

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**ADDENDUM**

13<sup>th</sup> December 2021

<b>Application No:</b>	HPK/2021/0216	
<b>Location</b>	Forge Bleach Works, Forge Road, Chinley	
<b>Proposal</b>	Reserved Matters application (revised) with details of the appearance, landscaping, layout and scale for Phase 2 of the residential development comprising of 62 dwellings and associated works pursuant to planning appeal reference APP/H1033/A/13/21898819 (HPK/2012/0312).	
<b>Applicant</b>	Innovation Forge Ltd	
<b>Agent</b>	Wain Homes (North West) Ltd	
<b>Parish/ward</b>	Chinley	<b>Date registered</b> 13 <sup>th</sup> April 2021
<b>If you have a question about this report please contact:</b> Rachael Simpkin <i>rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122</i>		

**1. REFERRAL**

The Application is referred to committee as it is a major development

**2. SUMMARY OF RECOMMENDATION**

**APPROVE, subject to S106 Deed of Variation & planning conditions.**

**3. BACKGROUND**

3.1 The reserved matters detailed application ref. HPK/2016/0313 for Phase 2 comprising of 62 dwellings received a positive resolution at the October 2017 Development Control Committee and was granted planning permission in November 2017.

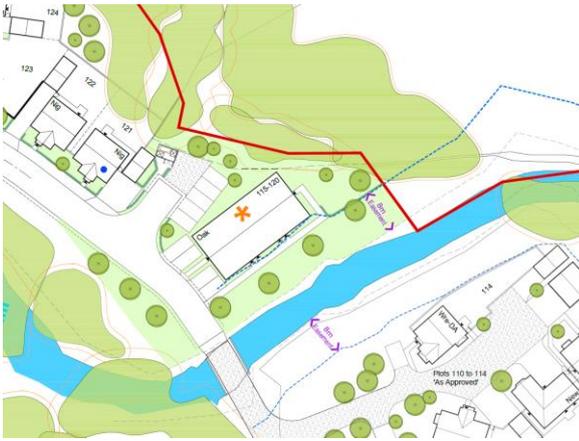
3.2 The applicant seeks a s.73 planning permission in relation to ref. HPK/2016/0313 to reposition the Oakmere apartment block (Plots 115 – 120) with the reconfiguring of the associated six car parking spaces and bin store. The elevation treatment and floorplans of the Oakmere apartments have been reconfigured. As well, a modest amendment to the position of the garage serving Plot 121 is also sought. The submission is accompanied by an updated flood risk assessment and amended landscaping scheme.

3.3 The applicant outlines that the amendments are sought on the basis of the incorrect plotting of the Black Brook water course at the far eastern part of the site (the remaining part of the site to be redeveloped), as the original topographical survey was not representative of the onsite position. As a consequence, this discrepancy would have

significant implications for the maintenance of an 8.0 metre easement to the north of Black Brook (as required by the Environment Agency) in the approved scheme.

3.4 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted, although in this case as explained in the report below the applicant cannot implement the consent they have because to do so would be in breach of the EA condition as set out in para 3.3 above.

#### HPK/2021/0216 (Proposed Amendment)



#### HPK/2016/0313 (As Approved)



## 4. CONSULTATIONS

**Alliance Environmental Services (23.05.21):** No objections.

**Chapel-en-le-Frith Parish Council (12.05.21):** No objections.

**Chinley, Buxworth & Brownside Parish Council (12.05.21):** No objections. However, they would request that consideration be given to leaving the necessary space for a footpath from the Forge Road development to Buxton Road to be accommodated at a future date.

**County Archaeology (19.05.21):** No objections.

**County Highways (30.04.21):** No highway objections in principle to the proposed layout changes sought under this application.

**Derbyshire Wildlife Trust (19.05.21):** The proposed changes are not anticipated to have any impact upon site ecology. We support the 8 m buffer to the brook and have no comments to make on the revised layout. It is not quite clear on the Landscape Plan (Drawing: 4588.10 Rev. E) whether the grassland adjacent to the brook comprises amenity or wildflower and we advise that this should be wildflower to enhance the biodiversity of the corridor along the brook.

**Environment Agency (18.05.21):** The Environment Agency has no objection to the proposed site layout shown on drawings no. 1566WHD/FRC-PL01H and 4588.10 rev E. The FRA information is the same as that submitted previously and commented on in our previous response ref: LT/2020/125081/02-L01 (your ref: HPK/2019/0561). The proposed new bridge to access plots 110-114 must be constructed by clear span construction with its soffit 600mm above the design flood level (1% AEP 30% climate change allowance) to allow passage of floating debris during high flows. From the updated model provided this would be 186.319m - 0.6m = 186.919m. Referring to the bridge design included in the revised FRA (drawing no. BB1408-B2-GA-001/A), the proposed soffit level of 186.29m would not meet this. The river modelling indicates that the bridge would be surcharged when the impacts of climate change are considered. The bridge design levels should be reviewed before an application for a flood risk activity permit is made.

