



Planning, Design and Access Statement

S.73 application to vary condition 32 of planning
permission HPK/2013/0483 for 21 no. dwellings at land to
rear of Elmwood House & Penlee, Church Lane, New Mills,
Derbyshire, SK22 4NP

for Treville Properties Ltd



Project : 16-143
Site address : Land to rear of Elmwood
House & Penlee, Church
Lane, New Mills,
Derbyshire, SK22 4NP
Client : Treville Properties Ltd

Date : 10 May 2016
Author : Ben Pycroft

Approved by : Rawdon Gascoigne

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1. Introduction

- 1.1 This statement is submitted on behalf of Treville Properties Ltd in relation to land to the rear of Elmwood House and Penlee, Church Lane, New Mills. The site benefits from full planning permission (granted on 22nd April 2015) for 21 no. dwellings (LPA ref: HPK/2013/0483)
- 1.2 Our client has now instructed us to submit a S.73 application to vary condition 32 of planning permission HPK/2013/0483, relating to the approved plans. The condition is to be reworded as follows, from:

"The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TPO1/13/SLOC/01, M1158/1, 211080 10 P4, 21180 11 P3, 21180 12 P4, 211080 13 P3, 211080 14 P3, 211080 15 P3, 211080 16 P3"

to:

"The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TPO1/13/SLOC/01, M1158/1, 211080 01 P1, 211080 30 P1, 211080 31 P1, 211080 32 P1, 211080 33 P1, 211080 34 P1, 211080 35 P1, 211080 36 P1, 211080 37 P1 and 211080 38 P1,"

- 1.3 The reason for this application is due to minor amendments to the proposed layout. These can be summarised as follows:

- To the west of the site, the row of five terraced houses is to be replaced with 2 no. pairs of semi-detached houses;
- To the east of the site, 1 no. pair of semi-detached houses are to be replaced with a row of 3 terraced houses and the pair of semi-detached houses at the end of the road are to be relocated closer towards the site boundary; and
- As a result of the above, the turning head at the end of the road to the east has been redesigned.

- 1.4 This statement is submitted in support of the application alongside the following information:

- Application forms and certificates;
- Existing Site Plan and Location Plan (TADW, drawing no. 211080 01 P1);

- Proposed Site Plan (TADW, drawing no. 211080 30 P1);
- Proposed House Plans Plots 1-8 (TADW, drawing no. 211080 31 P1);
- Proposed House Plans Plots 9-21 (TADW, drawing no. 211080 32 P1);
- Proposed Elevations Plots 1-6 (TADW, drawing no. 211080 33 P1);
- Proposed Elevations Plots 7-12 (TADW, drawing no. 211080 34 P1);
- Proposed Elevations Plots 13-19 (TADW, drawing no. 211080 35 P1);
- Proposed Elevations Plots 20-21 (TADW, drawing no. 211080 36 P1);
- Site Sections A and B (TADW, drawing no. 211080 37 P1); and
- Indicative Street and Valley Elevations (TADW, drawing no. 211080 38 P1).

1.5 For the avoidance of doubt, the following plans, which were approved under HPK/2013/0483 are not being replaced and therefore remain in the proposed rewording of the condition:

- Site Location Plan (drawing no. 211080 00 P2);
- Location plan for the site photos in relation to the Landscape Assessment (drawing no. PR/TPO1/13/SLOC/01); and
- Site Survey (drawing no. M1158/1).

1.6 Whilst work has commenced on site in accordance with approval HPK/2013/0483, the changes contained within this application are not material to the development carried out to date.

2. The application

- 2.1 As set out in the introduction to this statement, the application to which this statement relates, seeks to amend the layout of the approved scheme.

Amount / size

- 2.2 As with the extant permission, the proposed development is for 21 no. dwellings. All of the dwellings would be 3-bed houses. The majority (18) would be semi-detached houses. There would also be 3 no. terraced houses.
- 2.3 Also as with the extant permission, there would be an area of open space to the north of the site.

Use

- 2.4 As with the existing permission, the proposed use would be residential (C3).

Layout

- 2.5 The revised layout is shown on drawing no. 211080 30 P1. The revised layout very closely reflects the approved layout (drawing no. 211080 10 P4). The open space to the north would be retained.
- 2.6 The access and internal roads are the same as those approved as is the area of open space to the north of the site. The only difference is the replacement of some of the house types, although their siting within the site as a whole and along the internal access roads generally reflects that already approved. These changes are not material.

Scale

- 2.7 In terms of the scale, all of the houses on the site would be three-storey, but as with the approved scheme, due to the levels on the site, they would appear two storey.

Landscaping

- 2.8 The landscaping proposals remain as approved under application HPK/2013/0483.

Appearance

- 2.9 Details in relation to the external appearance of the dwellings are shown on the proposed elevations. The appearance would be no different than those already approved. In summary, the dwellings would be high quality, family houses and apartments. As the Council is aware, the Applicant, Treville Properties Ltd is an active local housebuilder in the Borough. The Council will therefore be familiar with the quality and appearance of the proposed house types.
- 2.10 The proposed dwellings would have gardens to the front and rear, and off road parking in the form of drives and garages.
- 2.11 The materials proposed would be the same as those already approved under HPK/2013/0483. They would be sympathetic to the character and appearance of the immediate surroundings.

Access

- 2.12 Details regarding access have already been approved under application HPK/2013/0483 and have been implemented as required by that consent as one of the required first elements of development.

Parking

- 2.13 As with the extant permission, off street parking in accordance with the Council's standards would be provided.

3. Context

Site location and description

- 3.1 The application site relates to a plot of land approximately 1.8 ha in area located between Church Lane and St Georges Road in New Mills on steeply sloping land. It is positioned to the rear of residential properties, which face onto Church Lane, and the rear of a number of properties which face onto St Georges Road. Part of the site has an extant planning permission for a Cattery, which has been partly implemented with an access road and some hardstanding.
- 3.2 A brook runs through the northern part of the site. The wider site is largely undeveloped and forms a small valley with substantial changes in land levels over the site. The wider valley is adjoined on all sides by residential development and by St George's Primary School to the south east.
- 3.3 Beyond the application boundary and the east of the site is Public Right of Way New Mills 177, and to the west PROW New Mills 179 and the Sett Valley Trail.
- 3.4 Until recently, the site was used for the storage of a number of builder items along the southern boundary in association with various developments at the site, which gave the land a visually poor and untidy appearance resulting in an unattractive parcel of land. It is now however currently being redeveloped for 21 houses under permission HPK/2013/0483.

Accessibility

- 3.5 The site is in a highly sustainable location, being within walking distance of New Mills Town Centre, schools, health facilities, the leisure centre and other sports and recreation facilities. The nearest bus stops to the site are located on Church Lane. New Mills Railway Station is also within walking distance to the south west of the site.
- 3.6 The site is adjacent to the Sett Valley Trail which links open countryside to the north with the Torrs Riverside walk to the south. There is a vast array of recreational areas and open spaces in the form of sports fields, trails, public footpaths and parks within walking distance of the site.

Relevant planning history

Application site

- 3.7 The site has a long and detailed planning history, however the matter of most importance is that on 16th August 2013, a full planning application for the redevelopment of the site for 21 no. dwellings was submitted by Treville Properties Limited. It was validated on 21st October 2013 and given the reference: HPK/2013/0483. The application was determined at the Development Control Committee on 17th February 2014 where it was recommended that it be approved. A copy of the committee report is appended at **EP1**.
- 3.8 Members of the committee voted in support of the recommendation and a resolution to grant permission subject to the signing of a S106 agreement and conditions was made. The S106 was signed and the decision notice was issued on 22nd April 2015. A copy of the decision notice is appended at **EP2**.
- 3.9 Planning permission was granted subject to 32 conditions. Of relevance to this application is condition 32, which states:

"The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TPO1/13/SLOC/01, M1158/1, 211080 10 P4, 21180 11 P3, 21180 12 P4, 211080 13 P3, 211080 14 P3, 211080 15 P3, 211080 16 P3."

- 3.10 For ease of reference, the following table describes the approved plans listed in condition 32 of the decision notice:

Drawing no.	Description
211080 00 P2	Site location plan
PR/TPO1/13/SLOC/01	Location plan for the site photos in relation to the Landscape Assessment
M1158/1	Site Survey
211080 10 P4	Proposed site layout
211080 11 P3	Proposed floor plans
211080 12 P4	Proposed elevations plots 1 to 5
211080 13 P3	Proposed elevations plots 6 to 13
211080 14 P3	Proposed elevations plots 14 to 21
211080 15 P3	Indicative street and valley elevations
211080 16 P3	Indicative site sections

- 3.11 Following the approval of planning permission, an application to discharge the pre-commencement conditions (i.e. conditions 2, 3, 5, 7, 9(a), 10, 11, 16, 17, 18, 19, 20, 21, 22, 25 and 30 of HPK/2013/0483) was made on 15th October 2015 (LPA ref: DOC/2015/0105). The Council confirmed that the pre-commencement conditions had been discharged in a letter dated 23rd February 2016. This is appended at **EP3**.

