

22nd July 2024

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES REPORT

HPK/2024/0192 – Buxton Football Club

Erratum

Para 7.19 should read :

“Objections were forthcoming from residents in connection with the previous retrospective Advertisement Consent application, raising concerns regarding the imposing and overbearing impact on neighbouring properties, and similar objections have now been received in respect of this resubmitted scheme”.

HPK/2023/0147 – 95 St Johns Road, Buxton

Erratum

Para 7.12 “*extensions*” should read “*new development*”

Updates:

A response has been received from Derbyshire Constabulary since the publication of the report and is set out in full below:

“As a matter of course we carry out a number of safeguarding checks for any new care provision for children or vulnerable adults, and to that end I’m in the hands of others for timeliness.

The eventual result of safeguarding checks is that there are no concerns relating to child sexual exploitation or child criminal exploitation in the locality, nor any specific relevant situational problems close to the application site.

The area Safer Neighbourhood Policing Team have commented upon a perceived increase in the number of smaller homes in the town, but this is probably not surprising considering the central policy of atomisation from larger institutions.

Their concerns were sited on a wider consideration of risk to vulnerable young people, from county lines drug dealers and an associated Home Office Clear, Hold, Build project which has been initiated in a part of the town with high deprivation and associated social and crime problems.

The issues here are not uncommon for rural communities, and there is usually some element of contagion to the immediate areas close to such problems, but to suggest that Buxton as a town, or the area subject to this application are not suitable for

children to reside would not be an accurate representation, conversely the application site and wider area are affluent and relatively crime free.

I expect that the applicants may also argue that children in care will be subject to closer supervision than those not subject to care orders, and as a consequence potentially less at risk to malevolent influence.

I note existing area resident objections and the reasons presented, many of which I have sympathy with.

On the subject of nuisance associated with children's homes sites, there is no inevitability, or even likelihood that this will occur, but there is a possibility.

I understand policy guidance may dictate otherwise, but in reality there have been a small proportion of the growing number of small children's homes in the County which have unsettled community cohesion.

This is usually seated in either the behaviour of some residents, the apparent lack of appropriate management, or a combination of the two where weak management practices have led to inappropriate placements and an apparent inability to tackle unacceptable behaviour.

I expect that the planning committee can determine the application on merit of the information provided and management practices of the applicants, and if minded to approve the application, any issues identified could be tackled by way of restrictive condition."

Representations have been received from Cllr Hall as follows:

Thank you for the invitation. I will be unable to attend the Development and Control Committee meeting on 22 July 2024: I am not in Buxton on Mondays. I see that the report on 95 St Johns Road mentions my concerns about highway safety relating to the application for change of use. I would like to add a further commentary and would be grateful if this could be relayed to the Committee.

The report sets out clearly a divergence of views: with HPBC officers, neighbouring residents and a ward councillor (me) all at variance with views expressed and maintained by the DCC Highways Authority officer. The dimensions of the available on-site parking space are sufficient for three parking spaces. This is a dispassionate appraisal of the property's front yard against national guidelines on parking provision for vehicles. The Highways Authority's officer says no, there is space for five vehicles. His is a view, not a statement of fact. Having five vehicles on site would limit access and egress onto the A road. Having three vehicles close parked on the forecourt of the current garage - due to be converted into an office with its own front door - would compromise pedestrian access and prevent safe access by anyone with limited mobility.

I appreciate that the HPBC planning team must be mindful of grounds for appeal when recommending approval, or not, of planning applications. However, in this instance where informal representations about the disputed view from the Highways

Authority have been disregarded, I suggest there is a case for making a further appeal to the Highways Authority for reconsideration. HA is empowered to make requests for refusal of planning applications on the grounds of highway safety. HA though may only make requests and recommendations. The final decision rests with the local planning authority or committee.

This is a weighty responsibility. Should a road traffic accident occur because of vehicles backing out onto a busy A road, responsibility for the decision rests therefore with the local planning authority. Committee members need to be confident that the decision is based on established fact and risk assessment.

I understand that there is a formal appeal process, established by the Highways Act 1980, to a magistrates' court. (Officers will know if this has been superseded.) A speedier alternative would be to ask for a second opinion within DCC HA before a decision is made on planning approval and conditions.

A letter has been submitted by the agent via email to all members of Development Control Committee. This letter has been published on the Council's website for public view.

Officer Response:

The response from Derbyshire Constabulary relates directly to the potential impact on the residential amenity of neighbouring properties, primarily in association with matters of noise and disturbance and anti-social behaviour.

Members should refer to Paragraphs 7.19-7.22 of the report where matters relating to crime and anti-social behaviour, and other potential harms to residential amenity are considered. Ultimately, this response from Derbyshire Constabulary does not alter the recommendation.

In response to Cllr Hall's comments, Officers have expressed concerns but ultimately, a recommendation has to be informed by the professional opinion of statutory consultees including the Highways Authority. Officers have challenged the view of the Highway Authority. However, the Highways Authority, in considering the concerns of Officers, Councillors and neighbouring residents, maintain their position that the proposed use would not meet the test of either resulting in an unacceptable highways impact or cumulatively severe impacts to the highway network as set out under paragraphs 114 and 115 of the NPPF.

As such, there are no substantive highway safety grounds on which Officers can refuse this application. Refusal on such grounds in the absence of any objection from the Highways Authority puts the Council in a very weak position at appeal with a potential for costs to be awarded for unreasonable behaviour.

The letter issued by the agent seeks to make points of clarification with regards to parking provision and impacts on residential amenity and does not alter any of the analysis made within the Officer report.

HPK/2023/0505 – 126 George House, Buxton Road, Furness Vale

Updates:

The Vice Chair of Development Control Committee has identified that the report does not consider and address comments and concerns made by AES Waste with regards to bin storage.

In summary, the concerns relate to the location of bin storage and potential issues/complaints from future occupiers storing waste outside neighbouring properties. Further thought is therefore needed to ensure that bins are stored within the property boundary to be moved to presentation point without the need to go up and down steps or through a property, with garden gates needing to be wide enough to accommodate a standard 240L wheeled bin.

Officer Response:

It is acknowledged that the issue of bin storage and waste collection and consideration of this issue was mistakenly omitted from the report. In order to address the concerns raised by AES Waste – the waste collection service – a further planning condition that requires amended details of waste collection and bin storage prior to first occupation of any property is recommended.

The condition will also make clear that the bin storage location will be to the east of the property and be constructed in a natural stone to assimilate positively with the character and appearance of the parent building and surrounding properties.