

23rd October 2023

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES SHEET

HPK/2022/0456 – Land at Dinting Vale, Glossop

Changes in Details of Planning Application Supporting Documents:

The applicant has submitted a new tree planting plan which shows an increase in the number of trees being planted on site from 106 to 191 (see Doc.352).

Late public consultation responses:

One late objection was received from a resident on Primrose Lane. The objection raises issues about traffic, infrastructure, and congestion. It is considered that these issues have been considered by Highways, which has no outstanding objection to these matters.

One late objection was received from a resident on Adderly Place which has the longest boundary section directly adjoining the housing part of the development site. Issues were raised about noise & disturbance, the proximity of the site access road close to the property boundary, and loss of residential amenity.

The proposed new road would provide vehicular access to existing dwellings on Adderly Place and the development site only.

As part of the assessment of this planning application the council's environmental health officer (EHO) was consulted regarding the noise impact. No issues were raised in relation to this specific boundary, although a condition was recommended for acoustic fencing along the northernmost properties being proposed.

The need for acoustic fencing is considered to be more significant along the northern edge of the housing area because that is where it adjoins the proposed new site access road with a steep incline, which is likely to experience noise from vehicle engines as drivers require more power to travel the hillside, whilst there is comparatively lower noise impact from vehicles south of the PROW.

With regards to objector's property, there has been a planning application and an appeal that is relevant to this site boundary (HPK/2017/0553 and HPK/2018/0320 with appeal ref APP/H1033/W/18/3219099). Both have a condition attached that requires further details of boundary treatment to be submitted to the local planning authority, however it appears that no such information has been submitted and consequentially these conditions have not been discharged. As the conditions have not been discharged, then it would be unreasonable to ask the applicant to provide mitigation for this boundary.

One late response was received from a resident on Adderly Place. The query asks whether the planning committee has visited the site and observed the roadside opposite Dinting primary school during pupil drop off/ collect times and also raises concerns about the impact on wildlife and the public right of way. It is understood that the planning committee is to conduct a site visit. The council has consulted the Highways department, PROW officer, and the council's ecologist (Derbyshire Wildlife Trust) on this development proposal. The

applicant has responded to objections raised by providing mitigation to offset the impact which is considered to be acceptable.

Comments received from elected members:

Cllr Gardner, Ward Cllr for Simmondley has offered apologies for being unable to attend the Planning Committee and requests that the following (unedited) comments, dated 18/10/2023 are made available for consideration at the meeting.

“As is clear from the number of written objections by local residents to this proposal, there are many reasons why this application is problematic. I want to concentrate on one particular aspect - access to the site from the A57. The A57 through Dinting Vale is already a traffic clogged road as anyone with even the slightest familiarity with the area knows. The only access to the site will be via a new road from the A57. This would mean that the building of a new estate with 100 new houses would lead to, potentially hundreds of extra car journeys a day on the A57 - I find it hard to believe that anyone living in the area considers that to be good idea. The A57 has already been an Air Quality Management Area and all traffic projections say that it will get even more congested should the long promised link road from Mottram Moor eventually be opened. If you have any doubt about the issues in the area near Dinting School where the new road to the proposed development will be, I urge you to visit the A57 at school opening and closing times - it is mayhem. A primary school, air quality issues and lots more car journeys on an already packed road is a toxic mix. Add in concerns about the pressure on school places in the area, the loss of one of the few remaining green spaces in Simmondley and the impact on local infrastructure I urge you to reject this damaging application.”

Changes to Planning Conditions:

Members may find it helpful to know that the applicant has provided an updated annex (Doc.347) providing a list of all documents for easy reference. For convenience, these documents have been published online at <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=257670>

Condition 2 – Amended as follows:

Condition: This decision relates only to **drawings** numbered:

