). With 15 two bed and 24 three-bed houses. I have no objections to this mix which can lead to a reasonably variable character in the urban design of the development.

The frontages of the two storey houses in general respect the scale and massing of nearby housing. I agree that level access is required at the primary entrance to the properties. However, I am not convinced that the 3-storey height of the proposed units at the rear and the increase in levels are sympathetic to the location. This will be more prominent despite the recessive cladding. I am not averse to the architecture but would like to be sure they are not impacting from the canal.

Conclusion: The scheme is an improvement on previous schemes but there is still a need to resolve aspects of the placemaking qualities of the scheme. The density and frontage parking arrangements fail to relate well to existing development. I am also concerned about the building levels and the impact on views from the wider landscape beyond to the North-East and the canal walkway during winter months.

At this point in time I am unable to support the scheme as I do not think it needs to be resolved in more detail to relate well to the existing settlement.

**Derbyshire Constabulary**

**No objection.**

**Refer to Design & Layout Section**

30.11.20:

The revised layout and amended boundaries are noted, most recently in landscape plan revision H. Recessing of the communal gating for plots 12-23 is a sensible step, now set behind rather than at the front of the 1.2m high bin store enclosure. May I repeat my comments of the 27th of July regarding the composition of the communal gates in respect of practicality and sustainability to ensure that they continue to contribute to the security and privacy of the majority of this development.

27.07.20:

I visited late last week, in company with a colleague from the British Transport Police.

This response includes both of our views from a perspective of reducing risks of crime and nuisance within the site and to the adjacent railway line. It is though without prejudice to further comments from the British Transport Police planning team in Manchester, who I notice are subject to a separate consultation.

The principle of residential development is acceptable subject to the proposed trackside 2.4m high weldmesh fencing being installed along this boundary, to restrict any access onto the railway track from within the site. I don't recall seeing any detailed plans regarding the form of any site fencing previously. If this is correct can the specification of the trackside fencing be subject to a condition of approval please.

The other main concern I have regarding the layout of the site is the complex arrangement for garden access at the rear of the site. Although I did visit the site, it is quite overgrown and access to the rear is restricted, but I'd expect that the arrangement proposed is to tackle level changes as the site drops away towards the railway track boundary.

There are seven communal gates shown which restrict access along the various garden access paths, which are sensible measures in keeping access for residents only, both for their privacy and security and to limit access to the railway boundary, but to be both practical, secure and sustainable the specification and locking arrangement will need to be correct. If not, in my experience they either quickly become damaged through constant communal use, in time warp so that use is difficult, or are left unsecured so serve to block the only view down generally accessible pathways.

Specifically to meet all of these requirements, the gates will need to be of metal structure with metal fixing posts, and have a morticed lock with metal keep which is key lockable from both sides welded into the structure. I'd ask that this requirement is again set as a condition of approval.



<b>Derbyshire Wildlife Trust</b>	<b>No objection.</b>	<b>Refer to Design &amp; Layout Section</b>
<p>17.08.20:</p> <p>I have reviewed the Landscape Plan Rev. F (August 2020). Whilst the boxes detailed are not quite what I suggested in the proposed condition wording, there is a good variety and number.</p> <p>However, the trees along Buxton Road are not particularly large/mature and the location adjacent to the road is not ideal for bat box placement. I would advise that the two bat boxes on trees are swapped for another two Schwegler 2FR bat tubes on houses and that the two bird boxes are either attached to houses or attached to T12 and T13, which appear to be the most suitable of all the trees. Hedgehog gaps in the fencing should also be marked on the plan (130 mm x 130 mm gaps in the fencing between gardens and along the eastern boundary with the rail line).</p> <p>Providing these amendments are made, the suggested enhancement condition in my letter will not be necessary.</p> <p>I also note that Scots pine has been swapped, which I would think preferable but I will defer to the Council when it comes to the trees.</p> <p>11.8.20:</p> <p>We have now reviewed the Extended Phase 1 Habitat Survey undertaken by Rachel Hacking Ecology (2019) and have the following comments:</p> <ul style="list-style-type: none"> <li>• The habitats on site are not botanically notable, however they could support reptiles and common amphibians (this is not addressed in the ecology report). The likelihood is increased given the location of the site adjacent to a rail line, with a canal and a millpond further to the east. A known toad crossing is present approximately 250 m to the east. We advise that the site is cleared under a Method Statement to allow reptile or amphibians to move/be moved offsite.</li> <li>• The mammal holes on site currently appear disused, however monitoring should be undertaken prior to commencement of works on site and secured by a condition.</li> <li>• We have reviewed the proposed layout and landscaping and welcome the effort made to incorporate greening measures within the development. These include native hedging, new and retained trees, and the use of green screens between gardens. We would note however that scots pine could be replaced for another native species more appropriate for the local area.</li> <li>• To ensure no net biodiversity loss results from the application, it is important that nesting and roosting provision is incorporated within the new dwellings and secured by a condition.</li> </ul> <p>Should the LPA be minded to approve the application, we advise that the following conditions are attached to any permission: Reptile and Amphibians</p> <p>There is a moderate risk of reptiles and common toad being present and prior to the commencement of work on site (including clearance of refugia piles, vegetation</p>		

or groundworks), a Method Statement for Clearance shall be submitted to the LPA. This shall include reasonable avoidance measures and a watching brief. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

**Badgers**

Prior to any site clearance or groundworks, the mammal holes on site will be monitored to check for badger activity. This shall include placement of a camera trap for a period of at least two weeks between March and November. Providing no activity is recorded, the mound shall be destroyed under supervision of an ecologist. If badgers activity is recorded, a Mitigation Strategy shall be submitted to the LPA for approval. Such approved measures must be implemented in full.