Adjoining site

- 3.12 On 22nd December 2015, the Council granted planning permission for 2 no. semi-detached dwellings at land to the rear of Green Hills, Church Lane (LPA ref: HPK/2015/0372). This site is adjacent to the application site and relies on the same access road. For ease of reference, the two proposed dwellings at the Green Hills site are shown on the proposed layout (drawing no. 21180 30 P1). A discharge of conditions application for this element was recently submitted.

4. Policy context

- 4.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

National planning policy and guidance

National Planning Policy Framework (NPPF) (2012)

- 4.2 The relevant sections of the NPPF are discussed in the planning considerations section of this statement below.

Planning Practice Guidance (PPG)

- 4.3 The PPG was originally published on 6th March 2014. The relevant sections of the PPG are discussed in the following sections of this statement.

Development plan context

- 4.4 The development plan for the site comprises the High Peak Local Plan (HPLP adopted 2016) and the policies of the previous version of the High Peak Local Plan (adopted 2005), which were saved beyond 2008 but have not been superseded by the new Local Plan.
- 4.5 On the proposals map, the site is located within the built up boundary of New Mills. It is also adjacent to the Sett Valley Trail.
- 4.6 The following policies of the High peak Local Plan (adopted 2016) are relevant and addressed in section 5 of this statement:
- Policy S 1: Sustainable Development Principles;
 - Policy S 1a: Presumption in Favour of Sustainable Development;
 - Policy S 2: Settlement Hierarchy;
 - Policy S 3: Strategic Housing Development;
 - Policy S 6: Central Sub-area;

- Policy EQ 1: Climate Change;
- Policy EQ 2: Landscape Character;
- Policy EQ 5: Biodiversity;
- Policy EQ 6: Design and Place Making;
- Policy EQ 8: Green Infrastructure;
- Policy EQ 9: Trees, Woodland 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 3: New Housing Development; and
- Policy H 4: Affordable Housing.

4.7 None of the saved policies of the 2005 version of the plan are relevant to this application.

5. Planning considerations

- 5.1 As set out above, section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

The principle of development

- 5.2 The principle of development has already been established through the extant permission. The only matters that are to be considered as part of the current applications are the modest amendments to the layout.
- 5.3 Notwithstanding this, whilst we recognise that the development plan has been updated since the original application was considered, the principle of residential development at the site would be in accordance with the following policies of the HPLP:
- Policy S 1: "Sustainable Development Principles", which states that the Council will expect all new development to make a positive contribution towards the sustainability of communities, and where possible enhancing, the environment; and mitigating the process of climate change;
 - Policy S 6: "Central Sub-area Strategy" which states that support will be given for new houses on sustainable sites within the built up area boundary of New Mills; and
 - Policy H 1: "Location of Housing Development", which states that the effective reuse of land will be promoted by encouraging housing development on previously developed land and support will be given to new housing development on unallocated sites within the defined built up area.

Presumption in favour of sustainable development

- 5.4 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission, unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework; or

specific policies in this Framework indicate development should be restricted."

- 5.5 Policy S 1a of the HPLP: "Presumption in Favour of Sustainable Development" reflects paragraph 14 of the NPPF.
- 5.6 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; economic, social and environmental. These are addressed below in the context of the current application.

Economic sustainability

- 5.7 Paragraph 7 of the NPPF explains that the economic role means:

"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure"

- 5.8 The proposed development would meet this role as is discussed below.
- 5.9 During the build programme, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers. The proposed development would help contribute to ensuring the Borough has a stable workforce in terms of ability and age. Once occupied, the residents of the scheme would spend money in New Mills and other towns in the High Peak. The proposed development would therefore generate significant spending in the Borough, which would help create full time jobs in the local retail and leisure sectors. In addition to the above, the proposed development would deliver a New Homes Bonus and Council Tax income for the Council.

Social sustainability

5.10 Paragraph 7 of the NPPF states that the planning system should perform a number of roles. The social role means:

“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well being.”

5.11 The proposals set out in the current applications would meet this role as is discussed below.

New housing

5.12 It is of note that the Council claims that it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. Whilst we would challenge this claim, the Council’s five year supply position is not a determinative issue in this case for the following reasons:

- firstly, because of the extant permission, the application site already forms part of the Council’s five year supply. The Council is relying on this site to be delivered over the next five years;
- secondly, policy H 1 of the HPLP allows for the reuse of land for housing and supports housing development on unallocated sites within the built up area boundaries even when the Council can demonstrate a five year supply of housing; and
- thirdly, policy H 1 of the HPLP allows for residential development beyond existing built up area boundaries as long as specific criteria are met even when the Council can demonstrate a five year supply of land i.e. being able to demonstrate a deliverable five year supply is a minimum requirement, it is not a ceiling.

5.13 Regardless on the position regarding the Council’s five year supply, the site would contribute to meeting the housing needs of New Mills, the Central Area and the Borough as a whole. New Mills is identified as one of five market towns. Policy S 2 of the HPLP: “Settlement Hierarchy” states that the market towns will be the main focus for new housing. Whilst policy S 3 of the HPLP: “Strategic Housing Development” sets out how the residual housing requirement will be met, table 2 of the HPLP explains that almost 3,000 dwellings are on sites with planning

permission. This figure includes 21 no. dwellings at the application site because of the extant permission.

5.14 Consequently, the delivery of housing at the site is a significant benefit. The Applicant would build out the site. Treville is an active house builder in the High Peak, with sites across the Borough but specifically in the Central Area. They have an excellent track record of delivering sites. Subject to the approval of the current application, the Applicant is keen to start delivering the 21 dwellings proposed as soon as possible.

5.15 In addition, policy H 3 of the HPLP: "New Housing Development" states that the Council will require all new residential development to address the housing needs of local people. The proposal would be in accordance with this policy for the following reasons:

- (a) It would meet the requirements for affordable housing in accordance with policy H 4 as described below;
- (b) It would provide a range of housing types and sizes that could meet the requirements and future needs of a wide range of household types;
- (c) It would provide a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality;
- (d) It would include a proportion of housing suitable for newly forming households; and
- (e) It would provide flexible accommodation which is capable of future adaptation.

Affordable housing

5.16 Policy H 4 of the HPLP states that the Council will seek to achieve 20% affordable housing on sites of 5-24 dwellings. This would equate to 4 dwellings. This is a lower requirement than at the time the original application was considered, which required 30%. At the time of the original application, five dwellings were to be provided on site and the remainder was to be a financial contribution towards off site delivery.

5.17 Furthermore, in approving the 2 no. dwellings at Green Hills, the Council secured an agreement for a further off-site contribution towards affordable housing on the basis that that site formed

part of the wider scheme and therefore there was a requirement for 30% of the 23 dwellings in total to be affordable housing.

5.18 Policy H 4 states:

“affordable housing should normally be provided within the development site itself and in perpetuity. In exceptional cases, the Council may allow provision off-site or a financial contribution of broadly equivalent value”

5.19 In this case, following the approval of the original scheme, the Applicant has tried to engage with local Registered Social Landlords (RSLs) to take the affordable houses that were to be delivered on site. However, RSLs are unwilling to take the dwellings. See for example the letter from Johnnie Johnson Housing appended at **EP4**.

5.20 As a result, the Applicant now proposes that the application site only delivers open market housing. The affordable housing would instead be delivered on a site controlled by the Applicant at land adjacent to 152 Albion Road, New Mills. A planning application for 10 no. dwellings at that site is currently pending determination (LPA ref: HPK/2015/0695). Consequently, should both applications be approved, the Applicant would be providing more affordable houses than the current policy H 4 requires.

5.21 Alternatively, should this solution not prove acceptable and the Council is unable to confirm interest of an alternative RSL provider, our client is willing to offer a similar proportion of units as starter homes of the basis of a discounted open market value in accordance with recent advice contained within the Starter Homes Regulations - Technical Guidance (CLG, March 2016)¹

5.22 This proposal would be secured by legal agreement and a deed of variation would be required to the S106 agreement for HPK/2013/0483. We would welcome the opportunity to meet with Council officers to discuss this in further detail.

¹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510478/Starter_homes_regulations_technical_consultation.pdf

Design considerations

- 5.23 The fourth bullet point of paragraph 17 of the NPPF states that one of 12 core land-use planning principles is that planning should: “always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings”.
- 5.24 Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.
- 5.25 Paragraph 58 of the NPPF states that planning policies and decision should aim to ensure that developments “respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation”.
- 5.26 Paragraph 60 of the NPPF states that “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness”.
- 5.27 Policy EQ 6 of the HPLP: “Design and Place Making” states that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from the environmental quality and to have regard to the principles of sustainable development. The proposed development has been designed so that it accords with this policy and those paragraphs of the NPPF listed above because it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of:
- The height, scale, form and grouping of the buildings – as described above, the proposed layout closely reflects that already approved under permission HPK/2013/0483, particularly in relation to this criterion of the policy in terms of the scale, form and grouping of the buildings. The height of the majority of the proposed dwellings would be three storey but as shown on the street scene drawing, they would appear 2 storey;
 - The choice of materials – as described above, the proposed houses would reflect those materials used in the locality, particularly the nearest properties. These would be the same as the approved scheme; and

- The visual, physical and functional relationship of the proposal to the neighbouring properties, the street scene and to the locality generally – again, this has already been considered under the existing permission HPK/2013/0483.