Document

192. Apartment Bin Store Plans Drwg No. WH/DV/HT/BS/01.

207. Railing Detail.

226. Trim Trail Area 102 Rev B.

231. BNG Strategy and 30 Year Management Plan.

253. Cycle Store Details WH_DV_CS02.

267. Laurel House Type Elevations and Floor Plans LAU.3B843.CL.P.S.01.

- 268. Peppercorn House Type Elevations and Floor Plans PEP.3B1010.CL.P.S.01.
- 269. Satinash House Type Elevations and Floor Plans SAT.NM.P.S.01.
- 270. Willow House Type Elevations WIL.NM.P.F.02.
- 271. Willow House Type Floor Plans WIL.NM.P.F.01.
- 272. Willow House Type (Plot 1) Elevations WIL.NM.P.F.02.
- 273. Willow House Type (Plot 1) Floor Plans WIL.NM.P.F.01.
- 274. Acacia House Type Elevations and Floor Plans ACA.3B939SA.CL.P.S.01.
- 275. Foxglove House Type Elevations FOX.NM.P.F.02.
- 276. Foxglove House Type Floor Plans FOX.NM.P.F.01.
- 277. Juniper House Type Elevations JUN.NM.P.S.01.
- 278. Juniper House Type Floor Plans JUN.NM.P.F.01.
- 279. Witchazel House Type Elevations WIT.NM.P.F.02.
- 280. Witchazel Houe Type Floor Plans WIT.NM.P.F.01.
- 281. Double Garage Plans LDG.CE.1.0.S Rev B.
- 282. Paired Garage LPG-CE-1.0-S Rev A.
- 283. Reversed Paired Garage RPG-CE-1.0-S.
- 284. Single Garage Plans LSG-CE-1.4-S Rev A.
- 291. External Works Sheet 1 WAI25-XX-BET-ZZ-XX-DR-C-3001- P02.
- 292. External Works Sheet 2 WAI25-XX-BET-ZZ-XX-DR-C-3002- P02.
- 293. External Works Sheet 3 WAI25-XX-BET-ZZ-XX-DR-C-3003- P02.
- 294. External Works Sheet 4 WAI25-XX-BET-ZZ-XX-DR-C-3004- P02.
- 295. External Works Sheet 5 WAI25-XX-BET-ZZ-XX-DR-C-3005- P02.
- 296. Bat and Bird Box Location Rev A.
- 299. Road 1 and Cyclepath Longitudinal Section WAI25-XX-BET-XX-XX-DR-C-1010-P01
- 321. Chinley Apartments Floor Plans WH/DV/CHAPP/01 Rev A.
- 322. Chinley Apartments Elevations WH/DV/CHAPE/01 Rev A.
- 326. Colour Site Layout - WH_DV_CSL_01 rev M.
- 327. Proposed Site Layout - WH_DV_PSL01 rev N.
- 328. Amenity Distances Plan - WH_DV_ADP_01 rev A.
- 329. Adoptable Highways Plan - WH_DV_AHP_01 rev K.
- 330. Boundary Treatment Details - WH_DV_BT_D_01 rev C.

- 331. Boundary Treatment Plan - WH_DV_BTP_01 rev N.
- 332. Cycle Storage Plan - WH_DV_CS_01 rev I.
- 333. Design and Access Statement - WH_DV_DAS rev K.
- 334. Electric Vehicle Charging Plan - WH_DV_EVC_01 rev K.
- 335. Hardstanding Plan - WH_DV_HP_01 rev K.
- 336. Interface Distances Plan - WH_DV_IDP_01 rev I.
- 337. Materials Plan - WH_DV_MP_01 rev L.
- 338. Net Developable Area - WH_DV_NDA_01 rev J.
- 339. Storey Heights Plan - WH_DV_SHP_01 rev K.
- 340. Site Sections - WH_DV_SS_01 rev F.
- 341. Street Scenes - WH_DVG_SS_02 rev D.
- 342. Street Scenes - WH_DVG_SS_03 rev A.
- 343. Waste Management Plan - WH_DV_WMP_01 rev K.
- 348. Landscape Masterplan 101 Rev L
- 349. Planting Plan (1 of 4) 201 Rev J
- 350. Planting Plan (2 of 4) 202 Rev J.
- 351. Planting Plan (3 of 4) 203 Rev J.
- 352. Planting Plan (4 of 4) 204 Rev J.

and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the High Peak Local Plan listed.