**Nesting Birds**

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

**Biodiversity Enhancement Plan**

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition. Measures shall include (but are not limited to) the following:

- details of integrated bat boxes in 25% of dwellings will be clearly shown on a plan (positions/specification/numbers).
- details of bird boxes (including swift boxes) in 25% of dwellings will be clearly shown on a plan (positions/specification/numbers).
- details of insect bricks in 10% of dwellings will be clearly shown on a plan (positions/specification/numbers).
- measures to maintain connectivity for hedgehogs shall be clearly shown on a plan. This shall include 130 mm x 130 mm gaps in the fencing between gardens and along the eastern boundary with the rail line.

<b>Alliance Waste</b>	<b>Comments awaited on the revised plans.</b>	<b>Members will be updated via the Update Sheet</b>
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06.09.20  
No issues regarding waste collection.

<b>HPBC Officer</b>	<b>Arboricultural</b>	<b>See below.</b>	<b>Refer to Design &amp; Layout Section</b>
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30.07.20:  
The applicant will need to consider the protection of the TPO trees to the rear

where the (RPA) Root Protection Area overlaps the site. The area beneath the trees will need to be fenced off. They will also need to give consideration to the impact the construction of the fence will have on the roots of the tree and digging will need to be by hand.

For this reason I recommend that you attached condition LA12: tree protection and method statement pre-commencement: “No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a tree protection scheme in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations has been submitted to and approved in writing by the Local Planning Authority and erected”.

<b>HPBC Health</b>	<b>Environmental</b>	<b>No objection.</b>	<b>Refer to Environmental Section</b>
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30.11.20:

In relation to air quality impacts following the submission of the industrial emissions risk assessment, the Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted. These are in addition to any recommendations made by Environmental Health on 27 October 2020.

Recommendations in relation to the control of dust associated with construction/ demolition works have been previously been made on 27 October 2020. No amendments to the recommendations are made.

With regards to operational air quality impacts, these have been considered to be negligible. A key theme of the NPPF, however, is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided.

Therefore, it is recommended that the following provisions are incorporated within the scheme:

- 1 charging point per house with dedicated parking
- 1 charging point per 10 spaces unallocated parking (this requirement is dependent on the necessary ‘payment for charging’ technological solutions being available.
- To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Authority.

The developer should refer to guidance produced by IET ‘*Code of Practice for EV Charging Equipment Installation*’ for details of charging points and plugs specifications; for both exterior and garage situations.

27.10.20:

#### COMMENTS: CONTAMINATION

Further to my email of the 8<sup>th</sup> September, I am now in receipt of the requested reports:

- Ground and Project Consultants Ltd, Phase 1 & 2 Ground Investigation Report, ref: 50353, dated 1<sup>st</sup> August 2019
- Applied Geology; Interpretive Report, “Factual Report on Ground Investigation etc”, ref: AG2999-19-AH78 Val-Issue 1, dated 7<sup>th</sup> August 2019

In addition to those previously submitted

- Ground and Project Consultants Ltd, Phase 1 Desk Study and Preliminary Risk Assessment, ref: 50353 dated 29<sup>th</sup> March 2019
- HBL Ltd, Review of Phase 1 and Phase 2 Ground Investigation Report (Ground and Project Consultants Ltd), ref: 7396 dated August 2019

The G&P reports identify the presence of carbon monoxide (CO) in excess of “safe levels”; concentrations in excess of 1000ppm have been recorded (within boreholes) compared to the long-term exposure limit of 30ppm and the short-term exposure limit is 200ppm. Several plausible explanations are given as to a potential source of this CO, or to suggest false readings with the gas monitor; however, given the severity of the hazard I believe further site testing must take place. This should take the form of additional gas monitoring, followed by additional invasive site investigation (incorporating trial pits) to further identify potential sources of the identified gas.

Site investigations to-date can be described as “exploratory” and are suitable for a greenfield site, however as a significant contaminant of concern has been identified it’s appropriate to ensure full coverage of the site at a greater sampling density, it’s also noted that the central portion of the site has not been investigated due to thick vegetation.

Consequently, the following condition 1 is recommended to protect the health of the public and the wider environment.

#### COMMENT: NOISE

The submitted noise assessment may be accepted

- Peak Acoustics, Noise & Vibration Assessment Report (ref: NM2708191NR Rev 1.0), dated 6<sup>th</sup> October 2020

This identifies a requirement for noise mitigation from road traffic noise and industrial noise, and proposes mitigation to reduce this (the includes an acoustic fence of 3m height). Condition 2 is recommended to protect amenity of future residents.

#### COMMENT: CONSTRUCTION

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.