Location of the site

- 5.28 Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 5.29 Policy EQ 1 of the HPLP: “Climate Change” states (amongst other things) that in addressing the move to a low carbon future for High Peak, the Council will plan for new development in locations that reduce greenhouse gas emissions.
- 5.30 In accessibility terms, the site is in a highly sustainable location and can be accessed by a range of transport modes (i.e. public transport, walking and cycling). It is in close proximity to New Mills Town Centre and all of the services and facilities this offers. The proposed development is therefore in accordance with paragraph 34 of the NPPF and policy EQ 1 of the HPLP.

Environmental sustainability

- 5.31 Paragraph 7 of the NPPF states that the environmental role means:

“contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”

Landscape character

- 5.32 Policy EQ 2 of the HPLP sets out the requirements in relation to landscape details submitted as part of an application.
- 5.33 Because the current application proposes minor changes to the layout, there is no change in terms of the landscape arrangements, which have already been approved under DOC/2015/0105.

Biodiversity

- 5.34 Policy EQ 5 of the HPLP states that the biological and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced. The minor amendments to the layout raised no new issues in relation to biodiversity, which in any case are dealt with by condition. The pre-commencement conditions relating to this issue have been addressed under DOC/2015/0105.

Green infrastructure

- 5.35 Policy EQ 8 of the HPLP states that the Council will, through partnership working, develop, protect and enhance networks of Biodiversity and Green Infrastructure. As with the approved scheme, the proposed development would not prejudice the Sett Valley Trail. The proposed development would improve access to the Sett Valley Trail from within the application site, including to and from the area of informal open space.

Trees, woodland and hedges

- 5.36 Policy EQ 9 of the HPLP states that the Council will protect existing trees, woodlands and hedgerows. As with the approved scheme, the minor amendments to the layout propose to retain existing trees where possible and propose tree planting and soft landscaping in accordance with this policy.

Pollution control and unstable Land

- 5.37 Policy EQ 10 of the HPLP states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments. The minor amendments to the layout raised no new issues in relation to ground conditions, which in any case are dealt with by condition. The pre-commencement conditions relating to this issue have been addressed under DOC/2015/0105.

Flood risk management

- 5.38 Policy EQ 11 of the HPLP states that the Council will support proposals that avoid areas of 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 a sustainable pattern of development. The minor amendments to the layout raised no new issues in relation to flood risk and drainage,

which in any case are dealt with by condition. The pre-commencement conditions relating to this issue have been addressed under DOC/2015/0105.

6. Summary and conclusions

- 6.1 This statement is submitted in support of a S.73 application to vary condition 32 of planning permission HPK/2013/0483, relating to the approved plans. The condition is to be reworded as follows, from:

"The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TPO1/13/SLOC/01, M1158/1, 211080 10 P4, 21180 11 P3, 21180 12 P4, 211080 13 P3, 211080 14 P3, 211080 15 P3, 211080 16 P3"

to:

"The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TPO1/13/SLOC/01, M1158/1, 211080 01 P1, 211080 30 P1, 211080 31 P1, 211080 32 P1, 211080 33 P1, 211080 34 P1, 211080 35 P1, 211080 36 P1, 211080 37 P1 and 211080 38 P1,"

- 6.2 The site benefits from full planning permission (granted on 22nd April 2015) for 21 no. dwellings (LPA ref: HPK/2013/0483). The principle of development has consequently already been established. The only matters that are to be considered as part of the current application are the modest amendments to the layout. Notwithstanding this, whilst we recognise that the development plan has been updated since the original application was considered, the principle of residential development at the site would be in accordance with policies S 1, S 6 and H 1 of the HPLP, which encourage residential development in sustainable locations within the built up area.
- 6.3 The proposed minor amendments to the layout would be in accordance with the relevant policies of the adopted High Peak Local Plan. Consequently, in line with section 38 of the Planning and Compulsory Purchase Act and the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF, it is respectfully requested that permission be granted without delay.

7. Appendices

- EP1. Development Control Committee report regarding HPK/2013/0483 dated 17th February 2014
- EP2. Decision notice for HPK/2013/0483 dated 22nd April 2015
- EP3. Confirmation of discharge of pre-commencement conditions relating to HPK/2013/0483 dated 23rd February 2016 (LPA ref: DOC/2015/0105)
- EP4. Letter from Johnnie Johnson Housing dated 19th April 2016

EP1

HPK/2013/0483	ELMWOOD HOUSE & PENLEE	PROPOSED RESIDENTIAL
	CHURCH LANE	DEVELOPMENT OF 21 NO.
22/10/2013	NEW MILLS	DWELLINGS
		(FULL PLANNING - SMALL- SCALE MAJOR APPS)

TREVILLE PROPERTIES LTD

HPBC INTEREST:

None known

SITE LAYOUT / DESCRIPTION:

The application site relates to a plot of land approximately 1.8ha in area located between Church Lane and St Georges Road in New Mills on steeply sloping land. It is positioned to the rear of residential properties, which face onto Church Lane, and the rear of a number of properties which face onto St Georges Road. Part of the site has an extant planning permission for a Cattery, which has been partly implemented with an access road and some hardstanding. A brook runs through the bottom of the site and has a history of horses grazing on this part of the site. The wider site is largely undeveloped and forms a small valley with substantial changes in land levels over the site. The wider valley is adjoined on all sides by residential development and by St George's Primary School to the south east.

Beyond the application boundary and the east of the site is Public Right of Way New Mills 177, and to the west PROW New Mills 179 and the Sett Valley Trail.

The site is currently used for the storage of a number of builder items along the southern boundary which give the land a visually poor and untidy appearance resulting in an unattractive parcel of land.

THE APPLICATION:

The application is for full planning permission for a residential development of 21no. dwellings. Sixteen dwellings would be semi-detached houses located to the east of the site with a further five terraced houses to the west of the site. Five terraced houses would be affordable, having a single storey appearance to the front and a three storey to the rear. The other sixteen properties will be open market houses with a mix of styles and two and three storeys dwellings.

Access to the site will be taken from the existing track at the junction of Church Lane and a new road created and will be in part up to adoptable standards. Home Zone areas will be created within the development. Each dwelling will have private outdoor amenity areas and car parking with a number of the plots featuring garages.

A detailed landscaping scheme is submitted with a biodiversity area in the valley bottom consisting of an ecological water feature (pond). It is identified as a communal area which will serve the development and will be managed through a private management scheme.

Revised plans have been received to meet the initial concerns raised by the Design Review Panel, Crime Prevention Officer and the Council's Housing Officer. The revised plans incorporate design changes to the fenestration, proportions and window layout. Amenity distances have been increased throughout the development. The garages which serve plots 6-13 now have pitched roofs and the layout of the site access and road is up to an adoptable standard, having turning provision for refuse vehicles. The affordable units have increased from a 2 bedroom 3 person unit to a 2 bedroom 4 person dwelling.

PLANNING HISTORY:

HPK/2012/0686 – 3no 4 bedroom 7 person detached houses with access road, integrated parking & waste/recycling area & associated external work – Refused 04.02.13 as the layout, siting and required engineering works would be out of keeping with the established pattern of development within the area and it would adversely affect the visual amenities of the locality.

HPK/2011/0547 – 3no. four bedroom detached houses, with access road, integrated car parking and waster/recycling are and associated external works – Refused 13.12.11 as on it being inappropriate development on Greenfield land contrary to policy H1 and would result in urbanization of the area.

HPK/2006/0448 - Two category one special needs retirement bungalows, access from Church Lane (resubmission of HPK/2004/0891) – Refused August 2006 on the basis that housing not required on Greenfield sites as targets met and would result in urbanization of the area.

HPK/2006/0447 - Residential care facility 25 – 30 – previous access from Church Lane – Withdrawn.

HPK/2006/0446 - Extra care (category 2 and 2.5) elderly persons accommodation 42 Units access from Church Lane (resubmission of HPK/2004/0894) – Refused August 2006 on the basis that housing not required on Greenfield sites as targets met and would result in urbanization of the area.

HPK/2006/0445 - Nine categories one special needs retirement bungalows access from Church Lane (resubmission of HPK/2004/0892) – Refused August 2006 on the basis that housing not required on Greenfield sites as targets met and would result in urbanization of the area.

HPK/2006/0444 - Two category one special needs retirement bungalows, access from Church Lane (resubmission of HPK/2004/0953) – Refused August 2006 on the basis that housing not required on Greenfield sites as targets met and would result in urbanization of the area.

HPK/2006/0442 - 17 two bed affordable apartments and six open market houses access from St Georges Road (resubmission of HPK/2004/0893) – Refused August 2006 on the basis that housing not required on Greenfield sites as targets met and would result in urbanization of the area.

HPK/2004/0953 – Two Category 2 bungalows – Refused June 2005.

HPK/2004/0894 – 42 units extra care residential accommodation – Refused June 2005.