Condition 8 – Deleted. (~~No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of acoustic boundary treatment...~~). **Reason: It is considered that this condition is duplicated by Condition 11.**

Condition 11 – Amended as follows:

Pre-Condition: No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, and type of acoustic boundary treatment to be erected. Acoustic fencing shall be utilised in the rear gardens of Plots 1 and 3 to 8 for noise mitigation, and shall be of solid construction, with good quality timber (no warping, knot holes or damage) of at least 20mm thickness in all places, including where the boards overlap. Boards shall continue across the front of posts to minimise gaps and incorporate wide overlaps (minimum 25mm) to allow for timber expansion and

contraction whilst minimising the possibility of gaps appearing over time. Fencing shall have a superficial mass not less than 10 kg/m². Noise mitigation shall thereafter be maintained for the life of the development. Notwithstanding the above, one gap of 100mm above ground level and 100mm wide should be provided on each rear garden side for the benefit of wildlife to move freely in safety. The boundary treatment shall be completed before the building(s) are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, residential amenity, and wildlife. Noise mitigation shall thereafter be maintained for the life of the development in order to protect the amenities of future occupiers and wildlife biodiversity, in accordance with Policy H1, EQ5, EQ6, and EQ10, of the Adopted High Peak Local Plan 2016 and the National Planning Policy Framework.

Condition 33 – Deleted. (~~No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets...~~). **Reason:** **It is considered that this condition is duplicated by Condition 38.**

Condition 38 – Amended as follows:

Pre-Condition: Unless otherwise agreed by the Local Planning Authority upon demonstration that the estate roads can and will be adopted, no development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety, and to ensure that there are adequate arrangements for future management and maintenance of the proposed streets in accordance with Policies CF6, and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

Condition 41 – Amended as follows:

Pre-Occupation Condition: No dwelling hereby permitted shall be occupied until the new estate streets, footways, and cycleways between each respective plot and the existing public highways have been constructed in accordance with the details approved. The apartment block hereby approved shall not be commenced until proposals for a pedestrian footway between the block and the new road are submitted and approved in writing by the Local Planning Authority. All carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months

from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

Condition 49 – Deleted. (~~No development shall take place until a Street Lighting Plan...~~).
Reason: It is considered that this condition is duplicated by Condition 61.

Condition 50 – Amended as follows:

Pre-Condition: No development shall commenced until a detailed **Landscape and Ecological Mitigation and Management Plan** for all retained habitats within the development site, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The plan should incorporate the details provided in the ecological appraisals and the content of the plan should include the following:

1. Description and evaluation of features to be managed / enhanced or created. This should include:-
 - a. Management of northern and eastern boundaries
 - b. Management and maintenance of pond, ditch and open space
 - c. Hedgerow and tree management and enhancement
 - d. Bird boxes
 - e. Bat boxes
 - f. Wildlife tunnels/ Toad crossings/ kerbs
2. Ecological trends and constraints on site that might influence management.
3. Aims and objectives of management.
4. Appropriate management options and methods for achieving aims and objectives.
5. Timescales
6. Prescriptions for management actions.
7. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - a. Details of the body or organisation responsible for implementation of the plan.
 - b. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured as by the developer with the management body(ies) responsible for its delivery
 - c. Details where the results from monitoring show that conservation aims and objectives of the plan are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details and for the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5, and EQ6 of the High Peak Local Plan 2016, and paragraph 17 of the National Planning Policy Framework.

Condition 52 – Deleted. (~~Trees – No works or development shall take place until full details of all proposed tree planting.~~). **Reason: It is considered that this condition is duplicated by Condition 55.**

Condition 53 – Deleted. (~~Prior to the commencement of the development, a Landscape Management Plan...~~). **Reason: It is considered that this condition is duplicated by Condition 50.**

Condition 55 – Amended as follows:

Pre-Condition: Tree planting and soil rooting volume condition - A suitable scheme of proposed tree planting, including street trees, and tree pits shall be submitted to and approved by the Local Planning Authority. Such approved measures will be implemented in full prior to any occupation of dwellings

- a. Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- b. Locations of all proposed species.
- c. Comprehensive details of ground/tree pit preparation to include:
 - i. Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - ii. Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - iii. Staking/tying method(s).
 - iv. Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscaping features, and appropriate tree protection, in the interests of visual amenity, contributing to the quality and character of the local environment, air quality, reducing flood risk, for the benefit of biodiversity, and adapting to and mitigating climate change in accordance with policies EQ1, EQ2, EQ5, EQ9, and EQ11 of the Adopted High Peak Local Plan 2016 and the National Planning Policy Framework.

