

12th JULY 2021

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATE REPORT

HPK/2021/0020 – Ferney Bottom Farm, Grinlow Road, Harpur Hill

Applicant:

- Para 2.1 Still states that there is access to the site through Ferney Bottom Farm itself. Rachel asserted in the last update report that this is correct, but I would reiterate that it is not. We do not own that land and have no rights of way across it.
- Para 3.3 We are not proposing a new access point, we are enhancing an existing access point.
- Para 3.5 Hours of operation have been advised several times previously and are 8am to 4pm Monday to Friday.
- We note in para 6.2.1 that there has been a response received from Historic England but we have no prior knowledge of this. It is not on the online planning page and we do not know when it was received. Whilst it raises no objection in principle we should have been notified about it. The fact that in Para 8.5 on this comment the officer states that insufficient evidence has been provided by us: we cannot provide evidence if we do not know that it is required.
- Para 7.17 Avanti will be happy to provide a voluntary statement in relation to the council's Adopted Employment Skills Charter.
- The Planning Officer is placing a great deal of emphasis on the fact that the area for development is part of a Local Wildlife Site. I feel it should be pointed out to the committee that the majority of the area for development does not constitute part of this LWS. I attach a plan of the LWS on which I have marked the existing track in orange, together with the proposed new road in red, and the main development area in blue. As you will see it is only the proposed new roadway (red) that would impact the LWS area and I feel it is essential to point this out to the committee. I think it important that they are also advised that Local Wildlife Sites are a non statutory designation, with no legal protection. Our ecologist has carried out extensive work, together with our landscape consultant, which shows we can provide a biodiversity gain of over 200%, well in excess of the gain required.

Officer Response:

- It is noted that the applicant does not have any access through Ferney Bottom Farm.

- Whilst it is acknowledged that the new access will be in the same position as the existing agricultural access, the latter was approved subject to the following condition:
If the gateway and access track hereby permitted cease to be used for agricultural purposes, these works shall be removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented within 6 months of the date of the removal of the works.
- The proposed hours of operation are noted.
- The response from Historic England was received after the previous committee meeting and prior to the updated report being published.
- It is noted that Avanti will be happy to provide a voluntary statement in relation to the council's Adopted Employment Skills Charter. This adds weight to the economic argument and can be added as an informative in the event of approval.
- It is agreed that only the access road would be within the LWS and the status of the designation is also noted. The ecological arguments for and against the proposal are explored in detail in the committee report and factored into the overall planning balance for Members consideration.
- No change to officer recommendation.

HPK/2021/0044 - Land off Dollywood Close, Buxworth

Further to the officer's report recommending approval subject to matters of amenity, flood risk and highways safety, the following matters have been progressed.

Arboricultural issues

The proposed scheme has been modified to allow for retention of the mature oak tree located adjacent to the site entrance from Dollywood Close. With this amendment the arboricultural officer has confirmed that she has no further objections in relation to trees proposed for removal, subject to the use of a 'no-dig' surface to form the vehicular access within the root protection area of the tree in question. Approval of details of this will be sought by condition.

Amenity

The applicant has submitted a revised site plan and an additional topographical survey plan indicating spot levels around the properties adjacent to the development site.

Reference to the additional levels plan indicates that the ground level and eaves and ridge heights of the completed unit at plot 1 will be similar or slightly higher than the existing ground level and eaves and ridge heights of the neighbouring existing house at no 31 Dollywood Close. As such an overbearing effect on the existing house will be avoided. The elevation facing towards 31 includes no windows and will not give rise to any overlooking or loss of privacy to the neighbouring property.

The house at plot 3 will be set at a lower elevation than the ground level of the neighbouring existing house at 9 Brierley Close and would have similar overall eaves and ridge heights. Owing to the relative heights and separation distances it is not considered that no. 9 would suffer harmful levels of overbearing or visual intrusion to the front garden or interior spaces. The side elevation facing onto no 9 would include first floor windows which may result in limited overlooking of the front windows of the adjacent house but owing to the internal layout the proposed windows can be obscure glazed to avoid this.