HPK/2004/0893 – 17 x 2 bed affordable houses, 6 houses – Refused June 2005.
 HPK/2004/0892 – Nine Category 1 bungalows – Refused June 2005.
 HPK/2004/0891 – Two Category 1 bungalows – Refused June 2005.
 HPK/2004/0890 – Landscape area, division of stream – Refused 09.06.2005.
 HPK/2004/0532 – Permission to extend cattery – Approved August 2004
 HPK/2003/0922 – Application for 9 Houses refused planning permission on the basis that housing not required on Greenfield sites (December 2004)
 HPK/2003/0061 - Detached dwelling - Approved March 2003
 HPK/2002/0732 – Application for 10 Houses refused planning permission on the basis that housing not required on Greenfield sites (October 2002) Decision upheld at appeal
 HPK/2002/0637 – Application for 14 Houses refused planning permission on the basis that housing not required on Greenfield sites (October 2002) Decision upheld at appeal
 HPK/2002/0338 – Detached dwelling – Approved March 2002
 HPK/2002/0022 – Application to erect 10 dwelling - Refused March 2002

PUBLICITY EXPIRY DATES:

Site Notice – 16/12/2013
 Neighbours – 12/12/2013
 Newspaper – 21/11/2013

REPRESENTATIONS / NEIGHBOURS:

One letter of support has been received in relation to providing affordable housing, the need and that there are not many properties available to buy in New Mills.

Seventeen letters of objection have been received raising the following concerns:

- The site is not classed as brownfield
- Invasion into green areas / green space
- The site forms part of a green wedge
- Loss of residential amenity, noise, pollution, vibration
- Privacy / Overlooking
- Wildlife disturbed
- Impact on the visual landscape / sett valley trail
- The site is steep in nature and development is not feasible
- The pasture land would be missed by residents
- The general principles of planning guidelines are immutable
- There is no need for affordable homes
- Environmental considerations outweigh all others
- Highway Safety
- Existing road congestion, parking
- Impact on neighbours trees
- Impact on the school setting and privacy
- Flooding at the site

CONSULTATIONS:

New Mills Town Council – Request that Councillor Atkins calls the application before the Development Control Committee.

DCC Highways - There are no objections in principle to the revised details, and additional turning provision has been indicated. However, it has not been demonstrated that either of the turning facilities has been designed based on the swept path of a typical refuse vehicle used in the area and therefore the recommended condition relating to service vehicle turning has been retained.

The proposed new access road serving the development will remain private and on this basis the access will need to be laid out as a dropped crossing construction rather than the kerbed radii as indicated on the revised layout drawing. This will highlight the access being private and will give priority to pedestrians along Church Lane, particularly considering the close proximity of the school. A condition relating to access has been included to reflect this requirement.

It will be necessary, given the number of dwellings served, that the applicant secures the future maintenance of the street through a management company by means of a Section 106 Agreement with your Authority. The street would also need to be gated to prevent highway rights being acquired over time, set back at least 10m back from the public highway to enable service/delivery vehicles to pull clear of the highway. In the interests of highway safety they recommend a number of conditions and informatives/notes.

Clarification has been sought in regards to the adoption of the road and the Highway Authority has advised that the actual layout closely follows current adoptable criteria and would be in accordance with our old adoptable standards. On this basis it is unlikely that it adoption would be resisted purely on the grounds of layout.

However, as highlighted in previous correspondence there are other reasons why this Authority would not want to pursue adoption of the estate street i.e. the initial part of the street does not have any direct frontage to any new dwellings and it may be difficult to demonstrate that the street would have sufficient public benefit, as it acts only as access to the dwellings located off the street. In addition, adherence to strict adoption criteria may be too onerous, especially given the existing and challenging topography of the site.

United Utilities - No objection to the proposal subject to conditions relating to wastewater and water supply.

Environment Agency - The site is covered by Flood Zone 1 (low risk from fluvial flooding). The application site area is approximately 1ha with the actual residential development area approximately 0.5ha. Therefore, in consideration of the scale and nature of the development they refer us to Derbyshire Council Flood Risk Management Team, as the Lead Local Flood Authority (LLFA), to consult further in relation to surface water flooding and the appropriate use Sustainable Drainage Systems (SuDS).

The application also includes a proposal to re-divert the unnamed watercourse on site (classed as an 'Ordinary Watercourse') that is a tributary of the River Sett to the west. This appears to be proposed to create space for development, create a new pond and

encourage biodiversity. Under the Land Drainage Act 1991, section 23, the erection or alteration of any mill dam, culvert, weir or other like obstruction to the flow of an ordinary watercourse requires consent from the LLFA.

DCC Environmental Services (LLFA) - The proposed site may be susceptible to surface water flooding based on years/rainfall duration. Although this is likely to be associated with the flood plan of the ordinary watercourse through the site. The proposed development looks likely to introduce additional impermeable area which may exacerbate the risk of surface water flooding. DCC strongly promote Sustainable Drainage System (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train.

Section A-A on the indicative site sections suggest that the existing ground will be elevated to accommodate a row of terraced properties. This could impact on the direction of surface water during a flood event, such as the event detailed in the historical data where flood waters flowed over this land. Therefore as well as an impermeable area, the development could be viewed as increasing the flood risk to properties downstream and off site.

The applicant is therefore advised to contact the DCC Flood Team on advice for a SuDS scheme for the future development and is encouraged to undertake a detailed flood risk assessment to identify flood risks to the new development. It is also recommended that a site specific ground investigation is undertaken for the site based on their groundwater data. Any consent for works in or nearby to a ordinary watercourse will require separate consent from DCC.

The proposed development includes a redirection of the ordinary watercourse to straighten and create a new pond. The applicant is advised that to undertake this work legally and consent from DCC would be required for this element.

DCC Landscape Architect - The site has no strategic landscape issues. It would be classified as a fairly modest infill development and as such no meaningful contribution to the decision making process. It is suspected that any visual impact will be extremely localised and gained from properties overlooking the site.

DCC Planning - Contributions are required in regards to infrastructure and services for the 21 dwellings as follows,

- £299.25 towards the provision of additional waste management capacity at Glossop Household Waste Recycling Centre (HWRC);
- Access to high speed broadband services for future residents (in conjunction with service providers);
- £14,000 towards improvements to the Sett Valley Trail (Greenway);
- £7,560 for 21 dwellings for additional library service revenue costs;
- £45,596.04 towards the provision of 4 primary school places at St Georges C of E Voluntary Aided Primary School.
- A requirement for public health & Derbyshire Fire and Rescue Services contribution.

Derbyshire Constabulary Crime Prevention Design Advisor - The design should introduce gable windows on plots where the parking provision is to the side of the unit. The introduction of this window, from an active room, would increase surveillance over the

parking areas giving residents greater stewardship over their vehicles with the plots concerned being 5, 6, 13, 14, 16, 18 and 20.

Derbyshire Wildlife Trust - They are not aware of any nature conservation interest on or adjacent to the site and have no other information at this time to suggest that there is nature conservation interest within the site edged red. The quality of the Phase 1 Survey is substandard, showing a lower level of understanding of the survey methodology and the requirements of some protected species, than would be anticipated in these circumstances.

The design of the proposal is sensitive to the location, retaining a watercourse and area of adjacent grassland, which forms a corridor of semi-natural habitat of value to biodiversity, whilst connecting it to the open countryside upstream to the east. The majority of the built development will occupy an area which is currently highly disturbed and can be verified as bare ground. DWT advice is that at the current time there is little merit in requiring the resubmission of any further surveys.

Bats – they consider the information is acceptable and recommend note / informative relating to the protection / roosts / licence if granted.

Badgers – recommend an informative / note, drawing the developers attention to the Badger Protection Act 1992.

Breeding Birds – advise that a condition is placed on any approval that no site preparation works or clearance takes place during the bird breeding season (March – August inclusive). They also recommend that the development incorporates new features for bird nesting.

Invasive Species – The report notes that the species Japanese Knotweed and Himalayan Balsam are present on the site. It was noted that control measures are currently being undertaken and it is recommended that these continue for both species and implemented through a condition on any approval.

Protection of features of value – The proposal is designed to retain semi-natural habitats and stream to the north. These should be protected during construction with high visibility fencing in order to prevent damage from the accidental spillage of spoil or stored materials and should be implemented through condition.

DWT welcome the retention of the grassland, stream and other habitats to the north of the built development and for the creation of an on-line pond. The plans for the enhancement of the stream course should be conditioned and implemented via a plan subsequently submitted to the LPA for approval. This could be incorporated into a general landscape condition and should include management prescriptions for the retained features and consideration of the resources to achieve this.

Function of a green wedge & biodiversity – DWT advise that the small valley which the application sits in, if defined as a Green Wedge, would be in line with government guidance and the formation of multi-use green infrastructure, both within the urban, suburban and countryside context. These features have biodiversity value and the retention of the stream course and the area to the north can provide some of this function.

The biodiversity impacts of the scheme are as such that a number of biodiversity features can be protected and enhance within the proposal and recommend that the conditions and notes are attached to any permission if granted.

Parks Department - The current threshold for providing public opens space (POS) contribution is 20 dwellings. In this case there is 21 houses we would be looking at a contribution of £40.00 from this additional one house, so it would not be worth seeking this minimal amount.

Tree Officer - None of the trees are suitable for protection with a TPO and a lot of trees have grazing damage caused by Horses. Therefore there are no objections to the proposals. However any trees to be retained should be protected, in particular the ones which are in the ownership of neighbouring properties. Also a high quality landscaping scheme should be provide to help integrate the new development in to the locality.