<b>HPBC Commissioning</b>	<b>Service</b>	<b>See below.</b>	<b>Refer to s106 Section</b>
<p>24.07.20:</p> <p>Due to the size and nature of this site we would not been seeking any on site play or open space provision. There is an existing play space in Furness Vale which could be enhanced with an off-site contribution to allow increased usage from new residents moving onto this development. We also work closely with Furness Community Organising Green Space community group (COGS) who lease the community field (off Park Road) from the Council and who have made significant improvements for the local community here to increase usage and enhance the range of activities and so has become the local park. COGS are looking to further increase usage through the provision of a community pavilion and multi-use sports court. This is the only public open space available to the community of Furness Vale and is therefore an extremely important asset which will no doubt be used by any new residents this this proposed development.</p> <p>In terms of contributions we would be looking to secure the following:-</p> <p>Play: 39 x £192 = £7,488 (£7,104)  Outdoor Sports: 39 x £489.40 = £19,086.60 (£18,107.80)  Parks and gardens: 39 x 571 = £22,269 (£21,127)</p> <p>Note: to be revised from 39 to 37 dwellings to total £46,338.80.</p>			
<b>Network Rail</b>	<b>Comments awaited on the revised plans.</b>	<b>Members will be updated Via the Update Sheet</b>	
<p>04.01.21 (revised):</p> <p>There appears to be a discrepancy between the revised location plan and site plan of (23/11/20). The location plan shows that there is no encroachment onto Network Rail land whereas the revised site plan appears to show encroachment over the boundary and appears to extend beyond the scope of the red line boundary as set out by the developer. Can the developer please ensure that there site plan is the same as the location plan and does not include any Network Rail land. Until this is revised we are placing a holding objection on the proposal.</p> <p>When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.</p> <p>(1) From FRA; "13.10. Connection to existing 225mm diameter VC combined water</p>			

sewer within Buxton Road is proposed for both foul and surface water sewer from the proposed development. All subject to agreement with United Utilities and confirmation of the proposed outfall invert levels.”

Noted. All surface waters and foul waters must drain in the direction way from the railway boundary in closed sealed pipe systems.

(2) The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMS directly to: [AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

Network Rail would request that a condition is included in the planning consent as follows:

“A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.”

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

(3) The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant’s land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant’s land ownership footprint without over-sailing or encroaching onto Network Rail’s boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

A condition to be included in the planning consent as follows:

“Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.”

Reason: To protect the adjacent railway from unauthorised access

Close boarded fencing would not be appropriate.

(4) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

(5) Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Network Rail would request a condition is applied as follows within the planning consent:

“Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement.”

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

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

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

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

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation



of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track. If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

(8) Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant’s land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

(9) The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, “182. *Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or ‘agent of change’)* should be required to provide suitable mitigation before the development has been completed.”

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains’ motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.

- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.
- Railway land which is owned by Network Rail but which may be deemed to be 'disused ' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
- Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

(10) Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

(11) As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Network Rail requests that a condition is included within the planning consent as follows:

“Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail.”

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

(12) As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

**United Utilities**

**No objection.**

**Refer to Flood Risk /  
Drainage Section**

07.08.20:

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

**Condition 1 – Surface water**

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

**Condition 2 – Foul water**

Foul and surface water shall be drained on separate systems.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

**Whaley Bridge Town Council**

**Noted.**

14.08.20:

The Council are broadly supportive of this application there are some concerns about the access to the site and potential traffic issues in Furness Vale. The Council is slightly concerned about the land conditions as it is down a slope and the land there has been susceptible to flooding. There is a desire for more facilities in Furness vale so the Council requests if there is scope for the plan to be slightly altered to include allotments and whether there is any possibility of the use of Section 106 monies to support and encourage the re-establishment of a local village shop.

## 6. PLANNING POLICIES RELEVANT TO THE DECISION

**High Peak Local Plan Adopted April 2016**

Policy S 1 Sustainable Development Principles  
Policy S 1a Presumption in Favour of Sustainable Development  
Policy S 2 Settlement Hierarchy  
Policy S 6 Central Sub-area Strategy  
Policy EQ 1 Climate Change  
Policy EQ 5 Biodiversity  
Policy EQ 6 Design and Place Making  
Policy EQ 9 Trees, Woodlands and hedgerows  
Policy EQ 10 Pollution Control and Unstable Land  
Policy EQ 11 Flood Risk Management  
Policy H 1 Location of Housing Development  
Policy H 2 Housing Allocations  
Policy H 3 New Housing Development  
Policy H 4 Affordable Housing  
Policy CF 6 Accessibility and Transport  
Policy CF 7 Planning Obligations and Community Infrastructure Levy

#### Supplementary Planning Guidance

#### **Supplementary Planning Documents (SPD)**

- High Peak Design Guide SPD (2018)
- Landscape Character SPG (2006)
- Residential Design Guide SPD (2005)
- Developer Contributions SPD (2005)

#### National Planning Policy Framework (NPPF) as revised

#### National Planning Practice Guidance (NPPG)

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

### **Planning Policy Context**

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

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan currently consists of the Adopted High Peak Local Plan 2016.

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

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

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

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

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

7.6 The Council can currently demonstrate 5.37 years supply of housing land (as at December 2019), and the Council has passed the Government's Housing Delivery Test in both results published to date achieving 152% delivery in the 2019 measurement published in February 2020. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.

