

**TOWN AND COUNTRY
PLANNING ACT 1990**

APPENDICES

to

**Planning Proof of Evidence on
behalf of High Peak Borough
Council**

**PINS Ref:
APP/H1033/W/24/3339815**

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APPENDIX 1

Developer Contributions Supplementary Planning Document (2023) (Extract)

Affordable Housing

4.2 To support the Government's objective of significantly boosting the supply of housing, the NPPF emphasises the importance of meeting the needs of groups with specific housing requirements. Where there is a need for affordable housing, planning policies should specify the type of affordable housing required and expect it to be met on site unless:

- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- the agreed approach contributes to the objective of creating mixed and balanced communities.

4.3 The Council's overall approach to affordable housing is set out in Policy H4 of the Local Plan and supporting text. This policy states that residential developments of 25 dwellings or more should provide 30% affordable housing and that sites of 5-24 dwellings (0.16 hectares or more) should provide 20% affordable housing. Since the Local Plan was adopted the NPPF update in 2018 stated that affordable housing should not be sought for residential developments that are not major developments ⁽⁹⁾ (other than designated rural areas). In light of the ministerial statement, High Peak's requirement for affordable housing is therefore applicable to sites of 10 or more dwellings, with 20% provision expected on proposed sites of 10-24 homes. Where affordable housing proposed is below the requirement, applicants will need to provide robust evidence by way of a financial appraisal as justification. Affordable housing should be provided on site, unless in exceptional circumstances when off-site commuted sums may be considered towards affordable housing on alternative suitable sites. If a proposed scheme is considered to fall within Use Class C2 (residential institutions) there will not be a requirement for affordable housing.

First Homes

4.4 The Government's First Homes scheme came into effect on 28th June 2021, setting the national policy requirement for at least 25% of all affordable homes provided by developers under S106 agreements to be First Homes. First Homes are a specific type of discounted market sale housing that:

- must be discounted by a minimum of 30% against the market value;
- are sold to a person(s) meeting the First Home eligibility criteria ⁽¹⁰⁾

4.5 First homes are the Government's preferred discounted market tenure and should therefore be the priority for delivery to meet the minimum requirement of at least 25% affordable housing. In light of the ministerial statement, High Peak's affordable housing requirement will be 25% First homes and the remaining units delivered in line with the adopted local plan, 80% affordable rent and 20% shared ownership.

APPENDIX 2
Appellant's Grounds of Appeal & Full Statement of Case (Extract)

Table 2, Page 36

Conditions/Section 106 Agreement Matters	Costs As Of 28.02.24	Notes
Biodiversity (bespoke mitigation at Chinley)	£175,335	See fully costed scheme appended herewith.
Biodiversity (off site biodiversity credits)	£530,320	18.94 off site units x Tier 1 Grassland / £28K per unit
Trees	£91,880	£72,400 planting & £19,840 maintenance
Sustainable Travel Contribution	£61,920	Appellant to pay in full.
Libraries	£6,460	Officers suggested £4k. Appellant to pay in full.
Health	£82,800	Officers suggested £40k. Appellant to pay in full.
Air Quality	£13,800	Officers suggested £6k. Appellant to pay in full.
Affordable Housing	£0	Officers suggested £193k off site contribution equivalent to a 3 bed house for rent.
Travel Plan Monitoring	£6,325	Appellant to pay in full.
LPA Monitoring	£5,000	Appellant to pay in full.
Total	£973,840	To be met by the Appellant through a combination of conditions and Section 106 Agreement
Position Agreed At Planning Application Stage	£793,000	
Additional Costs Being Met By The Appellant Since Application Stage	£180,840	

APPENDIX 3
HPBC Arboricultural Officer Comments (16.08.2023) (Extract)

High Peak B.C. – Tree Comments

Date: 24/11/22

Planner: Steven Gunn-Russell

Planning Ref: HPK/2022/0456

Site: Land at Dinting Vale

Trees on Site: Large areas of high-quality woodland.
Significant lines of hedgerows.
Numerous tree groups containing good quality trees.
Other good quality individual trees.
92 proposed trees in planting plan

Tree Concerns:

- Large scale tree removal on site
 - 0.89 hectares of woodland,
 - 4 out of 10 groups of trees removed (140 trees)
 - a further 3 groups partially removed (unknown number),
 - 70 metres of established hedgerow
 - 7 individual trees)
- Removals consist of largely A and B class trees/groups/woodlands – nearly 1 hectare's worth of A & B class trees.
- Reduction in size and quality of existing woodland – Could the access to site be created via existing access to Adderley Place?
- Further impacts to W6 could yet be required as per Tree report
- Further impacts due to level changes in woodland root protection areas.
- Insufficient replacement planting to mitigate lost tree benefits.
- Several proposed trees to be planted just a couple of metres from building lines – future pressures to remove or prune excessively.
- Possible lack of street trees – plans differ.
- Poor planting diversity that requires improvement.
- Plots 1-8 with trees growing at a higher level – leading to oppressive overhang.

Discussion:

The updated scheme, from the point of view of the interaction of the proposed houses/gardens with the existing woodlands/trees, is a dramatic improvement on the previous scheme, however from the point of view of its overall impact on trees and woodlands and the scheme's inability to mitigate that damage I have to provide an objection to this proposal.