HPBC Policy Officer - Paragraph 47 of the NPPF requires the LPA to identify specific deliverable sites to provide five years worth of supply. If the Council cannot demonstrate a five year supply, paragraph 49 indicates that housing policies should not be considered up to date and that applications for housing should be considered in the context of the presumption in favour of sustainable development. That is if the proposed development accords with an up to date Local Plan it should be approved and if it conflicts with it should be refused unless other material considerations indicate otherwise.

Whilst the High Peak Local Plan is not considered up to date using the definition in the NPPF, it is however in conformity with the NPPF and as such the policies within it should be given due weight (para 215).

As at the 31st September 2013 the Council had 3.8 year supply of housing land. This is calculated using the Sedgfield method where the shortfall in completions is met in the next 5 years of the plan rather than over the plan period as in the Liverpool method. In addition a buffer of 20% has been added to the supply as it is recognised that there has been under delivery of housing over several years.

The High Peak Local Plan Preferred Options indicate that this site lies within a proposed green wedge. However, due to the stage reaching in plan preparation little weight can be attached to this proposal.

Although this site lies within the built up area and there would be a presumption in favour of sustainable development there may be other material considerations which can, and should be taken into account.

Strategic Housing Officer - They are happy to negotiate an off site contribution for the remaining affordable housing contribution given that they are providing one property less than they should be. This would be calculated on a formula based on the open market value (OMV) of the affordable unit minus the price the registered provider will purchase the affordable unit. The difference between OMV and purchase price will be the contribution required.

The 5 affordable dwellings would also need to be a 2 bed / 4 person size and not a 2 bed / 3 person as currently shown. Other issues raised were the access and potentially

unadopted road, public open space management and that it is encouraged that the applicant would use HPBC building control so that there is a recognised entity scrutinising drawings.

The Housing Officer has advised that the revised plans are acceptable in terms of layout and design relating to the affordable provision and the incorporation of 2 bed / 4 bedroom would meet current standards.

Environmental Health - Recommend refusal of the application on the grounds that a suitable contamination assessment has not been submitted. The proposed development is on a site that has been subject to historic unregulated disposal of spoil and rubble of unknown provenance and the proposed residential end use is sensitive to land contamination. However, should you be minded to approve the application it is requested that conditions are placed for site investigation and risk assessment, remediation measures and scheme to protect the health of the public. Also recommend that construction/demolition could lead to an increase in noise and dust experienced at sensitive premises and subsequent loss of amenity and suggest further conditions on hours of work/piling.

Design Review Panel – Advised the following:

Plots 1-5 are the affordable housing element and are single storey to the front and three storeys to the rear. The change in topography and height of the units is very dramatic and is compounded by the width of the units in proportion to their depth. The gables are very narrow and would traditionally be much deeper. To increase the depth of these would compromise the privacy and amenity of neighbours to the rear. The panel felt that this part of the site was unable to accommodate the number of units proposed and that the social housing element would be better spread throughout the site in order to present a scheme which is tenure blind.

Plots 6-13 are three storeys to the front and two to the rear. In form and scale they are acceptable and adopt a traditional approach to their appearance. The flat roofed garages, with balconies should be omitted and replaced with garages with a pitched roof. This roof profile will help to increase the height and prominence of the garages. On some plots the garages can be used to link the blocks and make them appear less uniform and regimented.

Plots 14-21 are also two storeys to the front and three to the rear. The treatment of the front elevation here is a real clash of styles. They are uncharacteristic of the surrounding context and are unacceptable. These should adopt a more traditional approach based upon traditional detailing found with the surrounding area.

On all plots – internal chimney stacks, details of boundary treatment and materials to be submitted, natural materials to be used through out the development. Metal frames are acceptable for the windows but timber must be used for the doors. The detailed appearance of the plots should be guided by traditional detailing evidenced through the locality.

Revised Plans: The Principal Design and Conservation Officer has reviewed the revisions to the scheme and advises,

- The amendments to plots 14-21 and pitched roofs to garages are welcome. A detailed condition for the windows and doors is required.
- Still not happy with the proposed units one-five on the basis of being one storey at the front and three at the rear. It appears to be a bungalow and weavers cottage morphed together.
- On balance the scheme is improved over what was originally submitted.

RELEVANT POLICIES:

High Peak Local Plan Saved Policies

BC1 - External Materials
 GD2 - Built up area boundaries
 GD4 - Character Form and Design
 GD5 - Amenity
 GD6 - Landscaping
 GD7 - Crime Prevention
 GD12 - Unstable Land, Landfill and Contaminated Sites
 H1 - Principles of Housing Provision
 H5 - Housing within the Built up Area Boundaries
 H9 - Affordable Housing for Local Needs
 H11 - Layout and Design of residential development
 OC10 - Trees and Woodlands
 TR4 - Traffic Management
 TR5 - Access, parking and design

Supplementary Planning Guidance:

- Residential Design
- Landscape Character
- Sustainable Development
- Housing Needs Survey

National Planning Policy Framework

Paragraph 14: The presumption in favour of sustainable development;
 Para 17: Core planning principles;
 Section 1: Building a strong, competitive economy;
 Section 4: Promoting sustainable transport;
 Section 6: Delivering a wide choice of high quality homes;
 Section 7: Requiring good design;
 Section 8: Promoting healthy communities;
 Section 11: Conserving and enhancing the natural environment.

MAIN ISSUES AND COMMENT:

Introduction

1. The site has a long and varied history, and has also been subject to numerous enforcement investigations. Officers over the years have also engaged in several pre-application discussions, primarily concerning the development of the land for residential purposes, and the status of the site, whether greenfield or brownfield.
2. The most recent application on the site was in early 2013 which sought consent for three houses. This application was refused consent due to the concerns over the layout, siting, required engineering works and the impact on the established pattern of development and the visual amenities of the area. It was considered contrary to High Peak Saved Local Plan Policies GD4 and H11 and the provisions within the NPPF. The application was not refused on the principle of residential development as the site was considered to be within a sustainable location but that the harm caused by layout, siting and impact of locality outweighed the delivery of new housing.
3. Following the refusal of the application the applicant entered into detailed pre-applications discussions to develop the site for a number of residential units and subsequently this application has been submitted following those discussions.

Principle of Development

4. The National Planning Policy Framework, makes it clear that housing applications should be considered '*in the context of the presumption in favour of sustainable development*'. Relevant housing supply policies should be considered out of date where a local authority cannot demonstrate a 5 year supply of deliverable housing sites. At the present time, the current housing supply position, including the 20% buffer, stands at 3.8 years. Because of this shortfall in provision policy H1 is considered to be out of date. Where relevant Policies are out of date the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
5. The site lies within the built-up area of New Mills within a predominantly residential area and is considered to be located in a sustainable location within walking distance of the local primary and secondary schools, and other local services and facilities. The presumption therefore in favour of sustainable development (whether on greenfield or brownfield sites), now overrides policy H1 and the principle of development on the site should not be challenged. The last application on the site for housing was refused on the basis of that the harm on impact on the locality and established patterns outweighed the delivery of new housing and previous to this was refused on policy H1, which is now considered out of date with the introduction of the NPPF.
6. As set out in Paragraph 14 of the Framework, it is relevant to consider whether allowing this development would cause any significant and demonstrable adverse impact, which would outweigh the benefits of delivering new housing to the borough.

7. The previous applications and local residents have referred to the site being designated as a “green wedge” in the emerging Local Plan. As the emerging Local Plan is still at the consultation phase the weight that be given to the green wedge policy is limited.

Highways

8. There is normally a requirement from a housing association or registered social landlord for roads leading to a development of affordable homes to be adopted which ensures there is no further costs for occupiers on maintenance grounds. The layout has been revised to take this on board and at least demonstrate that it can be achieved up to adoptable standards.

9. The Highway Authority raise no objection to the revised layout, with turning facilities being incorporated into the layout. They emphasise that the new access road will still remain private and on this basis will need to be laid out as a dropped crossing construction rather than a kerbed radii. This is to highlight the access being private and will give priority to pedestrians along Church Lane, considering the proximity to the school. The Highway Authority considers it necessary that the future maintenance of the street is through a management company by means of a Section 106 Agreement.

10. The Highway Authority confirms that the layout now closely follows current adoptable criteria and would be in accordance with their adoptable standards. On this basis it is unlikely that they would resist adoption purely on the grounds of layout. However, there are other reasons why the Highway Authority would not want to pursue the adoption of the estate street i.e. the initial part of the street does not have any direct frontage to any new dwellings and it may be difficult to demonstrate that the street would have sufficient public benefit, as it acts only as access to the dwellings located off the street. In addition, adherence to strict adoption criteria may be too onerous, given the existing and challenging topography.

11. On this basis there are no highway objections, the access point and road would have no impact on highway safety and is in accordance with local plan policy TR5. The proposed revised layout is also considered acceptable on the basis it addresses the issues raised by the Council’s Housing Officer on the affordable housing units and the need to provide a layout up to an adoptable road standard.

Design and Layout

12. The application site lies within a natural valley, with residential properties along Church Lane and St Georges Road overlooking the site. The character of the area is therefore informed predominantly by road frontage and linear development, with the wider site, and its immediate surroundings following the contours of the land down towards the brook, and which dissects the site. The site, despite is poor visual appearance, does form an open and semi rural gap in between the established pattern of residential development within the area. As such it forms an important open and visual gap between residential development in Church Lane and St Georges Lane.