## **Principle of Development**

7.7 Full planning permission is sought for a planning application submission comprising of a single phase of residential development for a total of 37 dwellings. LP (Local Plan) Policy H1 'Location of Housing Development' supports residential development through site allocations in the Adopted Local Plan and development within built up area boundaries. The scheme is pursuant to site allocation C16 for 39 dwellings within the built-up area boundary of Furness Vale. Accordingly, the principle of residential development on this site has therefore been established as per LP Policy H2 'Housing Allocations'. The scheme for 37 dwellings will contribute to the Borough's strategic housing development within the Central Area. Furthermore, LP Policy S6 'Central Sub-area strategy' supports the development of allocated housing sites by promoting the sustainable growth of the Central Area such that it meets the housing needs of the local community.

7.8 LP Policy H3 'New Housing Development' requires affordable housing and an appropriate range and mix of housing. Support is given for dwellings designed to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the NDSS (Nationally Described Space Standard) and delivered to meet accessibility standards as set out in the Optional Requirement M4(2) of Part M of the Building Regulations. Scheme properties comprise of 17 two-bedroom (2b4p) and 20 three-bed (3b5) dwellings and comply with NDSS. The applicant has been requested to appraise the scheme dwellings against the relevant Buildings Regulations for accessibility standards. Members will be updated via the Update Sheet.

7.9 LP Policy 'H4 Affordable Housing sets out the affordable housing requirements for residential development. 30% affordable housing on sites of 25 units or more. 80% of this requirement is for rented accommodation and 20% for intermediate housing. The proposals include 100% of the total number of houses for affordable purposes by a strategic partnership grant from Homes England (HE), with a mix of 17 homes for affordable rent and 20 shared ownership homes. In line with LP Policy H4 'Affordable Housing', however, only 30% of all units proposed as affordable provision can be secured to comply with CIL regulations. The applicant would be required to enter into a s106 legal agreement to secure this policy requirement, including tenure 20/80 split and this has been agreed in principle.

7.10 The Council's Strategic Housing Market Assessment and Housing Needs Report dated April 2014 (SMHA) has examined the potential scale of future housing need and demand in High Peak based upon a range of housing, economic and demographic factors, trends and forecasts to inform the split required between housing type and size over the plan period. The intention is towards a re-balancing of the existing housing stock away from small terraced properties and three-bedroom accommodation towards two-bedroom dwellings and good quality accommodation designed specifically for the growing elderly population.

7.12 The tables below provide data from 2011 Whaley Ward Census data and SMHA report, including scheme mix / type breakdown:

<b>2011 census ward data</b>	<b>All: No. beds</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>5 + bed</b>
Whaley Bridge	2794	214	823	1024	535	198
% of housing stock	100%	8%	29%	37%	19%	7%

<b>SHMA</b>	<b>Property Type / Size</b>	<b>Scheme</b>
1-bed	10%	0
2-bed	45%	46%
3-bed	35%	54%
4-bed	10%	0
Semi-detached	30%	0
Detached	25%	0
Terraced House	15%	37
Flat / Maisonette	10%	0
Bungalow / Elderly	20%	0

7.13 When comparing the existing stock as identified in the Whaley Bridge ward with the recommended levels from the SMHA, it would be expected that there would be a reasonable proportion of 1-bedroom properties and a lower proportion of 3-bedroom properties than is proposed in the overall scheme as is demonstrated above. As stated above, the applicant has been requested to appraise the scheme dwellings against the relevant Buildings Regulations for accessibility standards. Members will be updated via the Update Sheet.

7.14 Set against this, the Council's Regeneration Officer has confirmed that there are: 27 one-bedroom flats / bungalows designated for over 55s; 4 two-bedroom designated for the over 55s; 17 two-bedroom flats for general needs and 18 three-bedroom houses for GN (general needs) as Council housing provision within Furness Vale.

7.15 In addition, the following table confirms the number of bids received for properties and turnover of Council housing stock in Furness Vale. It shows an evident lack of 2-bedroom properties and a low turnover of any family accommodation.

<b>Property type</b>	<b>Turnover since 2016- present</b>	<b>Highest number of bids</b>	<b>Lowest number of bids</b>
1 bed flat 55+	1	1	-
1 bed flat GN	1	16	-
1 bed bungalow 55+	8	16	2
2 bed flat GN	5	25	8
3 bed house GN	1	27	-



7.16 In these regards, applicants on the housing register are able to list 3 areas of preference and for Furness Vale: 3 households listed it as their 1<sup>st</sup> choice, 8 households as their 2<sup>nd</sup> choice and 13 households as their 3<sup>rd</sup> choice. This data conflicts with the findings above which clearly shows a demand for at least 27 households for three-bedroom accommodation and 25 households for two-bedroom accommodation. The low number of existing units for rent in Furness Vale, however, may be a reason that it is not selected as an area of first choice.

7.17 Regarding the absence of 4-bedroom accommodation within the scheme, there are 41 people registered on the waiting list seeking such larger accommodation. Council housing stock provides 77 four-bedroom properties Borough wide, although the tenure across the site would be a mixture of rent and shared ownership and experience suggests that householders prefer to purchase larger 3-bedroom units to meet their immediate and future housing requirements noting the scheme's compliance with NDSS space standards.