The negative impacts on the site have been reduced from the previous scheme, however the remaining impacts are significant, and they will be felt long into the future due the inability to replace the lost tree benefits.

This conclusion is also confirmed by the applicant's own arboricultural consultant, who confirms the following in their Impact Assessment:

"The development would give rise to adverse effects that cannot be mitigated. It would not be possible to fully replace the trees and woodland that would be removed within the site in accordance with local policy, by total area, or in terms of the functions they currently provide. It would also cause fragmentation of Deciduous Woodland."

Tree Removal & Access Road

The scheme will see the removal of a large proportion of high-quality trees. British Standard 5837:2012, recommends that trees/woodlands categorised as A class should be retained, whilst B class trees should also be retained where possible. The proposal will see the removal of nearly a hectare of A and B class trees from the site. As the applicant's Arb consultant confirms:

"The removal of woodland and trees from around the site perimeter and a larger area for access from the north would cause harm to Habitats of Principle Importance and a permanent degradation in the quantity and functionality of the treescape within the site. It would not be possible to mitigate or offset this harm within the site"

Tree Planting

The Council's policies require a 2 for 1 replacement for each tree removed for a development. It is not currently possible to give an accurate number to what that would equate to here. However, the TEP Tree Report confirms that 1.0319 hectares of trees are proposed for removal with further hedge removals on top, which they have equated to 2.1718 hectares required for replacement planting to mitigate the loss.

The TEP report confirms:

"A shortfall of 1.0012ha of tree canopy cover is anticipated against the council's stated objective of 2:1 tree replacement (2.1718ha). If this were delivered as individual trees, it would be approximately equivalent to 128 large trees."

Again, as confirmed by the applicant's Arb consultant they confirm that no mitigation on site is either proposed or possible to make up for the loss that would be caused by this development:

<i>Table 5 Summary of effects and mitigation Receptor</i>	<i>(1) Adverse effect*</i>	<i>(2) Mitigation proposed</i>	<i>(3) Mitigation possible</i>	<i>(4) Residual effect</i>
<i>Tree cover</i>	Yes	No	No	Negative
<i>Tree condition²⁸</i>	Yes	No	Yes	Pending
<i>Deciduous Woodland</i>	Yes	No	No	Negative

"Negative residual effects cannot be mitigated or offset and represent adverse effects of the proposed development. They may be acceptable in the planning balance on consideration of other benefits delivered by the proposed development."

The Arb report then goes on to confirm that the only solution would be to agree a suitable off site scheme:

"If this is not acceptable within the planning balance, on consideration of the benefits the scheme would deliver, a scheme of off-site planting should also be provided, or a commuted sum to cover a suitable scheme of tree planting by a third party."

Should Development Control be minded to grant consent for this scheme then a significant section 106 payment/agreement will be required to ensure the lost tree benefits are recreated elsewhere in the Glossop area.

Any section 106 agreement for trees to be planted off site should not just be restricted to 125 large trees but rather a mix of species and sizes should be available to HPBC, so that trees suitable for the planting locations open to us can be planted. This is the case on the development's proposed planting plan, which is proposing to meet their total through 90 small trees, 70 medium trees and 21 large trees and varying nursery sizes.

Therefore, any section 106 agreement should be based on the following mix:

	Individual tree Area at 25 Years	Tree Numbers	Total Area at 25 Years
Small	9.61628	80	769.3024
Medium	28.26667	84	2374.40028
Large	78.53571	84	6596.99964
		248	9740.70232

We believe that this planting can be achieved for £136800 with a further £39680 as a commuted sum to cover the first 20 years of management.

The proposed planting plan also has a number of issues that would need to be ironed out at the condition stage:

Site Layout during Development

There are currently no details on the current Arb Method Statement Plan of where the site offices, and storage areas are to be located. These have a great potential for causing damage to retained trees through the passage of vehicles, plant and the storage of heavy materials on root protection areas. This can however be dealt with in a tree protection plan secured by condition.

General Tree Protection

TEP's Tree Report helps to provide guidance on how the various pinch points of the development can be resolved through tree protection, engineering, and supervision methods, however it does not go into full detail. Therefore, should consent be granted a Tree Protection condition and a Tree Supervision condition will be required to ensure a suitable scheme of protection is created, implemented and maintained throughout the full development.

Decision

As stated above on the grounds of tree loss it is recommended that the scheme is refused based on it not adhering to the below policies:

Policy EQ 9 Trees, woodland and hedgerows

The Council will protect existing trees, woodlands, and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration.

This will be achieved by:

- Requiring that existing woodlands, healthy, mature trees, and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss
- Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1

- Resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.

The proposal also goes against the following parts of [section 174](#) of the [NPPF](#):

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

APPENDIX 4
Annual Monitoring Report (December 2023) (Extract)
Tables 13 and 14, Page 26.

Table 13 Affordable Housing Completions

Monitoring Period	Number of Dwellings
2016-17	49
2017-18	44
2018-19	118
2019-20	23
2020-21	45
2021-22	153
2022-23	108
Total	540

Table 14 Affordable Housing during the Monitoring Period

Year	Social Rent	Affordable Rent	Shared Ownership	Discount Market Sale	Number of dwellings
2022-23	3	53	46	6	108