Condition 58 – Deleted. (~~Biodiversity provision at Chinley...~~). **Reason: It is considered that this condition is duplicated by Condition 59.**

Condition 59 – Amended as follows:

Pre-Condition: Biodiversity Net Gain: Offsite - Before the development is commenced (including any vegetation clearance, ground works or the introduction of machinery and materials to site), a scheme for the offsetting of biodiversity impacts at the site, including bespoke compensation measures, and timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Derbyshire Wildlife Trust. This should be supported by an updated biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements. The Offsetting Scheme shall include:

- a. Identification of offsetting site or sites.
- b. Details of the offsetting requirements of the development, in accordance with an updated version of the current Defra biodiversity metric, demonstrating a net gain;
- c. Details of the bespoke compensation requirements to sufficiently address the losses of Lowland Dry Acid Grassland and Purple Moor & Grass Rush Pasture.
- d. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- e. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:
 - i. Description of all habitat(s) to be created/restored/enhanced within the offsetting scheme, including expected management condition and total area;
 - ii. Review of any ecological constraints;
 - iii. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
 - iv. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;
 - v. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - vi. Methodology for habitat translocation, if necessary;
 - vii. Identification of persons responsible for implementing the works;
 - viii. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. Ecological monitoring reports should be submitted to the LPA at Years 1,2,3,4,5,10,15,20,25 and 30.

The inclusion of a feedback mechanism to the Local Planning Authority, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsetting measures shall be executed prior to written approval by the Local Planning Authority in conjunction with the Derbyshire Wildlife Trust. The offsetting scheme shall thereafter be

implemented in accordance with the requirements of the approved scheme and maintained for those purposes at all times thereafter.

Reason: In the interests of sustainable development and the natural environment, in accordance with Policy DS4, S1, EQ1, EQ2, EQ5, EQ6, EQ8, EQ9, and CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

Condition 61 – Amended as follows:

Pre-Condition: No development shall take place until a Street Lighting Plan is submitted, to the satisfaction of the Local Planning Authority to safeguard bats and other nocturnal wildlife. This shall avoid lightspill to woodland edges and areas of open space and retain dark corridors where necessary. Details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers shall be provided. Such approved measures will be implemented in full prior to any occupation of dwellings

Reason: In the interests of sustainable development and the natural environment, the protection of any protected species existing on the site, in accordance with Policy DS4, S1, EQ1, EQ2, EQ5, EQ6, EQ8, EQ9, EQ10, and CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

HPK/2022/0300 – Aldi, Station Road, Buxton

Agent

The 62m² of PV solar panels integrated into a feature carport across 5 car parking bays would be expected to provide an annual energy production of 10.27MWh. The energy provided to the store would be from renewable energy sourced separately from the onsite solar panels.

Additional Representations

Objections (2)

I am unable to attend the meeting on 23/10/2023 due to work commitments and restate my original complaint:

- there are huge concerns re littering, car noise and the general untidiness that occurs around McDonalds branches. Whilst McDonalds will say they are not responsible for what customers do after they have left the premises they are compounding the issue with their presence and maintaining a stance of doing little to rectify these issues within the communities where they are present. I have seen other areas where McDonalds are present and they are, quite frankly, disgusting.
- McDonalds presence they will also further damage the economic townscape and tourism ecosystem of the town. It is already under threat as little is being done to promote business' to come back to the High Street.
- The McDonalds presence will potentially seriously damage and drive out other established eatery business' simple because of relative costs. This will directly affect the town centre, leaving more closed shops, loss of revenue off tourism, loss of rates etc to the council and severely damage the towns overall High Street health.
- McDonalds offer only a potential short term boost to Buxton and the Town Centre but in the longer term they will cost the town far far more.