7.18 Overall, the proposed scheme housing type (per bed space) would have a positive material impact to the makeup of the Whaley Bridge ward housing stock and assists in rebalancing the differences as advocated by the SMHA report to provide a suitable range of housing types to meet the needs of the community. In respect of property type, the scheme based on terraced blocks would accord with the prevailing character of the area to be deemed acceptable in these regards.

7.19 The confirmed need for additional housing to boost housing delivery remains a matter of significant weight in support of the application proposal for a total of 37 dwellings. The proposed contribution of 100% affordable housing would deliver a significant number of affordable units within the Borough. Although the proportion secured would be no greater than that required by LP policy, its delivery would nevertheless add support for the scheme proposal. A total housing delivery of 37 units represents a notable public benefit in the economic and social strands of sustainable development.

7.20 Accordingly, the proposal complies with relevant LP housing policies and the NPPF.

### **Climate Change**

7.21 LP Plan EQ1 'Climate Change' promotes energy efficiency and the use of renewable / low carbon energy in new development and through retro-fitting of existing buildings. It supports the use of sustainable design and construction techniques including the use of recycled materials in construction, including where appropriate, the local or on-site sourcing of these building materials.

7.22 The applicant has confirmed that the proposed development will take a fabric first approach to ensuring the performance of the building envelope contributes significantly to minimising energy consumption, in heating the home, in line with or in excess of Building Regulation requirements including a: high level of airtightness, U-Values and SAPs; high performance insulation

to external floors, walls and roof; high performance windows and external doors; sustainable building materials, locally sourced where practical and high performance efficient boilers for the scheme.

### **Design and Layout**

7.23 LP Policies S1 and EQ6 seek to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and a sense of place by taking account of the distinct character, townscape and setting of the area. Paragraph 127 within Section 12 of the NPPF supports developments that: c) are sympathetic to local character and history, including the surrounding built environment and landscape setting and d) establish or maintain a strong sense of place. LP Policy EQ9 requires the protection of existing trees, and new developments to replace any trees removed at the ratio of 2:1.

7.24 The design merits of the scheme are addressed below in the context of identified policies, including the Council's High Peak Design Guide, which identifies overarching principles in securing good design and the NPPF.

7.25 The application site's shape and size has dictated a linear design response, together with the complex drainage and level constraints, which has restricted the configuration of development. A terraced form has been deemed appropriate for this location; however, the long narrow linear nature of the site has resulted in fewer gaps between buildings and more limited areas for parking spaces.

7.26 Scheme revisions have reduced overall density and parking spaces numbers but have retained the sought after terraced form of development that is set back into the site.

7.27 A greater gap between the new and existing houses on the eastern boundary has been achieved by offsetting Block 8 away from no. 99 Buxton Road to afford more distant views to countryside beyond the application. This would be further assisted by the omission of the car parking to the eastern end of the development would be terminated by landscaped gardens. The reduction in the overall number of terrace blocks, together with a partial reduction in block size would allow for a greater permeation of the development form through the provision of wider gaps, which in turn has allowed for additional soft landscaping.

7.28 In further detail, the applicant has attempted to dissipate the effect of the parking by maintaining the hedge line along the site frontage to minimise views from the A6 and reducing continuous runs of parking by adding extra verges between spaces to dissipate the effect of parking. Stone walls along the front gardens would also enclose and gives a more characterful, less open frontage. The parking spaces are also to be in block paving which will give a better sense of placemaking. The reconfigured parking, garden boundaries, tree and hedge planting would help to soften the impact of the proposal for a greener outlook.

7.29 Securing appropriate facing materials will be an important factor of this scheme given the built form and rural edge. Rooftops would need to be recessive with the use of an artificial stone and slate throughout the scheme to be in keeping with the traditional building in the village. The style and fenestration of dwellings are generally acceptable with anthracite grey windows and doors. The fenestration detail includes an element of timber boarding which is not in accordance with the local vernacular or the High Peak Design Guide. It is recommended that a condition is imposed requiring this to be omitted in favour of glazing. The style is more contemporary and standardised and whilst acceptable it is not perceived as being particularly locally distinctive. The setting of the canal behind the development is screened by trees and the railway line. It is important that the new housing at three storeys facing towards the canal and retaining walls / steps does not detract from the footpath route along the canal. Planning conditions would secure appropriate dwelling details, retaining walls / steps and boundary treatments to ensure the integration of the scheme into its surroundings.

7.30 The scheme on balance is much improved to allow for better place making and a scheme which is less dominated by car. There are now more gaps between the housing to maintain some glimpsed views for a less urbanised style of development on this rural edge.

7.31 Accordingly, the scheme complies with relevant LP design policies, SPDs and the NPPF.

### **Amenity**

7.32 LP Policy EQ 6 'Design and Place Making' stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Similarly NPPF para 137(f) requires a high standard of amenity for existing and future users'. The adopted SPD on 'Residential Design' states that the distance between habitable room windows should be 21m and for every change in level of 0.5m increase the increase in distance between the properties should be 1.0m. The guidance in the SPD allows for variation in distances in order to accommodate particular site circumstances.

