

25<sup>th</sup> March 2024

**HPBC DEVELOPMENT CONTROL COMMITTEE**

**UPDATES REPORT**

**HPK/2024/0022 – Oaklands Manor, Manchester Road, Buxton, Derbyshire SK17 6ST - Variation of condition 3 relating to HPK/2023/0233**

HPBC Environmental Health Officer

No objections.

**HPK/2024/0055 – Land at Forge Road, Chinley - Permission in principle for the construction of one dwelling**

Neighbour Representations

A total of two representations of objection have been made, which are summarised as follows:

- Forge Terrace has not been consulted on a major change to their right to live peacefully in line with the deeds / covenants of their house purchase.
- Our deeds clearly state that there is a right of way for pedestrian and vehicles from the far end of Forge Terrace to the Green Lane junction with strict parking rules of 1 car outside each house from number 1 to 5.
- Forge Terrace residents since that date have always parked their second car or visitors cars alongside the wall as detailed in the original conveyance plan.
- The PIP looks to be accessed from the private road of Forge Terrace and therefore would remove most of Forge Terrace's existing parking area.
- In the agent letter ref. 2024-02-09 LPA in paragraph 4.4 they state " the site is not subject to any public rights of way" which from the above is incorrect.
- Wain Homes have repeatedly refused to paint a white line or any warning sign to warn the Forge Manor residents / visitors that they must give way at the junction.
- To build a house on this corner would remove all visibility for all traffic making the likelihood of accidents far greater.
- Forge Terrace has been around for a longtime and was originally owned by the factories as staff / visitor accommodation.
- The four trees within the site are iconic and it has been used as a children's play area for well over 50 years as well as being an attraction for wildlife.
- We have already lost the beautiful trees that formed an avenue down Forge Road and now the oldest and most spectacular of those is part of the proposal as they would have to be removed to make way for one more house - a house that until now has never been on any site plans / maps.
- Over the last 2 years we have had our phone and broadband cut off 5 times and electricity by Wain Homes.
- To summarise: Forge Terrace residents were made a lot of promises by Wain Homes, we have put up with so much the piling for the flats that shook our

ornaments on a Saturday morning, the loss of light in back gardens, the excess water that now drains into our gardens as we are below the estate, the motorbikes and horses using the private road as a cut through, the anti-social behaviour from some of the residents of the flats, which includes blatant drug dealing in front of our houses the list goes on.

- In addition, the proposal which takes away iconic trees, our parking spaces and places a massive risk of a major accident on the junction is totally unacceptable for so many obvious reasons.
- Wain Homes have built their houses and pushed the goodwill of Forge Terrace to its limits, one Wain Homes manager took time to listen to us and called us the estate important neighbours but it is clear that isn't the consensus.

### Case Officer

In relation to publicity matters, the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 for 'Publicity for applications for permission in principle states:

*5G.—(1) An application for permission in principle made to a local planning authority must be publicised by the authority—*

*...*

*(b) by giving requisite notice by site display in at least one place on or near the land to which the application relates for not less than 14 days.*

A site notice has been appropriately displayed as prescribed above, however, expires on the 5<sup>th</sup> April 2024 when the bank holidays are taken into account. In addition, the Council also sent letters to adjoining owners and occupiers, over and above the necessary requirements. Consequently, no prejudice is considered to have occurred as result of reports concerning notification letters not being received by some of the owners / occupiers of Forge Terrace, which lie in close proximity of the application site.

Those matters raised in relation to access rights are considered to constitute civil matters to be resolved between respective parties. In addition, wider estate issues highlighted will be reported to County Highways and the Council's Community Safety Team, however, do not appear relevant to the planning judgment in relation to the planning in principle consent sought for a single dwelling.

Other matters raised within the neighbour comments above have been considered by the officer report.

In relation to paragraph 7.19 of the officer report regarding site wide concessions already made in relation to the reduction of site wide affordable housing provision, and the impact of an additional market dwelling to overall scheme viability as sought, officer discussions are currently being held with the Council's Independent Valuer as to whether additional affordable housing provision should be sought as a result and Members will be updated at the meeting.

Consequently, 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 seeks delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**NO CHANGE TO OFFICER RECOMMENDATION (REFUSE)**

**HPK/2023/0511 - 58 Cedars Sheffield Road, Glossop - Retrospective change of use to domestic private amenity space and retention of detached summer house**

No updates.