13. The proposed design concept and layout appears to have been taken from its locality incorporating the surrounding site characteristics of dwellings that are predominately three storey and evident in St Georges Road which backs onto the site. It is also acknowledges

that there are numerous split level houses within the New Mills area, mainly due to the topography of this area.

14. Policy GD4 seeks to ensure that new development does not harm the visual qualities of the locality and wider landscape, taking into account matters such as siting, layout, density, height, design, materials and any associated engineering works. Policy H11 states that residential development should incorporate good design that reflects its setting and local distinctiveness, promote safe and accessible living environments which include a mix of housing types and protect residential amenity. The adopted Supplementary Planning Document on Residential Design 2005, also provides guidance on the approach to new residential development, and the factors which contribute toward local distinctiveness.

15. The new properties would be positioned behind the existing properties which face onto Church Lane and accessed via a track taken from Church Lane. As such the proposed development, would have no road frontage, and although a backland development, locates the dwellings along a new internal road, forming its own estate and as an infill to the existing residential surroundings. The dwellings in their position would be hidden from view point from any approach from Church Lane and sit at a lower position. The view points from the Sett Valley Trail will be limited, in that views of the surrounding residential properties are evident, thus resulting in no further visual impact.

16. The amended site layout identifies part of the new access road to an adoptable standard with turning heads with the main access taken from Church Lane. The proposal incorporates a mix of house types and sizes as follows,

- 2 no. 3 storey 3 bedroom houses at 136sqm (plots 6-7)
- 6 no. 3 storey 3 bedroom houses at 129sqm (plots 8-13)
- 8 no. 3 storey 3 bedroom houses at 110sqm (plots 14-21)
- 5 no. 3 storey 2 bedroom houses at 104sqm (plots 1-5)

17. Plots 1 – 5 are a row of terraced properties with the appearance of single storey to the front and three storeys to the rear. They are proposed as affordable units and feature as two bedroom / four person and consist of a separate area from the main access road identified as a Home Zone area with external bin storage. Each dwelling will have front and rear amenity areas with parking areas. Three additional visitor parking spaces are proposed to the east of these. Given the levels plots 1-2 are staggered in heights with plots 3-5 being of the same height. The single storey frontage heights range from 4.8m to 5.2m, are of gable roofs with internal chimney stacks. The levels from the front to the gable drop by approx. 2m. Windows and doors are of a consistent approach throughout the terracing with each one featuring an external front canopy.

18. Plots 6 -13 are semi-detached properties that adjoin the rear garden boundaries of properties along Church Lane and the school. Each dwelling consists of front and rear garden areas with driveways for parking. Plots 8, 10 and 12 all feature pitched roof garages. They are of a staggered appearance and are larger than the other dwellings proposed on the site with a size of approx. 9m x 5.4m to 5.9m with three storey facing onto the Home Zone road to the front and of two storey to the rear. The elevated position of the rear results in a raised rear garden area. They are all of similar traditional design concepts with identical positioning of windows and doors. The plots are 6m x 7m in size with three

storey heights of 10.9m/11m with 8.2 m for the two storey elements with gable roof designs.

19. Plots 14-21 are again semi-detached and face onto adjacent plots. They are of two storey appearance to the front and three to the rear facing the properties on St Georges Road and the stream / pond area where the topography falls. The height of these ranges from 9.9m at three storeys to 7.2m at two storey and have a size of approx. 6m x 7.1 to 7.5m. They have a simple approach to fenestration with identical doors / window designs, again with internal chimneys. Distances from adjacent plots are between 18.5m and 19.6m to habitable rooms, with a number of the plots not in direct sight.

20. The proposed dwellings would be constructed in natural materials including a coursed natural gritstone with external stone quoin corners and natural blue slate roofs. Windows are proposed to be upvc and give an indication of oak woodgrain. Notwithstanding this information, the finer details including colour and finish are to be conditioned. All dwellings would have heads and sills and take a traditional approach to the fenestration details.

21. Boundary treatments are shown as garden walls at 900mm dry stone walls, rear gardens with public areas to be 1.1m with close boarded fence and further walls. Gardens will be divided with 1.2m / 1.5m fencing. Details of exact boundary treatments would be dealt with by condition and considered as part of the overall landscaping scheme.

22. The design of the residential units has been revised to incorporate the Crime Prevention officer's comments. Each of the plots identified as having an end gable facing on to the parking areas has a gable window, which increases the natural surveillance of the site.

23. The proposed revised layout and design of the scheme is considered acceptable, with significant improvements from the original submission. Although the site will require a number of excavation works due to the topography and levels, it is not considered this will be detrimental to the character of the area given the three storey appearance of properties along St Georges Road. The style and design offer a consistent approach to those dwellings facing onto the site from St Georges Road of three storey appearance and as such sits in context to the locality, creating an infill development. The development is considered to comply with policies GD4 and H11 of the adopted Local Plan. Planning conditions will require the submission of various details.

Amenity

24. The nearest residential properties to plots 1-5 sit adjoining to the bottom of the site off St Georges Road and are a row of two storey terraces. The revised plans show an increased separation on the distance between plots 1-5 and the terraced houses on St Georges Road to 26m – 26.6m. As such in terms of the relationship to these existing properties, the proposal would meet the Council's privacy standards.

25. Plots 6-13 and 14-21 will face each other and these have been repositioned to increase the distances between those which results in a minimum distance of 18.5m but extends to 19.6m in part. This is considered to be acceptable in terms of the relationship of new development. The separation distances between the development and the three storey houses on St Georges Lane and the properties on Church Lane also meet the

Councils privacy standards. As such the development meets the privacy terms of Policy GD5 and Appendix 2 of the Council's adopted Local Plan.

Affordable Housing/Obligations

26. There is an identified need for affordable housing in the Borough and the Council's Policy set out in H9 of the Local Plan and in the Obligations and Housing Needs SPD is that for developments of 15 units or over, 30% of a scheme should be affordable housing.

27. There are 21 dwellings on the site with 5 proposed to be affordable. This results in a 24% contribution on site for these homes. As there is a shortfall from the 30% required by Policy H9 the applicant is willing to provide a financial contribution which will equate to the provision of 30%, as requested by the Council's Housing Officer.

28. In addition, a contribution will be made for education on the basis of provision of 4 primary school places of £45,596.04. No contribution is required for open /play space or any other requirement from DCC as the Council is currently not signed up to these protocols.

Flooding

29. The site does not lie within floodplain as the brook within the valley bottom is not classified as a main river by the Environment Agency. The Environment Agency raises no objections to the proposal, although any modifications to the existing watercourse for the creation of a pond will need consent from DCC Flood Team. This falls under a separate process and legislation, which the applicant will need to obtain from the County Council. As such despite flooding concerns raised by local residents, the Council is unable to address this matter as these would be dealt with by DCC the Lead Local Flood Authority (LLFA).

Ecology

30. Derbyshire Wildlife Trust has provided a detailed response to the proposals and considers that the scheme incorporates a number of biodiversity features, which are acceptable. In particular the creation of a new pond feature will bring significant benefits to local ecology and wildlife. The development would protect and enhance those existing features and all matters relating to protected species can be dealt with by condition.

Other Issues

31. Environmental Health raises concern over the sensitive end use of the site for residential purposes and the potential for the land to be contaminated. It is proposed to condition the requirement for a site investigation to be carried out prior to any works commencing on site.

The Planning Balance

32. The National Planning Policy Framework provides for a presumption in favour of sustainable development. However this must be balanced against the impact of the scheme on the character of the area and its surroundings. The 'presumption' in favour of sustainable development entails weighing the benefits of the scheme against those impacts.

33. The site lies within the built up area boundary and is considered to be located within a sustainable location with good links to local services. Although local residents consider the site to be an important gap between Church Lane and St Georges Road, the scheme would deliver a number of benefits including meeting the shortfall in the five year housing supply and the provision of five affordable dwellings for the New Mills area.

34. The proposed layout and design of the residential development is considered acceptable and takes account of local distinctiveness and character. The development does not cause any adverse impacts to existing residential properties and would not be detrimental to the visual amenities of the area. The site sits in valley and would be an infill development with residential properties surrounding, in particular those on St Georges Road which are of a similar three storey appearance. View points into the site would not be dissimilar from those already possible from the Sett Valley Trail and St Georges Road. Therefore in terms of the impact on visual and residential amenity the proposals would not cause significant and demonstrable harm to outweigh the benefits of the scheme. As such this application is worthy of being supported.