7.33 As the proposed dwellings are set back considerably from the A6 they present no overlooking or overbearing issues in terms of properties on the other side of the road. At the rear, the properties are likely to be visible from the canal path in the winter months but are unlikely to have a significant overbearing effect. Scheme Block 8 is now offset to sit behind the rear building line of no.99 Buxton Road to overcome any overbearing / loss of light or privacy concerns with regard to neighbour objections raised. Overlooking from the side kitchen windows would be avoided due to the separation distance and boundary treatment. The block meets the 45 degree line from the principal windows in the rear elevation. No overlooking windows are proposed at first floor level.

7.34 The proposal is consequently in accordance with LP Policy EQ6, the Residential Design SPD and the NPPF.

## **Ecological impact**

7.35 LP Policy EQ5 'Biodiversity' advises that biodiversity and ecological resources should be conserved. It states that development will not be permitted which would have an adverse impact upon protected species. NPPF para 17 (a) states "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

7.36 The site is not a particularly sensitive one from an ecological perspective and DWT (Derbyshire Wildlife Trust) are satisfied overall with the proposal. They do advise that the area is likely to support reptiles and common amphibians, especially given the nearby rail line, canal and millpond. A known toad crossing is present approximately 250 m to the east. They advise that the site is cleared under a Method Statement to allow reptile or amphibians to move/be moved offsite. This can be ensured by means of a planning condition.

7.37 Other conditions are recommended for: monitoring of mammal holes before site clearance to check for badger activity; and nesting bird protection, limiting vegetation clearance to outside nesting season or maintaining an exclusion zone. A Biodiversity Enhancement condition for bird, bat and insect habitats was also recommended but the issue has since been addressed by the Landscaping Plan and approved by DWT.

7.38 DWT also support the greening measures in the application. In previous comments they suggested swapping the Scots Pine for a more appropriate species; this recommendation has since been followed.

7.39 The proposal is consequently in accordance with Local Plan Policy EQ 5 and with the NPPF.

## **Highway Safety**

7.40 LP Policy CF6 'Accessibility and Transport' seeks to ensure that new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. NPPF para 109 advises that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.41 DCC (Derbyshire County Council) Highways Authority have commented on the revised scheme details. On access matters, they confirm the 2.4m x 70m sightlines as commensurate with approach speeds of 36 to 39mph (i.e. in excess of the speed limit on the fronting road) and therefore providing acceptable exit visibility off the A6 Buxton Road. The scheme's proposed carriageway, footway and margin widths are also deemed as acceptable. The new road will have a footway or margin to each side of the carriageway and therefore is not a shared surface. As such, the carriageway will need to be constructed in the same manner for its entire length. However, this matter can

be resolved at the detailed design stage. A minor amendment site layout will be required to provide a pedestrian crossing point with tactile paving at a point between the driveways / parking spaces for Plots 17 and 18. It is recommended that retaining wall details and measures to prevent surface water run-off, where required are made the subject of planning conditions.

7.42 The Highways Authority recommends consultation with the local refuse service concerning the scheme's bin collection points to confirm their suitability for both collection and return of residents' bins. Alliance Waste have been consulted on the revised site plan and Members will be updated via the Update Sheet.

7.43 The Highways Authority also recommends that proposed levels of car parking are satisfactory to the Council. LP Appendix 1 – Parking Guidance Table 14 sets out standards for parking criteria and provides guidance on the level of parking for development use types each application to be considered in the context of its need for parking and its impact on the local road network. The scheme's car parking and cycle storage provision is set out as follows: 2 bed houses at 1.5 spaces per unit (25 spaces) and 3 bed houses at 2 spaces per unit (40 spaces) to provide for a total of 65 parking spaces. A single cycle parking space per unit would be accommodated in a secure shed in each rear garden to be accessed via the sloping channel to the side of each flight of stairs for transferring cycles to / from street level. Accordingly, the scheme meets LP car parking guidance regarding the number of spaces.

7.44 The Highways Authority have raised particular concern regarding any insufficient car parking provision within the vicinity of the proposed junction with the A6 and proposed turning head leading an obstruction of the turning facility or parking on the estate street immediately on entering the site from the A6. Whilst these concerns are acknowledged, the Highway Authority has confirmed the acceptability of the site layout, the scheme meets with parking guidance as set out in the Local Plan and therefore any reason for refusal on highway safety grounds would not be sustainable.

7.45 Accordingly, the proposal complies with relevant LP highway safety policies and the NPPF.

### **Environmental Matters**

7.46 LP Policy EQ10 'Pollution Control and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary.

7.47 The Council's Environmental Health Department have been consulted regarding the relevant application particulars. It is confirmed that the Ground Investigation reports identify the presence of carbon monoxide more than safe levels. As a result, additional gas monitoring followed by additional invasive site investigation incorporating trial pits must take place to further identify potential sources of the identified gas. In addition, there is a requirement for further site-wide investigations at a greater sampling density to ensure full coverage of the site. This matter would be dealt with by the standard

contamination planning condition to ensure the protection of public health and the wider environment.