#### *Advice to applicant*

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of Black Brook which, is designated a 'main river'. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

**HPBC Arboricultural Officer (30.04.21):** No objections.

**HPBC Environmental Health Officer (20.05.21):** No observations.

**Peak District National Park Authority (30.04.21):** No objections.

#### Neighbours

A single objection has been received as follows: *"No more houses please. Traffic increase is enormous on a small village, lack of extra medical facilities, parking for Chinley school is literally blocking the road. Heavy goods traffic with the lorry park in Bugsworth makes*

*Green Lane and Buxton Road road blocked sometimes already without the many extra cars. Parking for the station is already a nightmare for residents. Does not need to be made worse. Most commuters do not walk to the station. Please no more houses in Chinley and no more lorry parks near us”.*

## **5. OFFICER COMMENTS**

5.1 The above consultation responses indicate no technical objections to the scheme. Whilst the 3<sup>rd</sup> party objection relates to scheme principle matters. Given the planning history of the site and the extant planning permission, the proposal does not trigger relevant strategic housing policies in these regards.

5.2 Following the approval of reserved matters Phase 2 ref. HPK/2016/0313 in 2017, Members have resolved to approve the variation of section 106 planning obligation to reduce affordable housing provision relating to HPK/2012/0323 (appeal ref. APP/H1033/A/13/2189819) ref. HPK/2021/0234 at the 4<sup>th</sup> October 2021 Development Control Committee. This would allow the remaining number of affordable dwellings to be delivered on the site under the terms of the Section 106 Agreement to be 12 rather than 15 dwellings. As a consequence, the Oakmere apartment block (Plots 115 – 120) would be open market rather than affordable provision. Presently work on the Section 106 variation is on hold pending Members consideration of this s73 amended layout.

5.3 Clearly, the baseline on which to assess the appeal proposal is therefore the extant reserved matters approval which includes the provision of the Oakmere apartments on plots 115-120. The applicant has already outlined the implications of the drafting error in relation to the course of the Black Brook and the implications for the maintenance of an 8.0 metre easement to the north of Black Brook (as required by the Environment Agency) for the approved scheme. In these circumstances, there would be a low probability of this fallback scheme being built out if this application is not successful to represent an unrealistic fallback position.

5.4 The main issue is the effect of the proposed revised development on the character and appearance of the area whereby the relevant policies seek to advance new development that is appropriate within the context it would be located. Elevational improvements to the scheme are considered as slight and are outweighed by the reconfiguring of the associated six car parking spaces to the road frontage, which would have a greater and more dominant visual impact on the character and appearance of the surrounding area. Whilst the reorientation and positioning of the Oakmere block at a right angle to the road frontage would create an inward facing scheme and poor sense of place. The applicant has revised the road frontage gable by increasing window provision, which provides for some natural surveillance. Furthermore, the applicant has committed to greater tree planting and appropriate boundary treatments in relation to the Oakmere block to mitigate against such concerns, which would be secured by planning condition.

5.5 Any benefits arising from the reorientation and positioning of the Oakmere block would primarily be in relation to flood risk concerning the provision of the 8.0m easement required by the Environment Agency. As well as the delivery of starter homes within the wider site context of proven site viability, which on balance outweigh the above concerns.

## **6. CONCLUSION**

3.11 For the reasons outlined the proposal would on balance would not cause significant harm to the character and appearance of the surrounding area to accord with Policies S1, S1a, S2, EQ6 and EQ9 of the High Peak Local Plan 2016 (LP), where they collectively seek to protect the character and appearance of areas.

3.12 Accordingly, the scheme should be granted planning permission.

## **RECOMMENDATION**

- A. Planning permission be granted, subject to a variation of the s106 regarding affordable housing provision (previously agreed by Members as described above) as well as to accommodate this new s73 consent and to ensure that all the other provisions of section 106 carry forward and the following conditions:**
- 1. Approved Plans (TBC)**
  - 2. Prior to DPC (Damp Proof Course): Facing Materials, Windows & Doors and Hard Surfacing Details**
  - 3. Prior to DPC: Boundary Treatment Scheme**
  - 4. Pre-commencement: Levels Details**
  - 5. Pre-commencement: CEMP (Construction Environmental Management Plan)**
  - 6. Pre-commencement: Temporary Design for Construction Access**
  - 7. Pre-commencement: Construction Details for Residential Estate Roads and Footways**
  - 8. Pre-occupation: Construction of Estate Road / Footway to Base Level and Completion within 12 months (3 months Shared Drive) Occupation**
  - 9. Controlling: Private Accesses requiring Pedestrian Intervisibility**
  - 10. Pre-occupation: Formation of Estate Street Junction**
  - 11. Pre-commencement: Detailed Design of Bridge**
  - 12. Pre-occupation: Parking and Turning Implementation**
  - 13. Controlling: Garage / Parking for Ancillary Motor Vehicles**
  - 14. Pre-commencement: Approved Protection Scheme (Trees)**
  - 15. Controlling: Access Driveways Gradient**
  - 16. Pre-commencement: Arboricultural Method Statement (Trees)**
  - 17. Controlling: No Trees etc Removed without Consent or Diseased / Damaged Replaced within 5 Years of Completion**
  - 18. Pre-commencement: Boundary Scheme for POS (Public Open Space) / Private Space and Long Term Management Plan for POS**
  - 19. Controlling: Landscaping Implementation**
- A. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

# Site Plan