- In Summary: The risks and damage far outweigh any benefits that McDonalds may try to put forward.

Absolutely no need for this dustbin of a company, the noise, the huge amount of litter generated by this company, the obesity fast food causes. This application will not benefit the town or the local community in any way, shape or form and I object to this in the strongest terms possible.

Derbyshire Wildlife Trust

We have reviewed the Bat Survey (Encon Associates, 2023). Nocturnal bat surveys were undertaken on the 7th, 8th, 28th and 29th June. No bats were observed to emerge from the existing Aldi during this survey. We advise that bats should not present a constraint on the proposed development, and no further surveys regarding bats is considered necessary.

Sufficient information has been provided to enable the Local Planning Authority to reach an informed decision in accordance with Circular 06/2005 and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

We recommend the below conditions are secured in order to safeguard nocturnal wildlife and to secure a net gain for biodiversity for this application.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Biodiversity Enhancement Plan

Prior to construction above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, as a minimum, the installation of:

- 2 x Integrated or External Bat Boxes
- 1 x Integrated or External Universal Nest Box
- 1 x Insect Brick / Standing Wooden Insect Box

Such approved measures shall be implemented in full and maintained thereafter.

HPBC Arboricultural Officer (Revised Landscaping Plan):

There are a number of concerns that will need to be improved so that this planting plan actually grows to maturity and provides a strong resilient tree population:

Planting specification:

The described soil rooting volume in the specification is wholly inadequate to allowing the proposed tree species proposed for the car park to grow to maturity. Soil rooting volume is intrinsically linked to a tree's ability to be able to grow to maturity, as it the medium that

provides a tree with access to nutrients and water. Too little soil and the tree will become stunted and eventually die.

Green Blue Urban's soil volume guide gives a description to what constitutes the soil that requires measurement and they describe their soil volume calculations as being based on a *sandy loam topsoil as the growing medium*. Their guide also confirms that the chosen species in the planting plan requires at least 17m³, going up to 21m³ for the majority of the species.

The provided soil volume specification confirms that each tree pit will: *provide 5m³ of rooting volume ie 2.35m x 2.35m x 0.9m, plant rootballed tree, backfill with 600mm subsoil and 300mm topsoil*. So if it is topsoil that is the key component then the proposed tree pits will only provide 1.66m³ for each tree. Even if we counted the subsoil, this would still only be 4.97m³, well short of the required volume. Even if the whole of the car park spaces were excavated and the whole soil volume was counted then this would only achieve 9m³

Solutions

Choose smaller trees that will suit the soil volume - *Amelanchier lanarkii*, *Crataegus monogyna*, *Ilex aquafolium* "Marjo", *Lagerstromia*, *Parrotia persica*,
Install soil cells under adjacent car park spaces to provide additional uncompacted soil for the trees to root into, such as - <https://www.green-tech.co.uk/hard-landscaping/urban-tree-planting-systems/treeparker-cell-system>

Join up the planting bays to create larger available soil areas – this would mean less trees in the car park. Unless more car parking spaces were removed to create more planting areas. The remaining trees should be able to exploit other existing soils to provide the remainder of the remaining soil volume.

Root Barriers

Whilst it is applauded that root barriers are being used the proposed depth appears excessive and the proposed product is a poor solution. The root barriers are proposed to a depth of 700mm. Why is this? This appears to be excessive in the extreme. Roots struggle to grow below 600mm, whilst those trees proposed in the car park will require all the soil they can get their hands (roots) on to survive. Doing a root barrier down to 700mm will stop their ability to source nutrients from lower down. The use of the re-root flat is also inappropriate. This encourages roots to grow in a circle around the tree pit. The roots will then girdle. The product should be changed for the ribbed re-root - <https://greenblue.com/gb/products/re-root/>

Species Choice

Finally the species choice is poor and will not lead to a strong, resilient tree population. Instead it relies on too few species, genus and family groups. Industry best practice recommends that a good planting plan should provide no more than 10% of each species, 20% of each genus and 30% of each family group. This planting plan has five species over 10%, 1 genus over 20% and 2 family groups at or over 30%.