7.48 The Environmental Health Officer has also confirmed that the submitted Noise and Vibration Assessment Report dated 6<sup>th</sup> October 2020 may be accepted. This has identified a requirement for noise mitigation from road traffic and industrial noise. Mitigation measures include a 3.0m acoustic fence to the site's south and south west boundary adjacent to Block 1. The standard noise mitigation planning condition has been recommended to ensure the protection of amenity of future residents.

7.49 In relation to air quality impacts, the applicant has submitted an Industrial Emissions Risk Assessment which has been accepted by the Council's Environmental Health Department. Whilst operational air quality impacts are negligible, the NPPF states that developments should enable future occupiers to make green vehicle choices and low emission vehicle infrastructure, including electric vehicle (EV) re-charging should be provided. The Environmental Health Officer therefore recommends that the following provisions are incorporated into the scheme: 1 charging point per house with dedicated parking; 1 charging point per 10 spaces unallocated parking (dependent on the necessary 'payment for charging' technological solutions being available) and to prepare for increased demand in future years through appropriate cable provision within the scheme. These principles have been accepted by the applicant and would be secured by a suitably worded planning condition.

7.50 The Environmental Health Department recommends standard planning conditions to ensure an acceptable amenity standard during the scheme's construction phase.

7.51 The application site falls within the Coal Authority defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are likely to be historic unrecorded underground coal mining at shallow depth and workings associated with thick coal seam outcrops which need to be considered in relation to the determination of the planning application.

7.52 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (December 2020 prepared by Grounds and Project Consultants Ltd) meets the requirements of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority confirms no objection to the proposed development.

7.53 Network Rail have placed a holding objection on the proposal owing to an anomaly whereby the revised site plan shows that there is an encroachment onto Network Rail land. The applicant has corrected this drawing error and Network Rail have been reconsulted. Members will be updated via the Update Sheet.

7.54 To ensure the safe operation and integrity of the railway, Network Rail request several conditions to protect the railway and its boundary. Principally

these address matters of: drainage, the requirement for a method statement and risk assessment to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway; a suitable trespass proof fence adjacent to the boundary with the railway to protect the adjacent railway from unauthorised access; details of scaffolding works within 10.0m of the railway boundary in the interests of protecting the railway and its boundary from over-sailing scaffolding and a risk assessment and method statement prior to any vibro-impact works on site to prevent any piling works and vibration from de-stabilising or impacting the railway.

7.55 Network Rail have highlighted NPPF para 182: “Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed”.

7.56 In these regards, Network Rail discuss that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the Council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction. Clarification has been sought from the Council’s Environmental Health Officer and Members will be updated via the Update Sheet.

7.57 Accordingly, the proposal complies with relevant LP housing policies and the NPPF.

### **Drainage / Flood Risk**

7.58 LP Policy EQ11 ‘Flood Risk Management’ discusses that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development.

7.59 The LLFA (Lead Local Flood Authority) have reviewed the applicant’s response to previous concerns raised, however, require further information in relation to the submitted ‘Proposed Drainage Strategy Plan Revision P05’. This shows three existing Surface Water Land Drains that align across the site in three separate areas before joining a perpendicular land drain along the base of the site heading effectively north offsite near Network Rail land. The land drains are likely to have upstream connectivity as either A6 highway drainage outfalls or as minor culverted watercourses passing under residential properties and the A6, Buxton Road.

7.59 In these circumstances, the applicant has been requested to carry out a camera survey to fully understand the drains upstream / downstream connectivity and condition. As well, the drainage layout would need to show that the drains can be safely diverted away from proposed scheme plots. The

LLFA note in the current layout one land drain appears to be passing directly under the attenuation storage, one under plot 12 and one under the steps between plots 33 and 34). The applicant has submitted information to address this matter as forwarded to the LLFA. Members will be updated via the Update Sheet.

7.60 As a note, if the LLFA were to consider these land drains as ordinary watercourses then these would need Land Drainage Consent Applications and approvals separate to the planning process. These matters would form informative to any decision.

7.61 United Utilities have been consulted and recommend a conditional approval, with foul and sewage to be drained separately.

### **S106 Contributions**

7.62 LP Policy CF4 'Open Space, Sports and Recreation Facilities' requires qualifying new development to provide or contribute towards public open space and sports facilities. Whilst LP Policy CF5 'Provision and Retention of Local Community Services and Facilities' seeks to maintain and improve local community services and facilities.

7.63 Furthermore, LP Policy CF7 'Planning Obligations and Community Infrastructure Levy – Provision of infrastructure or reasonable costs to make the development acceptable in planning terms'.

7.64 Council Service Commissioning confirm that owing to the size and nature of this site, no onsite play or open space provision is sought. There is an existing play space in Furness Vale which could be enhanced with an off-site contribution to allow increased usage generated by the new residents. The scheme would therefore be required to contribute £46,338.80 for play and formal sports provision to be secured by means of a s106 legal agreement.

7.65 DCC Education Authority have confirmed no financial education contributions are required as a result of the scheme proposal.

## **8. PLANNING BALANCE & CONCLUSIONS**

7.66 The principle of residential development at the application site has been established by the relevant Local Plan site allocation C16, Furness Vale.

