

**11<sup>th</sup> DECEMBER 2024**

**HPBC DEVELOPMENT CONTROL COMMITTEE**

**UPDATES REPORT**

**ITEM 1 – HPK/2023/0193 – Land at Marsh Lane, New Mills**

One further representation has been received from a local resident following the publication of the agenda, which does not offer any further comment on the scheme and expresses frustration and anger at the lack of notice given to speak at Committee.

**ITEM 2 – HPK/2024/0401 – Land at Cottage Lane, Glossop**

Councillor Anthony Mckeown

With reference to the above application, I would be grateful if the comments below, flagging my objection to the application and supporting the officer's recommendation for refusal, could be noted as appropriate within the update sheet for the committee.

Local Plan: We are often advised that the local plan should be the starting point for considering an application for development. In the case of this site, at the time the last local plan was put together in 2016, this site was excluded from the local plan as a site for development for a range of issues, including access and impact on local habitats, which have been highlighted in many of the objections made to this application.

Highways / Access: Whilst Highways have noted several concerns around the proposed development, they have regrettably, not felt those concerns were sufficient to object to the proposals, but in terms of the access to the site, Cottage Lane is already heavily congested, and the proposed access road is currently used for parking by on average 7-9 at nights and weekends, and any application proposing to use this access must include provision for replacing that parking before been considered further.

Footpath Access / Trans Pennine Trail: I agree with the comments from Sustrans / Trans Pennine Trail regarding the rerouting of the existing footpath/connection to the trail. It is hoped that at some point in the future, the current end of the trail at the junction of Glossop Road will link up to the Gamesley Woods site, providing an off-road route, and the concerns noted should be addressed within the proposal.

Landscape / Trees: As noted within the application report and echoing concerns that saw an emergency TPO placed on the site, the application, if approved, would see the loss of many established trees from the site, with any replacements not matching the existing number or age, leading to a loss of habit as flagged in the response from the Derbyshire Wildlife Trust and highlighted by many of the objections to the proposal from residents, the application as proposed will also note meet the requirements Biodiversity Net Gain.

Design Issues: The application fails to meet appropriate design characteristics to take account of the loss of trees and woodland that it would cause, along with not meeting a proper range of household types and sizes to meet both current and future needs, and whilst it is intended that the site would be for affordable housing, it fails to provide a suitable use of the land according to the planning policy framework, including a poor layout of the site which will lead to some properties have inadequate access to natural light.

Supporting Documentation: local residents objecting to the application have noted several errors in the supporting documentation supplied by the applicant, including reusing material from the previously withdrawn application with no updates.

With the above concerns and any additional issues with the recently supplied response from the lead local flood authority and Derby and Derbyshire Integrate Care Board highlighting concerns around access to service, this application fails to meet the requirements of the NPPF. I would urge members of the development control committee to support the recommendation from officers and refuse the application.

#### Councillor Edward Sidall

As per the Report I am asking you to move for rejection of the Planning Application on Cottage Lane Gamesley and My objections are listed below.

Access – the site has very poor access with the point of access between houses exiting onto cottage lane a road that has cars parked on one side of the road is in effect a single carriageway road with vehicles having to give way to oncoming traffic on the road.

Loss of Trees with TPOs, as mentioned on page 97 of the agenda pack at 7.20 onward, there would be a widescale loss of well established trees in the area and would account for the loss of over 30 Trees with TPOs on them in 7.23-7.27 of the report. This loss is unacceptable and as the council has declared a climate emergency this would have significant impact on the natural environment.

Loss of natural habitat – as detailed in the response from Derbyshire Wildlife Trust this details the damage this development will have on well established natural habitat for wildlife in the area including badgers and birds in the area. The area is also home to bats and could take away their natural habitat.

Loss of light for resident – the development is in effect in the back garden of the residents of cottage lane and could lead to the loss of light in residents rear rooms and gardens.

Local plan – in the existing local plan and land supply this area is not included and therefore is not needed to meet housing targets.

Closeness to the footpath – the development will have a massive impact on public footpath and bridal way at the rear of Cottage Lane as it will effect the natural

environment of the path and its protection from weather it could also have an impact on horse riders during development due to the noise of the work.

I would call upon the committee to follow officer instruction and all the reports from residents and parties contacted and reject this planning application”.

#### Neighbour Representation(s)

A further single representation of objection has been received.

#### AES

No comments received.

#### Derbyshire Wildlife Trust (DWT)

02.12.24

The Trust have commented on the proposed development of this site several times in recent years, expressing concern over the proposed removal of Priority Habitat woodland and the proximity to the adjacent Local Wildlife Site and Ancient Woodland. We most recently responded to application HPK/2024/0154 on 6th August 2024. We have reviewed the current information on the planning web page to determine if our previous concerns have been addressed.

Our comments are as follows:

#### Local Wildlife Site

The impacts to the adjacent Local Wildlife Site have not been minimised and therefore our previous comments are still applicable: “The proposed development will destroy an area of woodland that connects directly and helps to buffer ancient semi-natural woodland and a Local Wildlife Site. The loss of this woodland in this strategic location reduces connectivity and exposes the ancient woodland to increased disturbance and damage”.