Landscape Impact

The trees along the top, adjacent to the old train lines, could be improved through a more natural planting style, rather than a regimented spacing, and using a variety of sizes and forms. Due to the height at the top of the retaining wall they have the potential to stand out in a negative manner but this could be reduced through a more sensitive planting plan. The planting plan needs a much more diverse species selection to be successful. Species to consider should be:

Amelanchier; *Celtis australis*; *Ginkgo biloba* Mayfield; *Gleditsia triacanthos* Draves Street Keeper; *Ligustrum japonicum*; *Liquidambar styraciflua* Lane Roberts; *Magnolia grandiflora*;

Magnolia Kobus; Parrotia persica Vanessa; Prunus amanogawa; Prunus pandora and Ulmus carpinifolia Wredei Aurea.

HPBC Conservation Officer

Officers have worked proactively with the applicant to achieve a building, which sits quietly within the setting, and with regard to the intervisibility noted between heritage assets within the vicinity. The topography of the land affords the proposal to be nestled in, to a degree. The addition of traditional architectural detailing and landscaping scheme with screen wall, allows this proposal to be considered at this time neutral in terms of heritage harm.

The assets include but are not limited to: Hogshaw Lane Viaduct, Screen wall to Train Shed and Palace Hotel (all Grade II). Buxton: Hardwick Conservation Area. Hereafter referred to as Hardwick C Area. *(As previously highlighted this encompasses the immediate east boundary to the proposal site where it hugs the viaduct before continuing east a short way and west for the core of the Spring Gardens).*

Unfortunately, solar panels or a solar array envisaged atop the structure would be a detriment to the scheme, as the bespoke structure now accurately reflects the Buxton vernacular. The final concept for the proposed building has been defined based on the sites prominent position into the town centre, and its position within the setting of Hardwick C Area.

If it is seen as a result of an extensive array, there would be risk of unnecessary harm on visual amenity for the McCarthy and Stone residents at the complex directly behind the site. Further to this, the addition of an array atop the building would create visual clutter and risk harm on the intervisibility between assets, and the setting of the Hardwick C Area.

The proposed screen forming part of the landscaping scheme, would successfully suppress the views of circumventing vehicles at the site. However, a large cluster of solar panels on the building and above the height level of this wall would make for a peculiar view, and strange character for the bespoke building, thus I assess risk of creating undue visual conflict and obtrusion. In simple terms it would make for an alien feature. I believe this addition would fail to preserve or enhance the character and appearance of the Hardwick C Area, contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Consequently, I would no longer assess the scheme to be neutral as a result of this and recommend the solar array is limited to the car port ancillary shelter within the car parking area.

Environment Agency

Awaited.

Nestle Water Ltd

Awaited.

Peak Rail

Awaited.

Case Officer

The additional neighbour representations do not raise any new issues, which are not covered by the officer report.

As per the report, a planning condition has been recommended for a minor amendment to the proposed site layout plan to ensure an appropriate level of tree planting within the car park is achieved and would address the comments of the Council's Arboricultural Officer particularly in relation to proper tree establishment over time, which is critical to the scheme's success to soften and screen the drive thru activity given open viewpoints into the application site when approaching from the west towards the Hogshaw Viaduct. In addition to such visual benefits, there would be clear environmental benefits as a result of further tree planting within the car parking area. As stated, additional and meaningful tree planting is possible given the significant over provision of car parking spaces against Local Plan guidance.

Conditions recommended within the officer report would ensure an appropriately detailed landscaping scheme and biodiversity management within the application site to address the other comments of the Council's Arboricultural Officer and those of Derbyshire Wildlife Trust (DWT). Similarly, the lighting condition as suggested within the report would ensure an appropriate level of artificial illumination for the scheme taking account of its surroundings and protected species (bats) as raised by DWT.