RECOMMENDATION : planning permission be granted subject to the satisfactory completion of a S106 Planning Obligation to secure 24% affordable housing on site, financial contribution towards off site affordable housing, (equating for 30%), education and a management scheme for the on site open space and long term management of the roads; and subject to the following conditions:

1. Full time condition
2. External materials to be submitted
3. Window and door details to be submitted
4. Windows to have a 100mm recess
5. Details of boundary treatment
6. As required by the Councils Arboricultural Officer
7. As required by the Highway Authority
8. As required by Derbyshire Wildlife Trust
9. As required by Environmental Health on contamination / remediation / noise / dust / construction hours / piling
10. Removal of permitted development rights to control future householder development
11. Provision of sustainable surface water and foul water drainage schemes

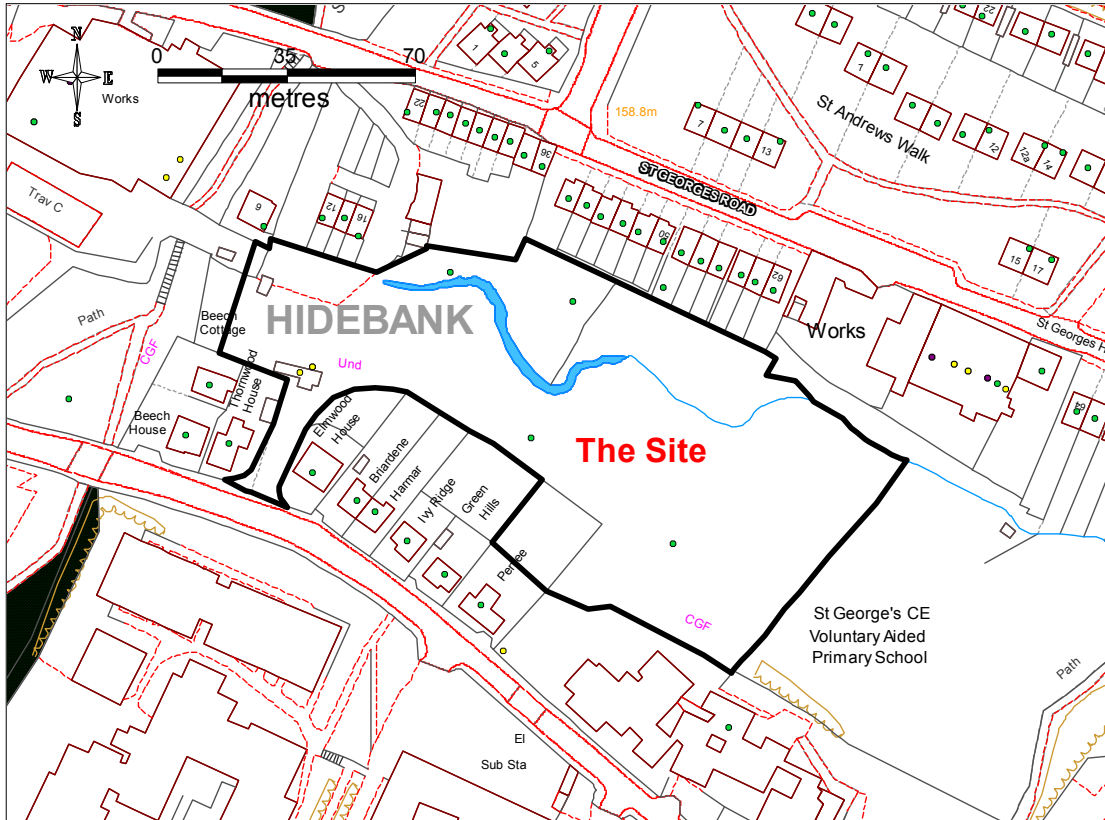
INFORMATIVES

1. As required by the Highway Authority

2. As required by Derbyshire Wildlife Trust

Officers have worked with the developers to achieve a sustainable scheme in line with the requirements of Paragraphs 186 and 187 of the NPPF.

SITE PLAN



EP2



TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Treville Properties Ltd
83 Chapel Road
Whaley Bridge
SK23 7EP

Agent Emery Planning Partnership
4 South Park Court
Hobson Street
Macclesfield
SK11 8BS

Application no. HPK/2013/0483

Registered on 22/10/2013

Determined on 22/04/2015

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Proposed residential development of 21 no. dwellings at Elmwood House & Penlee Church Lane, New Mills

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.
2. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

.....
Signed on Behalf of High Peak Borough Council

High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
Tel 0845 129 7777 or 01298 28400
E-mail planning@highpeak.gov.uk

Fax 01457 860290

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3. No works shall take place on site until details of windows, including glazing bar details at 1:20, together with details of the door joinery, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

4. No window or door frame shall be recessed less than 100mm from the external face into which it is set.

5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed planting; the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings and no later than 12 months of that occupation or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before dwellings are first 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.

8. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

9. (a) No development or other operations the subject of condition 11 shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of any Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or

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other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall commence on site in connection with the development hereby approved (including demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

10. Before any other operations are commenced, the existing access to Church Lane shall be laid out at least 6m wide, constructed as a dropped crossing construction and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

11. The access, the subject of condition 10 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

12. The dwellings, the subject of the application, shall not be occupied until the proposed new access road between each respective plot and the existing public highway has been laid out in accordance with the approved plans.

13. The dwellings, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved plans for the parking and manoeuvring of residents and visitors vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

14. The dwellings, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the manoeuvring of service and delivery vehicles, located, designed, laid out and constructed in accordance with a details to be submitted and approved in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) the garage accommodation / parking space to be provided in connection with the development shall not

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Signed on Behalf of High Peak Borough Council

be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

16. No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

17. Prior to development commencing (excluding demolition, site clearance and construction of the approved access) details of suitable bird nesting housing and boxes for the site, including types and locations shall be submitted to and approved in writing by Local Planning Authority. Prior to any occupation of the dwellings the approved bird nesting facilities shall be erected within the site.

18. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan balsam on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

19. No development or other operations including site clearance shall commence until a detailed scheme for the protection of semi-natural habitats and the stream to the north of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of high visibility fencing, a timetable for the implementation and methods to prevent damage to the stream and habitats from accidental spillage of spoil or stored materials. The approved fencing shall be erected prior to the commencement of development in accordance with the approved scheme and shall remain free from any impediment for the duration of the construction works.

20. No development or other operations including site clearance shall commence until a detailed scheme for the re-diversion of the stream and creation of the pond has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the structure of the watercourse and any enhancements, including details of landscaping, features, biodiversity maintenance and timescales for implementation and management. The development shall be carried out and maintained in accordance with the approved details.

21. Prior to any development commencing an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in

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Signed on Behalf of High Peak Borough Council

writing the by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

22. Prior to any development commencing a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

23. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 22.

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25. No development shall take place, including any works of demolition and site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) measures to clean vehicular wheels as appropriate to prevent mud on the highway
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

26. No construction work at the site shall take place outside the following hours:-

- 1. 0700 hours to 1900 hours Mondays to Fridays.
- 2. 0800 hours to 1600 hours on Saturdays.
- 3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
- 4. All deliveries to the site shall be limited within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

27. If piling is necessary a written method statement shall be submitted to the Local Planning Authority. The method statement shall demonstrate that best practice is to be utilized in order to minimize disturbance to neighboring properties due to noise and vibration. This method statement should be inline with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73).

No piling shall take place until the method statement has been approved. The approved Statement shall be adhered to throughout the construction period.

28. No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays.

29. Notwithstanding the provisions of Classes A, B, C, D, E, F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no development shall be take place without the prior written approval of the Local Planning Authority.

30 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and

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approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

31. The site must be drained on a separate system, with only foul drainage connected into the foul sewer.

32. The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TP01/13/SLOC/01, M1158/1, 211080 10 P4, 211080 11 P3, 211080 12 P4, 211080 13 P3, 211080 14 P3, 211080 15 P4, 211080 16 P3.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of visual amenity, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
3. In the interests of visual amenity, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
4. In the interests of visual amenity, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
5. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.
6. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.
7. To ensure adequate and appropriate treatment to all boundaries.
8. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
9. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
10. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
11. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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12. To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Planning Authority and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
13. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
14. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
15. To maintain adequate on-site parking provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
16. To safeguard wildlife in the interests of nature conservation.
17. To safeguard wildlife in the interests of nature conservation.
18. To safeguard wildlife in the interests of nature conservation.
19. To safeguard wildlife in the interests of nature conservation.
20. To safeguard wildlife in the interests of nature conservation.
21. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
22. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
23. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
24. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
25. To ensure that the site is developed in a safe manner and ensure a satisfactory standard of development in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
26. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
27. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
28. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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Signed on Behalf of High Peak Borough Council

Sections 1, 4, 6, 7, 8, 11

Notes to Applicant

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact Gail Mordey on 01629 538073 for further information.

The Highway Authority recommends that the first 10m of the proposed access road should not be surfaced with a loose material (i.e unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householders/landowner.

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980, however in this case the access road will not be adopted.

The applicant is advised that, in carrying out the work, he should comply with the advice contained in the survey by name of consultant, and that details of methods of working etc. are adhered to.

The granting of planning permission does not absolve the applicant from complying with the relevant law on protected species, including obtaining and complying with the terms of any licence that may be required as described in Part IV (B) of Ministerial Circular 06/2005.

Breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended), as are all bat species. It is an offence to disturb, injure or kill these species. If bats are found during the course of the development, works must stop immediately and a local representative of Natural England should be contacted.

The Protection of Badgers Act 1992 was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting. Under the Act, it is an offence *inter alia* to:

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"-Wilfully kill, injure or take a badger, or to attempt to do so;

"-Cruelly ill-treat a badger; or

"- Intentionally or recklessly interfere with a badger sett by:

(a) damaging a sett or any part of one;

(b) destroying a sett;

(c) obstructing access to or any entrance of a sett;

(d) causing a dog to enter a sett; or

(e) disturbing a badger when it is occupying a sett.