7.67 The confirmed need for additional housing to boost housing delivery remains a matter of significant weight in support of the application proposal for a total of 37 dwellings. The proposed contribution of 100% affordable housing would deliver a significant number of affordable units within the borough. Although the proportion secured would be no greater than that required by LP policy, its delivery would nevertheless lend support for the scheme proposal. A total housing delivery of 37 units represents a notable public benefit in the economic and social strands of sustainable development.



7.68 With this in mind and noting the significant benefits of the scheme in terms of housing delivery, the application, whilst being more finely balanced concerning matters of layout and design and subject to the resolution of outstanding County flood issues, would nevertheless represent sustainable development under the terms of the Adopted Local Plan and NPPF.

7.69 Accordingly, the residential scheme benefits from the presumption in favour of development and is recommended for approval.

7.70 Retrospective planning permission is sought for the approval of the temporary vehicular access for site investigation works. The applicant has confirmed that site activity has now ceased. Approval is recommended subject to a condition securing a scheme of landscaping remediation of an appropriate implementation timescale, which would fall away should the wider residential scheme proceed.

**9. RECOMMENDATIONS - HPK/2020/0201 (Residential development (Class C3) with associated access, parking and landscaping comprising of 37 houses with a mix of 2 and 3 bedroom accommodation for affordable housing provision).**

- A. That DELEGATED AUTHORITY be granted to the Head of Development Services and the Chair of the Development Control Committee to resolve outstanding County Flood matters and planning permission be APPROVED subject to a s106 legal agreement securing 30% policy compliant affordable housing provision and £46,338.80 for play and formal sports provision and planning conditions as follows:**

<b>Code</b>	<b>Condition</b>
<b>TL01</b>	<b>Time Limit – Full Planning Permission</b>
	<b>3 Years</b>
<b>AP01</b>	<b>Approved Plans</b>
	<b>To be listed.</b>
<b>DE01</b>	<b>Sample Materials – Facing / External Surfaces</b>
	<b>Pre-commencement</b>
<b>DE13</b>	<b>Details of Means of Enclosure, inc repair and maintenance of stone walls</b>
	<b>Pre-commencement</b>
<b>DE13</b>	<b>Details of Retaining Walls</b>
	<b>Pre-commencement</b>
<b>NSTD</b>	<b>Removal of Permitted Development (Boundaries)</b>
	<b>Controlling.</b>
<b>NSTD</b>	<b>All external door (including garage doors) and windows</b>

	shall be set back from the face of the building by a minimum of 70mm (new build).
	Controlling.
<b>NTSD</b>	<b>Existing and Proposed Site Levels &amp; Sections</b>
	Pre-commencement.
<b>COM15</b>	<b>Details of External Lighting</b>
	Pre-commencement.
<b>COM17</b>	<b>Details of Bin Storage</b>
	Pre-commencement.
<b>NSTD</b>	<b>Submission of Window / Door Details, including Heads &amp; Cills &amp; Rooflights</b>
	Pre-commencement.
<b>LA01</b>	<b>Hard and Soft Landscaping Details</b>
	Pre-commencement
<b>LA14</b>	<b>Tree Protection during Construction</b>
	Controlling
<b>NC09</b>	<b>LEMP (Landscape &amp; Ecological Management Plan)</b>
	Pre-commencement
<b>NSTD</b>	<b>The LWS shall be adequately protected during construction from direct damage, light pollution, dust and noise.</b>
	Controlling
<b>NSTD</b>	<b>Protection of Badgers during Construction</b>
	Controlling.
<b>CL06</b>	<b>Unexpected Contamination</b>
	Controlling.
<b>MS12</b>	<b>Construction – Dust</b>
	Controlling.
<b>MS13</b>	<b>Construction – Waste Disposal</b>
	Controlling.
<b>NS04</b>	<b>Noise Insulation</b>
	Controlling.
<b>NSTD</b>	<b>Conditions as recommended LLFA</b>
	To be listed.
<b>NSTD</b>	<b>Foul &amp; Surface Water shall be Drained on Separate Systems.</b>

	<b>Controlling.</b>
<b>NSTD</b>	<b>Conditions as recommended by Network Rail</b>
	<b>Pre-commencement</b>
<b>NSTD</b>	<b>CEMP (Construction Environmental Management Plan)</b>
	<b>Pre-commencement.</b>
<b>NSTD</b>	<b>Conditions as recommended County Highways Authority</b>
	<b>To be listed.</b>
<b>NSTD</b>	<b>Glazing to replace timber boarding</b>

**9. RECOMMENDATIONS - HPK/2019/0275 (Retrospective application for the creation of temporary access from A6 (Buxton Road) and localised stoning up on site for ground investigation vehicles)**

**A) APPROVE** subject to a condition securing a scheme of landscaping remediation of an appropriate implementation timescale.

**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.

**Informative(s)**

- 1. Negotiated Scheme (NPPF).**

**Site Plan**



**Proposed Site Plan**  
1 : 500

**Schedule of Accommodation**

Houses	
13no. 2bed/4per/75m <sup>2</sup> 2.5 Storey Houses	
4no. 2bed/4per/75m <sup>2</sup> 2 Storey Houses	
20no. 2bed/5per/95m <sup>2</sup> 3 Storey Houses	
<b>37 Units TOTAL</b>	

Car Spaces	
17no. 2bed/4per	15no. 25spaces
20no. 2bed/5per	20no. 40spaces