Regarding the Council's Conservation Officer comments, the provision of solar panels to the car park carport is considered to be acceptable in the planning balance with regard to preventing harm to heritage assets. In addition, a further condition is recommended to remove permitted development rights for solar panels at the application site to ensure any future proposal would be carefully assessed at this sensitive gateway site.

RECOMMENDATION: APPROVE (NO CHANGE)

The Environment Agency (EA) have been consulted as the application site falls within the more recently designated Source Protection Zone 1. Furthermore, Buxton Mineral Water's comments are outstanding in relation to the site's Ground Water Protection B status. In addition, the identification of Peak Rail land has been highlighted immediately to the north (rear) of the planning application site.

In these circumstances, and, prior to the decision being issued, the Head of Development Services seeks delegated authority to do so in consultation with the Chairman of the Development Control Committee to vary the wording of the Committee's decision (such as to delete, vary or add conditions / informative(s) / planning obligations or reasons for approval / refusal) prior to the decision being issued, unless substantial and substantive responses are received as a result of awaited responses received.

HPK/2022/0358 – Lower Cliff Farm, Thornsett Lane, Birchvale

Public/Neighbour Comments

1no. representation has been made by the existing tenant of the land Mr Hallam, who makes the following statement:

I object to the menage as I myself have rented the ground off Mr Hodges in 2020 and 2021 and there were no horses on at all. It was used for agriculture as I had sheep on and even mowed and silage in 2002 and 2003. The field on the topside of the road also belonging to Mr Hodges is also rented out and used for agricultural purposes as cattle are on there now. This ground has always been used for agriculture and should remain so, which is also referred to in the Local Plan Policy EQ2 – Settled Valley Pasture.

A representation has also been made by Richard Turner & Son Auctioneers, Valuers, and Estate Agents on behalf of the tenants HME Hallam and Sons:

- Application does not seem to identify the proposed siting for the construction of a menage but incorporates it into the whole of the land ownership including house, buildings and tenanted land. There is no doubt that this is simply a ploy to enable a notice to quit to be served on the tenants of the agricultural holding in due course
- If restrictive conditions are to be applied to the planning permission as to the number of horses to be stabled or against the commercial use of the menage, it is irrational to grant planning permission for the equestrian use of all of the land, so permission should only relate to the development of the menage for personal use and use of buildings for stabling restricted to three horses.
- Client will suffer reduced livelihood standards if this agricultural tenancy is destroyed and will oppose a notice to quit. Committee is asked to consider that the change of use to equestrian is irrational and unnecessary. This change will not benefit the applicant compared to the tenants livelihood which will in part be destroyed. There are no sound legal or planning reasons to allow equestrian use to the land other than the construction of the menage for personal use of up to three horses with associated stabling.

Officer Comment

Local Plan Policy EQ2 refers to Landscape Character and designates rural land into different Landscape Character Areas, which includes 'Settled Valley Pastures'.

The potential landscape and visual impacts of the scheme are assessed at Paragraphs 7.30 – 7.35 of the Committee Report, and refers specifically to Local Plan Policy EQ2 amongst other relevant policies. The menage would be read in context with the existing sewage treatment works and would be of an open and transient nature. The presence of the sewage treatment works significantly reduces the sensitivity of the immediate landscape character and as a consequence, the introduction of this modest menage with minor cut and fill engineering operations is judged to not result in any degree of landscape or visual impact that warrants a reason for refusal.

The relationship between applicant and tenant is not relevant to the assessment and determination of this planning application.

Officers have no issues with the proposed use of the land within the control of the applicant to graze horses in connection with Lower Cliff Farm (restricted to three). Whilst it is unfortunate that the tenants may be removed following the outcome of this application, this is a private and civil matter between the applicant and tenant and does not carry any weight in the assessment and determination of the planning application. The applicant is entitled to use his land as he sees fit within the parameters of the law (including planning law).

HPK/2022/0344 - Glossopdale Community College Lower Site, Talbot Road, Glossop

No updates

HPK/2022/0327 - Land Adjacent to 61, Temple Street, Padfield, Glossop, Derbyshire, SK13 1EL

No updates

HPK/2022/0230 – Pavilion Gardens

No updates

HPK/2022/0231 – Pavilion Gardens

No updates