If badgers are found during the course of the development, works must stop immediately and a local representative of Natural England should be contacted.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

Plans

The plans to which this Notice refers are listed below:

PR/TP01/13/LOC/01

211080 00 P2

211080 10 P4

211080 11 P3

211080 12 P4

211080 13 P3

211080 14 P3

211080 15 P4

211080 16 P3

M1158/1

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

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Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition.**

Please refer to our web site : www.highpeak.gov.uk for details. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

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EP3



High Peak Borough Council

working for our community

23/02/2016

My ref: KAT/DOC/2015/0105

Your ref:

Mr Rawdon Gascoigne
Emery Planning Partnership
2-4 South Park Court
Hobson Street
Macclesfield
Cheshire
SK11 8BS

Dear Sirs

DOC/2015/0105 - Discharge of Conditions 2, 3, 5, 9 (a) 10, 11, 16, 17, 18, 19, 20, 21, 22, 25 & 30 relating to HPK/2013/0483 at Elmwood House & Penlee Church Lane, New Mills

Further to your request to discharge conditions and correspondence sent on the 16th December 2015 on the approved application HPK/2013/0483 I can now confirm the following:

Condition 2 – Materials

As per previous correspondence the samples submitted for development were acceptable and included walls Bradstone Square Dressed (Aggregate Industries) and for the roof Samaca Q53 (UK Slate). The condition is formally discharged.

Condition 3 – Window / Door details

Plan No. – 211080/18/P1 & specifications for openings
Colour scheme – grey (RAL7016)
Plots 1-5 single ½ glazed with grey panels.

The development shall be carried out in accordance with the approved details and shall be constructed in accordance with Condition 4.

Condition 5 – Landscaping

The details as submitted on plan no. PR/TP02/15/LP/01, PR/TP02/15/PP/02, PR/TP012/15/PP01 are acceptable and the development shall be carried out in accordance with those details and as stated in Condition 6.

Condition 7 – Boundary treatments

The details as submitted on plan no. PR/TP02/15/LP/01, 211080/19/P1 and further information as detailed in correspondence dated 12th January 2016 are acceptable.

Condition 9 (A) – Trees

The Arboricultural Officer is satisfied with this information as submitted (Plan no. PR/TP02/15/LP/01) and as such this part of the condition is discharged. To comply with this condition in full then the development requires to be carried out in accordance with 9(b) and 9(c). The protective fencing shall be retained for the full duration of the development, unless otherwise agreed in writing with the LPA.

Condition 10 and Condition 11

The Highway Authority have advised that the revised plan showing the refuse vehicle swept path within the turning head at the closed end of the street is acceptable. As agreed the amended road layout / parking needs to be the subject of a non-material amendment application to ensure that the development is carried out in accordance with any approved plans.

Further correspondence has been received from the Highway Authority dated 9th February 2016 advising that their Clerk of Works has confirmed that the vehicular access has now been constructed to Church Lane.

I would draw your attention to the S106 and the Roadway Maintenance Scheme (para 2.7-2.10) which requires a draft Roadway Maintenance Scheme to be approved in writing prior to the commencement of development. This information has not been submitted. Furthermore within 3 months of the commencement of development details of the proposed Site Management Company would need to be submitted as part of the S106 obligation.

Condition 14 – Manoeuvring of service and delivery vehicles

For clarity - this will need to be discharged prior to the occupation of the dwellings.

Condition 16 – Breeding birds

Derbyshire Wildlife Trust has confirmed the approach that is put forward within the Ecological Working Method Statement is appropriate and should be implemented in full. The condition is discharged.

Condition 17 – Bird nesting housing and boxes

The Ecological Working Method Statement in Paragraph 2.1.1 states that 10 bird boxes plus additional boxes within the woodland will be installed. The accompanying plan illustrates a total of 15 boxes detailing the location and type. The report details the site will be managed by a contractor (unknown) for three years post development. However, the information as submitted is sufficient to discharge the condition.

Following the initial three year period, you will need to ensure that the responsibility for the implementation of the management is in place. This is set out within the S106

agreement relating to the Site Management Company, these details shall be submitted in accordance with the S106 agreement.

Condition 18 – Method Statement (Japanese Knotweed and Himalayan Balsam)

Derbyshire Wildlife Trust has confirmed the approach that is put forward within the Ecological Working Method Statement is appropriate and should be implemented in full. The condition is discharged.

Condition 19 – Protection of semi-natural habitats

Derbyshire Wildlife Trust has confirmed the approach that is put forward within the Ecological Working Method Statement is appropriate and should be implemented in full. To comply with the condition in full the approved fencing shall be erected prior to the commencement of development, this shall be remaining free from any impediment for the duration of the construction works.

Condition 20 – Re-diversion of the stream and creation of the pond

The Ecological Working Method Statement Section 5.2 details the re-diversion which includes details on a specialist consultant will be appointed in regards to fish rescue; the storage of materials will be away from the water course, and where chemicals are included the area will be bunded; the protection of the stream during the work with the use of hale bales; and treatment/protection of Himalayan balsam during the work.

In relation to the pond creation work Section 5.3 of the Ecological Working Method Statement, details dimensions and depth of the proposed pond, along with lined/concealed pond, information board etc. Vegetation removal and dredging will not be undertaken in the first three years, however yearly monitoring on the assessment of the pond and vegetation will be undertaken by the management company.

The information as submitted is acceptable but following initial three year period; it is unclear who will take on the responsibility for the implementation of management. This is set out within the S106 agreement relating to the Site Management Company, these details shall be submitted in accordance with the S106 agreement and timescales.

For the avoidance of doubt the following information was submitted and forms part of this decision relating to Condition 16, 17, 18 & 19:

- Ecological Working Method Statement, (NLG Ecology Ltd, V4 25th January 2016)
- Mill Stream Re-alignment, September 2015
- Landscape Proposals, September and October 2015
- Millers Vale Maintenance and Management (10 Year Plan)

Condition 21 – Contamination / Condition 22 – Remediation

Submitted details – Letter from Peak Environmental Solutions dated 22nd September 2015. Environmental Health has confirmed that Condition 21 can be discharged. I

would refer to the attached document dated 22nd December 2015 relating to Condition 22 in particular which is required to be discharged prior to any development commencing to comply. As such Condition 22 can not be discharged.

Condition 25 – Construction Method Statement

The information as submitted is acceptable to discharge this condition (Annotated plan no. 103/P1/ Construction Method Statement (Site Management and Code of Construction Practice, Treville Properties Ltd)). The construction works shall be carried out in accordance with this method statement and I must remind you that all construction work at the site shall take place during the hours as stipulated within the method statement and in accordance with Condition 26. The Council will monitor those hours to ensure there is no breach and that construction works do not impact on the amenity of adjacent residential occupiers.

Condition 30 – Surface water run off limitation

The following plans were submitted PM4528/002 Rev B, PM4528/003 Rev A, PM4528/004 Rev B, PM4528/005 Rev B, PM4528/006 Rev A, PM4528/007 Rev A, PM4528/011 Rev A, PM4528/011 Rev A.

Derbyshire County Council has confirmed that under Section 23 of the Land Drainage Act (1991) a Land Drainage Consent (LDC) will be required. Planning and LDC are separate processes and you are advised therefore to discuss the matters directly with Derbyshire County Council on obtaining a LDC, for information they advised that the level of detail will need to include the following as quoted from them:

“A method statement specific to the planned works to redirect the watercourse, create the pond and install the weir, detailing the schedule of works, making reference to PPG5 (Pollution Prevention Guidance) and contingency plans should inclement weather be expected.

I understand that a competent ecologist has supplied information regarding pond construction, planting information but some clarity would be needed as to whether the proposed weir is passable by fish and eels (for example).

As the proposals are to redirect and straighten the flow path of the watercourse this could increase its velocity, we would therefore ask for some confirmation that regrading (down cutting) at the point of exit off site will not occur.

Once we have validated an application we would then have confirmation of the number of structures (temporary or permanent) to be placed within the watercourse.”

As such the information which has been submitted to planning enables this condition to be discharged on the planning decision and the development shall be carried out in accordance with those details, any variation that may be required to the approved information for the purposes of obtaining the LDC may be subject to further planning consent such as an amendment to the scheme.

Therefore the information as submitted on application DOC/2015/0105 to discharge those conditions relating to HPK/2015/0105 is acceptable and those conditions are discharged as set out above, except Condition 22.

However, I must also remind you that an application is required for a non-material amendment and that all other conditions that require discharge must be undertaken to comply with the planning consent and approved plans. Further information is also required to be submitted in relation to the S106 agreement prior to the commencement of development and following three months of construction as set within the obligations.

I trust the above is self explanatory and if you require further information or clarification then please do not hesitate to contact us.

Yours sincerely

Karen Taylor
Planning Officer

When calling please telephone 01298 28400 Ext 3662
Email: karen.taylor@highpeak.gov.uk

EP4



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Mr Gary Cullen
Treville Properties
Elmwood Avenue
Church Lane
New Mills
Derbyshire
SK22 4NP

19th April 2016

Dear Mr Cullen,

RE: Proposed development at Millers Vale, Church Lane

I write to confirm that the Trust is not interested in purchasing any affordable dwellings at the above scheme.

Nevertheless thank you for the approach.

Yours sincerely,

James Bromfield
Development Manager