The levels plan indicates that the garden and patio levels of the completed plot 4 would be similar or slightly above to the ground level of the garden of the existing neighbouring house at no 8 Brierley Park to the east of the site, avoiding harmful overlooking of the rear garden of the existing house. Again, eaves and ridge height of the proposed unit would be slightly higher than existing house at no 8 and given the separation distances it is not considered that this would result in overbearing effects to the outside spaces of the neighbouring house. The house at plot 4 would have first floor rear windows oriented towards the rear garden of no 8 Brierley Park, but the closest of these would serve a bathroom and hallway and, subject to the use of obscure glazing to the bathroom window (to be secured by condition), would be unlikely to result in excessive overlooking of the neighbouring garden. A further first floor rear window would serve a bedroom but would be placed at a further distance where views over the garden would be much more limited.

The side elevation of plot 5 will be placed towards windows and outdoor spaces on the east sides of the neighbouring houses at nos. 20, 22 and 24 Dollywood Close. This elevation would not include any windows and would not give rise to any overlooking or loss of privacy. The side elevation would be placed around 7m from the closest part of the boundary with no 22 and 24 and a minimum of 12m from their rear elevations. Plot 5 is not significantly elevated above the ground levels of no 22 or 24 and given these separation distances, it is not considered that the proposed arrangement would result in harmful levels of overbearing effect or overshadowing. No 20 is at a slightly lower elevation but is placed further away from the proposed house and the intended arrangement is likewise considered to be acceptable.

Flood Risk

Subsequent to the committee report the following comments have been received from the Lead Local Flood Authority:

Thank you for consulting the Lead Local Flood Authority regarding the above planning application. This minor application is not an application that the LLFA were originally consulted on at outline application and the LLFA would not normally comment on minor applications unless they posed a specific flood risk or asked to do

so by the LPA. If the LPA wishes the LLFA to comment on this Minor application we will require as minimum the following details before we can make an informed comment:

- *Site plan and impermeable area*
- *Topographic survey of the site*
- *Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)*
- *Basic calculations of the greenfield/brownfield runoff and discharge rates*
- *A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*
- *Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep.*
- *Basic ground investigation (desktop survey as a minimum)*
- *Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165).*

Drainage and flooding matters were considered during the outline application. The site lies in flood zone 1, which is an area which is at least risk of flooding. It is noted that the LLFA has not objected, despite their request for additional information and that Severn Trent have not objected in terms of surface water management and flood risk, subject to details of drainage to be approved by condition. Some of the details requested by the LLFA will be submitted as part of this approval, and the views of the LLFA will be sought in assessing these details.

Highways

Further comments in response to revised details have not been received at the time of this note being prepared. The outstanding matters are technical in nature and it is recommended that the application be delegated back officers to allow for these matters to be resolved with further consultation with the highways officer. The matters include ensuring that the proposed scheme provides off-street parking to meet adopted minimums, for four-bedroom houses this is three spaces, which is satisfied by the provision of two spaces plus a garage at each unit. It is recommended that approval be subject to a condition requiring the retention of each garage for parking.

Public comments

Subsequent to the committee report, repeat neighbour notification was undertaken between 28.06.2021 and 08.07.2021 in relation to an earlier revised scheme (Site Plan - Landscape Layout Rev C). No further public comments were received.

The scheme now under consideration (Rev D) is slightly revised from the scheme publicised to neighbours most recently, but as the changes made do not give rise to any significant impacts, repeat notification has not been undertaken again.

RECOMMENDATION: That delegated authority be given to the Head of Development Services to resolve any outstanding highway matters and that planning

permission be GRANTED subject to the conditions in committee report and those listed below:

1. Retention of proposed garages for parking to maintain minimum standards.
2. Obscure-glaze certain first-floor windows

Tree Preservation Order – Britannia Trading Estate, Buxworth

No updates to report.

Footpath 61 – Elnor Lane and Shallcross Mill

No updates to report.

HPK/20210/0282 – 5 Bagshawe Avenue, Chapel-en-le-Frith

No updates to report.