#### Species

The same preliminary Ecological Appraisal (E3P, July 2023) has been submitted with this current application and therefore our previous comments remain applicable. In addition, we advised in 2018 that we would expect to see bat activity surveys and tree inspections, should the development of this site be pursued. This work has not been undertaken.

#### BNG

The same BNG Report (E3P, April 2024) has been submitted with this application. This states that the Statutory Metric has been used and predicts a loss of -6.11 habitat units and gain of +0.23 hedgerow units. However, the only metric we have seen is a copy of Metric 4.0, dated October 2023, which predicts a net loss of -6.73 habitat units (84.76%) and -0.03 hedgerow units (100%).

It is a legal requirement that the Statutory Metric has to be used for all applications subject to mandatory 10% net gain and a copy of this should be provided for review.

It is not clear if the woodland has been correctly classified in the metric. The report classes the woodland as 'Other woodland; broadleaved' in Table 1 (and in the copy of the Metric 4.0) but the Priority Habitat 'Lowland Mixed Deciduous Woodland' in Section 3.4. Natural England's 'MAGIC' website classifies the site as Priority Habitat Woodland. It is essential that the metric assigns the correct classification, as this will affect the calculations and the compensation requirements.

We advise that woodland should not be classed as retained when it is proposed to be located within gardens. The land use will change to domestic use and there is no future safeguard for habitats within private ownership and no control over management or monitoring. As such, this downplays the potential impacts to this habitat and it would be more accurate to reflect these areas as lost and replaced with garden.

The submitted Biodiversity Metric Report (REF) states that offsite land has been explored to deliver the required net gains but no further information has been provided. Our previous comments relating to woodland loss and delivering a 10% gain are still relevant and have not been addressed. Furthermore, applying the BNG hierarchy<sup>1</sup> ([Biodiversity net gain - GOV.UK](https://www.gov.uk/guidance/biodiversity-net-gain)) is a material consideration and there is an onus on the applicant to demonstrate how this has been applied when designing the scheme. Given that a large proportion of the site comprises Priority Habitat woodland and that virtually none of this will be retained, we would suggest that the scheme is non-compliant in this respect.

In summary, we advise that:

- Insufficient survey work has been carried out for an application which proposes the destruction of Priority Habitat woodland and impacts to protected species have not been fully determined.
- The development of the site will remove the buffer to the adjacent LWS and take housing right up to the boundary of the ancient woodland site.
- A copy of the metric has not been provided for scrutiny and no details of an offsite solution have been provided.
- Proposals are likely to be contrary to Local Plan Policies EQ5, EQ8 and EQ9.

LLFA (Lead Local Flood Authority)

28.11.24

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 14/10/2024. The LLFA has no objection subject to the conditions below.

To ensure adherence to National Planning Policy Framework, DEFRA's Non-statutory technical standards for sustainable drainage systems and local guidance, these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

1. “No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within: a. Flood Risk Assessment and Drainage Strategy Report (Parts 1 – 3) 02/10/23 James Rogers “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team” b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.”

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. “No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.”

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: I. into the ground (infiltration); II. to a surface water body; III. to a surface water sewer, highway drain, or another drainage system; IV. to a combined sewer.

3. “Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.”

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

## NHS

29.11.24

Contribution requested: £51,200

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in

enhancing capacity/infrastructure with existing local practices. The closest practices to this development are;

- Cottage Lane Surgery
- Howard Street Medical Practice
- Manor House Surgery (including Hadfield Branch)
- Lamgates Health Centre

The Councillor and neighbour responses detailed above have been fully considered within the officer report.

To emphasise, there would be a statutory obligation by the developer of the site to ensure that the multi-use footpath is appropriately diverted during construction. In addition, there are further obligations as set out by the Health and Safety Executive regarding management of construction sites. In addition, a Construction Environment Management Plan (CEMP) would be a recommended planning condition should development proceed.

Officers are satisfied that the above NHS requirements arising from the development can be secured within a s106 agreement for the scheme to accord with LP Policy CF7 'Planning Obligations' should planning permission be granted.

**RECOMMENDATION: That, Delegated Authority be given to the Chair and Head of Development Service to REFUSE for the reasons set out in the agenda and as detailed below, and subject to any further reasons for refusal following receipt of comments by AES Waste Services:**

**Insufficient has been submitted with the application relating to loss of Priority Habitat woodland (including Biodiversity Net Gain (BNG) requirements) and impacts to protected species. Notwithstanding this, the proposed development would destroy an area of woodland that connects directly and helps to buffer the adjacent ancient semi-natural woodland and a Local Wildlife Site. Accordingly, the proposal is contrary to Policies S1, S5, EQ5, EQ6, EQ8 and EQ9 of the Adopted High Peak Local Plan 2016, as well as the National Planning Policy Framework.**